
STATUTORY INSTRUMENTS

2002 No. 3153

The Environment (Northern Ireland) Order 2002

PART IV

AREAS OF SPECIAL SCIENTIFIC INTEREST

Duties of owners and occupiers of land included in ASSI

Appeals in connection with consents

33.—(1) The following persons—

- (a) an owner or occupier who has been refused a consent under Article 32(3)(a),
- (b) an owner or occupier who has been granted such a consent but who is aggrieved by conditions attached to it, or by the fact that it is for a limited period, or by the length of that period,
- (c) an owner or occupier who is aggrieved by the modification of a consent;
- (d) an owner or occupier who is aggrieved by the withdrawal of a consent,

may, at any time before the end of the period for appealing, appeal to the planning appeals commission against the relevant decision.

(2) If the Department neither gives consent nor refuses it within the period of three months beginning with the date on which the notice referred to in Article 32(1)(a) was received, the person who gave that notice may for the purposes of paragraph (1) treat the Department as having refused consent (and his appeal is to be determined on that basis).

(3) The period for appealing is—

- (a) except in a case falling within paragraph (2), the period of two months beginning with the date of the notice giving consent or the notice under Article 32(5) or (6), or
- (b) in a case falling within paragraph (2), the period of two months beginning immediately after the expiry of the three month period referred to there.

(4) On determining an appeal against a decision, the planning appeals commission may

- (a) affirm the decision,
- (b) where the decision was a refusal of consent, direct the Department to give consent,
- (c) where the decision was as to the terms of a consent (whether the original or a modified one), quash all or any of those terms,
- (d) where the decision was a withdrawal or modification of consent, quash the decision,

and where it exercises any of the powers in sub-paragraph (b), (c) or (d) the commission may give directions to the Department as to the terms on which the Department is to give consent.