

SCHEDULES

SCHEDULE 1

Articles 5(7), 8(5), 14(2) and 28(2).

APPLICATIONS TO DISTRICT COUNCILS

1. In this Schedule “application” means an application—

(a) for the approval by a district council—

(i) under Article 5^{F1} or 8, of plans and specifications submitted for the purposes of those Articles;

(ii) under Article 14 of plans submitted for the purposes of that Article;

(b) for an exemption by a district council under Article 28.

F1 prosp. rep. by [1997 NI 18](#)

2. Where an application is made to a district council, the council may—

(a) grant the application unconditionally;

(b) grant the application subject to such conditions as the council thinks proper to impose;

(c) refuse the application.

3. A district council shall give notice in writing to the person who made the application of the decision of the council under paragraph 2 and shall, where conditions are imposed or the application is refused, include in the notice the reasons for the imposition of those conditions or, as the case may be, the refusal of the application.

4. If within—

(a) two months after an application has been made to a district council; or

(b) such longer period as may be agreed upon in writing by that council and the person who made the application;

the council have not given notice under paragraph 3 that the application has been granted (whether unconditionally or subject to conditions) or, as the case may be, refused, the application shall be deemed to have been refused.

5. If an application for approval is granted (whether unconditionally or subject to conditions) by a district council, then for the purposes of the relevant Article, the plans and specifications or, as the case may be, the plans to which the application relates shall be treated as approved by the district council.

6. A person—

(a) by or on whose behalf an application was made to a district council;

(b) having any estate or interest in any building or land to which that application relates;

who is aggrieved by—

(i) the refusal of the application;

(ii) any condition subject to which the application was granted;

Changes to legislation: There are currently no known outstanding effects for the Clean Air (Northern Ireland) Order 1981, SCHEDULE 1. (See end of Document for details)

may, within twenty-eight days (or such longer period as the Department may allow) from the date on which notice was received of the decision of the district council or, as the case may be, from the expiration of the period referred to in paragraph 4, appeal to the Department against the refusal or condition, and in determining that appeal the Department may confirm, revoke or vary the decision of the district council.

7. Before determining any appeal under paragraph 6 the Department may, or if the person who made the application or the district council so requests, afford to that person and that council an opportunity of appearing before, and being heard by, a person appointed by the Department for that purpose.

8. A decision of the Department on any appeal under paragraph 6 shall be final and have effect as if it were a decision of the district council.

Changes to legislation:

There are currently no known outstanding effects for the Clean Air (Northern Ireland) Order 1981, SCHEDULE 1.