
STATUTORY INSTRUMENTS

1997 No. 2778

**The Waste and Contaminated Land
(Northern Ireland) Order 1997**

PART III

CONTAMINATED LAND

Referral of special site decisions to the Planning Appeals Commission

52.—(1) In any case where—

- (a) a district council gives notice of a decision to the Department under Article 51(1)(b)(i) or (5)(b), but
- (b) before the expiration of the period of 21 days from the day on which that notice is so given, the Department gives the council notice that it disagrees with the decision, together with a statement of its reasons for disagreeing,

the council shall refer the decision to the Planning Appeals Commission.

(2) Part III of Schedule 2 shall have effect where a decision is referred to the Planning Appeals Commission under paragraph (1).

(3) Where a decision is referred to the Planning Appeals Commission under paragraph (1)—

- (a) the council shall give notice of that referral to the Department and to the relevant persons;
- (b) the Planning Appeals Commission shall confirm or reverse the decision with respect to the whole or any part of the land to which it relates;
- (c) the council shall give notice of the decision of the Planning Appeals Commission on the referral to the Department and to the relevant persons; and
- (d) the decision shall not take effect until the day after that on which the notice required by sub-paragraph (c) has been given to the persons there mentioned and shall then take effect as confirmed or reversed by the Planning Appeals Commission.

(4) Where a decision which takes effect in accordance with paragraph (3)(d) is to the effect that at least some land is land which is required to be designated as a special site, the notice given under paragraph (3)(c) shall have effect, as from the time when the decision takes effect, as the designation of that land as such a site.

(5) In this Article “the relevant persons” has the same meaning as in Article 51.

Changes to legislation:

The Waste and Contaminated Land (Northern Ireland) Order 1997, Section 52 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 58(1A) inserted by [2011 c. 5 \(N.I.\) s. 8\(3\)](#)
- art. 70(2A)-(2C) inserted by [2011 c. 5 \(N.I.\) s. 9](#)