

SCHEDULES

SCHEDULE 2

Articles 17(2), 36(6), 41(3), 52(2), 58(2),
65(4).

APPEALS AND DECISIONS REFERRED TO THE PLANNING APPEALS COMMISSION

PART I

APPEALS UNDER ARTICLE 17, 41 OR 58

1.—(1) This paragraph applies to an appeal to the Planning Appeals Commission (“the Commission”) under Article 17, 41 or 58.

(2) The Commission shall determine the appeal and [F¹subsection (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.

F1 Words in Sch. 2 para. 1(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. 88\(a\)](#) (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](#)))

PART II

APPEALS UNDER ARTICLE 36 OR 65

2.—(1) This paragraph applies to an appeal to the Planning Appeals Commission under Article 36(5) or 65(3).

(2) The Commission shall determine the appeal and [F²subsection (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.

F2 Words in Sch. 2 para. 2(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. 88\(b\)](#) (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: *The Waste and Contaminated Land (Northern Ireland) Order 1997, SCHEDULE 2 is up to date with all changes known to be in force on or before 29 March 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. (See end of Document for details) View outstanding changes*

PART III

DECISIONS REFERRED UNDER ARTICLE 52

4.—(1) This paragraph applies where, in accordance with paragraph (1) of Article 52, a district council refers a decision under that Article to the Planning Appeals Commission.

(2) The Commission shall consider the decision and [^{F3}subsections (2), (3) and (5) of section 204 of the Planning Act (Northern Ireland) 2011] shall apply in relation to the consideration of the decision as they apply in relation to an inquiry or hearing under that Order.

F3 Words in Sch. 2 para. 4(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. 88\(c\)](#) (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](#)))

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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](#)