

SCHEDULES

^{F1}SCHEDULE 2

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Textual Amendments

F1 Sch. 2 repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), Sch. 1 Pt. I (with s. 5, Sch. 3)

18 After section 63 there shall be inserted the following section—

“63A Appeals against waste land notices.

- (1) A person on whom a waste land notice is served, or any other person having an interest in the land to which the notice relates, may at any time before the date specified in the notice as the date on which it is to take effect appeal to the Secretary of State against the notice, on any of the following grounds—
 - (a) that there is no serious injury to the amenity of any part of the planning authority’s district or of any adjoining district ;
 - (b) that the steps required by the notice to be taken exceed what is necessary to remedy any such injury ;
 - (c) that the specified period for compliance with the notice falls short of what should reasonably be allowed ;
 - (d) that the condition of the land is attributable to, and such as results in the ordinary course of events from, a continuing lawful use of the land or from continuing lawful operations carried out thereon ; or
 - (e) that the notice was served other than in accordance with section 63 of this Act.
- (2) An appeal under this section shall be made by notice in writing to the Secretary of State.
- (3) The provisions of subsections (2A) to (2D) of section 85 of this Act shall apply to appeals under this section as they apply to appeals under that section.
- (4) On an appeal under this section the Secretary of State—
 - (a) may correct any informality, defect or technical error in the notice if he is satisfied that it is not material ; and
 - (b) may disregard the failure of the planning authority to serve the notice upon a person upon whom it should have been served, if it appears to him that neither that person nor the appellant has been substantially prejudiced by that failure.
- (5) Where an appeal is brought under this section, the waste land notice shall be of no effect pending the final determination, or the withdrawal, of the appeal.

Changes to legislation: *There are currently no known outstanding effects for the Local Government and Planning (Scotland) Act 1982, Paragraph 18. (See end of Document for details)*

- (6) In determining an appeal under this section the Secretary of State shall give such directions as seem to him appropriate , and these may include directions for quashing the notice or for varying its terms in favour of the appellant.”.

Changes to legislation:

There are currently no known outstanding effects for the Local Government and Planning (Scotland) Act 1982, Paragraph 18.