

## SCHEDULES

### SCHEDULE 2

Articles 15(4) and 22(7).

#### APPEALS AND MATTERS REFERRED TO THE PLANNING APPEALS COMMISSION

### PART I

#### APPEALS AND MATTERS REFERRED UNDER ARTICLE 15

##### *Reference of appeals in accordance with Article 15(3)(b)*

1.—(1) This paragraph applies where, in accordance with paragraph (3)(b) of Article 15, the Department refers an appeal under that Article for determination to the Planning Appeals Commission (“the Commission”).

(2) The Commission shall determine the appeal and [F1subsections (1), (3) and (5) of section 204 of the Planning Act (Northern Ireland) 2011] shall apply in relation to the determination of the appeal as they apply in relation to the determination of an appeal under that Order.

(3) If either party to the appeal so requests, the Commission shall afford to each of them an opportunity of appearing before and being heard by the Commission.

(4) Paragraphs (6) and (7) of Article 15 shall have effect in relation to the appeal as if for references to the Department there were substituted references to the Commission.

**F1** Words in Sch. 2 para. 1(2) substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 6 para. 85\(a\)](#) (with s. 211); [S.R. 2015/49, arts. 2, 3, Sch. 1](#) (with [Sch. 2](#) (as amended (16.3.2016) by [S.R. 2016/159, art. 2\)](#))

##### *Reference of appeals or matters involved in appeals in accordance with Article 15(3)(c)*

2.—(1) This paragraph applies where, in accordance with paragraph (3)(c) of Article 15, the Department refers an appeal or any matter involved in an appeal under that Article to the Commission.

(2) The Commission shall consider the appeal or matter and report to the Department thereon.

(3) For the purpose of considering an appeal or matter under sub-paragraph (2), the Commission shall hold a hearing—

- (a) if the Department, in referring the appeal or matter to the Commission, so requests;
- (b) if either party to the appeal so requests; or
- (c) if the Commission otherwise thinks fit;

and in any other case the Commission shall consider the appeal or matter solely by reference to written representations.

**Changes to legislation:** There are currently no known outstanding effects for the The Industrial Pollution Control (Northern Ireland) Order 1997, SCHEDULE 2. (See end of Document for details)

(4) Where the Commission holds such a hearing, it shall afford to each party to the appeal an opportunity of appearing before and being heard by the Commission.

(5) [F<sup>2</sup>Subsections (2), (3) and (5) of section 204 of the Planning Act (Northern Ireland) 2011] shall apply in relation to the consideration of an appeal or matter under sub-paragraph (2) as they apply in relation to an inquiry or hearing under [F<sup>3</sup>that Act] .

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| <b>F2</b> | Words in Sch. 2 para. 2(5) substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by <a href="#">Planning Act (Northern Ireland) 2011 (c. 25), s. 254(1)(2)</a> , <a href="#">Sch. 6 para. 85(b)(i)</a> (with <a href="#">s. 211</a> ); <a href="#">S.R. 2015/49, arts. 2, 3, Sch. 1</a> (with <a href="#">Sch. 2</a> (as amended (16.3.2016) by <a href="#">S.R. 2016/159, art. 2</a> ))  |
| <b>F3</b> | Words in Sch. 2 para. 2(5) substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by <a href="#">Planning Act (Northern Ireland) 2011 (c. 25), s. 254(1)(2)</a> , <a href="#">Sch. 6 para. 85(b)(ii)</a> (with <a href="#">s. 211</a> ); <a href="#">S.R. 2015/49, arts. 2, 3, Sch. 1</a> (with <a href="#">Sch. 2</a> (as amended (16.3.2016) by <a href="#">S.R. 2016/159, art. 2</a> )) |

## PART II

### APPEALS AND MATTERS REFERRED UNDER ARTICLE 22

#### *Reference of appeals in accordance with Article 22(6)(b)*

**3.—(1)** This paragraph applies where, in accordance with paragraph (6)(b) of Article 22, the Department refers an appeal under that Article for determination to the Planning Appeals Commission.

(2) The Commission shall determine the appeal and [F<sup>4</sup>subsections (1), (3) and (5) of section 204 of the Planning Act (Northern Ireland) 2011] shall apply in relation to the determination of the appeal as they apply in relation to the determination of an appeal under that Order.

(3) If either party to the appeal so requests, the Commission shall afford to each of them an opportunity of appearing before and being heard by the Commission.

(4) Any hearing in connection with the appeal must be held in private.

(5) Paragraph (1) of Article 22 shall have effect in relation to the appeal as if for the reference to the Department there were substituted a reference to the Commission.

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| <b>F4</b> | Words in Sch. 2 para. 3(2) substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by <a href="#">Planning Act (Northern Ireland) 2011 (c. 25), s. 254(1)(2)</a> , <a href="#">Sch. 6 para. 85(c)</a> (with <a href="#">s. 211</a> ); <a href="#">S.R. 2015/49, arts. 2, 3, Sch. 1</a> (with <a href="#">Sch. 2</a> (as amended (16.3.2016) by <a href="#">S.R. 2016/159, art. 2</a> )) |
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#### *Reference of appeals or matters involved in appeals in accordance with Article 22(6)(c)*

**4.—(1)** This paragraph applies where, in accordance with paragraph (6)(c) of Article 22, the Department refers an appeal or any matter involved in an appeal under that Article to the Commission.

(2) The Commission shall consider the appeal or matter and report to the Department thereon.

(3) For the purpose of considering an appeal or matter under sub-paragraph (2), the Commission shall hold a hearing if either party to the appeal so requests; and in any other case the Commission shall consider the appeal or matter solely by reference to written representations.

(4) Any such hearing must be held in private.

(5) Where the Commission holds such a hearing, it shall afford to each party to the appeal an opportunity of appearing before and being heard by the Commission.

(6) [<sup>F5</sup>Subsections (2), (3) and (5) of section 204 of the Planning Act (Northern Ireland) 2011] shall apply in relation to the consideration of an appeal or matter under sub-paragraph (2) as they apply in relation to an inquiry or hearing under [<sup>F6</sup>that Act] .

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| <p><b>F5</b> Words in Sch. 2 para. 4(6) substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by <a href="#">Planning Act (Northern Ireland) 2011 (c. 25)</a>, s. 254(1)(2), <a href="#">Sch. 6 para. 85(d)(i)</a> (with s. 211); S.R. 2015/49, arts. 2, 3, Sch. 1 (with Sch. 2 (as amended (16.3.2016) by S.R. 2016/159, art. 2))</p>  |
| <p><b>F6</b> Words in Sch. 2 para. 4(6) substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by <a href="#">Planning Act (Northern Ireland) 2011 (c. 25)</a>, s. 254(1)(2), <a href="#">Sch. 6 para. 85(d)(ii)</a> (with s. 211); S.R. 2015/49, arts. 2, 3, Sch. 1 (with Sch. 2 (as amended (16.3.2016) by S.R. 2016/159, art. 2))</p> |

**Changes to legislation:**

There are currently no known outstanding effects for the The Industrial Pollution Control (Northern Ireland) Order 1997, SCHEDULE 2.