

## SCHEDULES

### SCHEDULE 1

#### DISCHARGE CONSENTS

##### *Public inquiries*

3.—(1) For the purpose of considering representations made in respect of an application made under paragraph 1, the Department may direct the Appeals Commission to hold a public local inquiry.

(2) Where the Appeals Commission is directed to hold an inquiry under this paragraph—

- (a) the inquiry shall be held by such member of the Appeals Commission as the Chief Commissioner may appoint in that behalf;
- (b) the Chief Commissioner may, after consultation with the Appeals Commission and the Department, appoint an assessor to sit with the member appointed under head (a) at the inquiry to advise him on any matters arising;
- (c) notwithstanding heads (a) and (b), any report on the inquiry shall be made by the Appeals Commission.

(3) The Appeals Commission may pay to any assessor appointed under sub-paragraph (2)(b) such fees and allowances as the Commission, with the approval of the Department, may approve.

(4) Where any representations made in respect of an application made under paragraph 1 are, in the opinion of the Department, relevant to a public local inquiry to be held by the Planning Appeals Commission under Article 31 of the Planning Order (major planning applications), the Department may direct that those representations shall be considered by that inquiry.

(5) The Department shall give notice of any direction made under sub-paragraph (1) or (4) to—

- (a) the person making the application;
- (b) the Foyle Fisheries Commission where the discharge to which the application relates is to be made in the Londonderry Area;
- (c) the Fisheries Conservancy Board for Northern Ireland, where the discharge to which the application relates is to be made outside that area;

and (without prejudice to section 23 of the Interpretation Act (Northern Ireland) 1954) that person and the Foyle Fisheries Commission or, as the case may be, the Board shall be entitled to appear and be heard at the relevant inquiry.

(6) The Department shall give notice of any direction under sub-paragraph (4) to the person who made the application under the Planning Order which is the subject of the public local inquiry to which the notice relates.

(7) Paragraph 2(2) shall not apply to an application made under paragraph 1 where the Department makes a direction under sub-paragraph (1) or (4) of this paragraph.

(8) Where the Department makes a direction under paragraph (1) or (4) in relation to an application, it shall in determining the application consider the report on the public local inquiry held by the Appeals Commission or, as the case may be, the Planning Appeals Commission.

(9) In this paragraph, “the Planning Order” means the Planning (Northern Ireland) Order 1991.