

## SCHEDULES

### SCHEDULE 1

#### AUTHORISATIONS FOR PROCESSES: SUPPLEMENTARY PROVISIONS

#### PART I

#### GRANT OF AUTHORISATIONS

##### *Determination of applications*

**2.—**(1) Subject to sub-paragraph (2), the enforcing authority shall give notice of any application for an authorisation, enclosing a copy of the application, to the persons who are prescribed or directed to be consulted under this paragraph and shall do so within the specified period for notification.

(2) The Department may, by regulations, exempt any class of application from the requirements of this paragraph or exclude any class of information contained in applications for authorisations from those requirements.

(3) Any representations made by the persons so consulted within the period allowed shall be considered by the enforcing authority in determining the application.

(4) For the purposes of sub-paragraph (1)—

(a) persons are prescribed to be consulted on any description of application for an authorisation if they are persons specified for the purposes of applications of that description in regulations made by the Department;

(b) and the persons are directed to be consulted on any particular application if the Department specifies them in a direction given to the enforcing authority;

and the “specified period for notification” is the period specified in the regulations or in the direction.

(5) Any representations made by any other persons within the period allowed shall also be considered by the enforcing authority in determining the application.

(6) Subject to sub-paragraph (7), the period allowed for making representations is—

(a) in the case of persons prescribed or directed to be consulted, the period of 42 days beginning with the date on which notice of the application was given under sub-paragraph (1); and

(b) in the case of other persons, the period of 42 days beginning with the date on which the making of the application was advertised in pursuance of paragraph 1(2).

(7) The Department may, by order, substitute for the period for the time being specified in sub-paragraph (6)(a) or (b), such other period as it thinks fit.

**3.—**(1) The Department may give directions to the enforcing authority requiring that any particular application or any class of applications for an authorisation shall be transmitted to the Department for determination pending a further direction under sub-paragraph (4).

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

(2) The enforcing authority shall inform the applicant of the fact that his application is being transmitted to the Department.

(3) Where an application for an authorisation is referred to it under sub-paragraph (1) the Department may—

- (a) cause a public local inquiry to be held in relation to the application either by the Planning Appeals Commission or by a person appointed by the Department for the purpose; or
- (b) afford the applicant and the enforcing authority concerned an opportunity of appearing before and being heard by the Planning Appeals Commission;

and the Department shall exercise one of the powers under this sub-paragraph in any case where, in the manner prescribed by regulations made by the Department, a request is made to be heard with respect to the application by the applicant or the enforcing authority concerned.

(4) The Department shall—

- (a) in determining any application referred to it under this paragraph, take into account the report of any public local inquiry or hearing held under sub-paragraph (3); and
- (b) on determining any such application, give to the enforcing authority such a direction as the Department thinks fit as to whether the enforcing authority is to grant the application and, if so, as to the conditions that are to be attached to the authorisation.

4. The Department may give the enforcing authority a direction with respect to any particular application or any class of applications for an authorisation requiring the authority not to determine or not to proceed with the application or applications of that class until the expiry of any such period as may be specified in the direction, or until directed by the Department that the enforcing authority may do so, as the case may be.

5.—<sup>F1</sup>(1) Except in a case where an application has been referred to the Department under paragraph 3 and subject to sub-paragraph (3), the enforcing authority shall determine an application for an authorisation within the period of 6 months beginning with the day on which it received the application or within such longer period as may be agreed with the applicant.

(2) If the enforcing authority fails to determine an application for an authorisation within the period allowed by or under this paragraph the application shall, if the applicant notifies the authority in writing that he treats the failure as such, be deemed to have been refused at the end of that period.

(3) The Department may, by order, substitute for the period for the time being specified in sub-paragraph (1) such other period as it thinks fit.

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