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STATUTORY RULES OF NORTHERN IRELAND

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**2003 No. 46**

**The Pollution Prevention and Control  
Regulations (Northern Ireland) 2003**

**PART 4**

**APPEALS**

**Appeals from decisions with respect to permits**

**28.**—(1) Subject to paragraph (3), the following persons, namely—

- (a) a person who has been refused the grant of a permit under regulation 10;
- (b) a person who has been refused the variation of the conditions of a permit on an application under regulation 17(2);
- (c) a person who is aggrieved by the conditions attached to his permit following an application under regulation 10 or by a variation notice following an application under regulation 17(2);
- (d) a person whose application under regulation 18(1) for an enforcing authority to effect the transfer of a permit has been refused or who is aggrieved by the conditions attached to his permit to take account of such a transfer;
- (e) a person whose application under regulation 19(2) to surrender a permit has been refused, or who is aggrieved by the conditions attached to his permit to take account of the surrender;
- (f) a person who is aggrieved by a determination by an enforcing authority that information is not commercially confidential under regulation 32(2) or (5),

may appeal against the decision of the enforcing authority to the Planning Appeals Commission.

(2) Subject to paragraph (3), a person on whom a variation notice is served, other than following an application under regulation 17(2) or on whom a revocation notice, an enforcement notice or a suspension notice is served may appeal against the notice to the Planning Appeals Commission.

(3) Paragraphs (1) and (2) shall not apply where the decision or notice, as the case may be, implements a direction of the Department given under regulations 12(15) or 37 or paragraph 14(13) of Schedule 4 or 6(13) of Schedule 7, or a determination of an appeal by the Planning Appeals Commission.

(4) Where an appeal is brought against the decision of an enforcing authority under paragraph (1), the Planning Appeals Commission may allow or dismiss the appeal or may reverse or vary any part of the decision, and any determination of the Planning Appeals Commission on the appeal shall have the like effect as a decision of the enforcing authority.

(5) On the determination of an appeal under paragraph (2) the Planning Appeals Commission may either quash or affirm the notice and, if it affirms it, may do so either in its original form or with such modifications as it may in the circumstances think fit.

(6) Where an appeal is brought under paragraph (2) against a revocation notice, the revocation shall not take effect pending the final determination or the withdrawal of the appeal.

(7) Where an appeal is brought under paragraph (1)(c), (d) or (e) in relation to the conditions attached to a permit, the bringing of the appeal shall not have the effect of suspending the operation of the conditions.

(8) Where an appeal is brought under paragraph (2) against a variation notice, an enforcement notice or a suspension notice, the bringing of the appeal shall not have the effect of suspending the operation of the notice.

(9) Regulations 11 and 12 shall apply where the Planning Appeals Commission, in exercising any of its powers under paragraphs (4) or (5), gives directions as to the conditions to be attached to a permit as they would apply to the enforcing authority when determining the conditions of the permit.

(10) Schedule 9 shall have effect in relation to the making and determination of appeals under this regulation.