



2011 CHAPTER 25

Part 3

Planning control

Duration of planning permission

Appeals

78.—(1) Where the relevant authority—

- (a) fails to give notice as mentioned in section 77(8); or
- (b) determines that a planning agreement shall continue to have effect without modifications;

the applicant may appeal to the planning appeals commission.

(2) For the purposes of an appeal under subsection (1)(a), it shall be assumed that the relevant authority has determined that the planning agreement shall continue to have effect without modification.

(3) An appeal under this section shall be made by notice served within such period and in such manner as may be prescribed.

(4) Subsections (7) to (10) of section 77 apply in relation to appeals to the planning appeals commission under this section as they apply in relation to applications to the relevant authority under that section.

(5) Before determining the appeal the planning appeals commission must, if either the applicant or the relevant authority so wishes, afford to each of them an opportunity of appearing before and being heard by the planning appeals commission.

Changes to legislation: There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 78. (See end of Document for details)

(6) The determination of an appeal by the planning appeals commission under this section shall be final.

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Modifications etc. (not altering text)

- C1** Pt. 3 applied with modification(s) (1.4.2015) by [The Planning General Regulations \(Northern Ireland\) 2015 \(S.R. 2015/39\)](#), regs. 1(1), **2** (with regs. 3-10)
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Commencement Information

- I1** S. 78 in operation at 1.2.2015 for specified purposes by [S.R. 2015/25](#), **art. 2**
- I2** S. 78 in operation at 1.4.2015 in so far as not already in operation by [S.R. 2015/25](#), **art. 3**

Changes to legislation:

There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 78.