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STATUTORY RULES OF NORTHERN IRELAND

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**2012 No. 453**

**The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2012**

**PART 4**

**APPEALS**

**Appeals from decisions with respect to permits**

**31.**—(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 19(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 19(2);
- (d) a person whose application under regulation 20(1) for an enforcing authority to effect the transfer of a permit has been refused or who is aggrieved by the conditions attached to their permit to take account of such a transfer;
- (e) a person whose application under regulation 22(3) to surrender a permit has been refused, or who is aggrieved by the conditions attached to their 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 35(2) or (5);
- (g) a person whose request to initiate the closure procedure is not approved under regulation 15(3)(b) of the 2003 Landfill Regulations; or
- (h) a person who is aggrieved by a decision relating to that person under paragraph 1(6)(b) of Schedule 4 to the 2003 Landfill Regulations,

may appeal against the decision or determination 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 19(2) or on whom a revocation notice, an enforcement notice, a suspension notice or a closure notice under regulation 16(1) of the 2003 Landfill Regulations 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 implements a direction of the Department given under regulations 12(11) or 40 or paragraph 17(13) of Schedule 4 or paragraph 7(13) of Schedule 7, or a determination of an appeal by the Planning Appeals Commission.

(4) Where an appeal is brought against the decision or determination 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 or determination, 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 made 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) Where an appeal is brought under paragraph (1)(g) in relation to a request to initiate the closure procedure or under paragraph (2) in relation to a closure notice, the closure procedure shall not be initiated pending the final determination or the withdrawal of the appeal.

(10) Regulations 11 to 14 of these Regulations or regulation 8 of the 2003 Landfill Regulations 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.

(11) Schedule 15 shall have effect in relation to the making and determination of appeals under this regulation.

(12) Where an appeal is brought under paragraph (1)(g) or (h) in relation to a landfill in respect of which a waste management licence within the meaning of Part II of the Waste and Contaminated Land (Northern Ireland) Order 1997 (a “licence”) is in force, this regulation and Schedule 15 shall apply as if—

- (a) references to a permit were references to a licence;
- (b) references to an operator were references to a licence holder; and
- (c) references to an installation or mobile plant were references to a landfill.