

SCHEDULES

SCHEDULE 2

APPEALS AND MATTERS REFERRED TO THE PLANNING APPEALS COMMISSION

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 [^{F1}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.

F1 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 [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 6 para. 85\(c\)](#) (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))

Changes to legislation:

There are currently no known outstanding effects for the The Industrial Pollution Control (Northern Ireland) Order 1997, Paragraph 3.