

SCHEDULE 4

MODIFICATIONS OF THE ACT

PART 5

MODIFICATIONS OF THE ACT (DISCONTINUANCE NOTICES)

1. In section 78, for subsections (1) to (5) substitute—

“(1) Where a discontinuance notice has been served on any person by a local planning authority under regulation 8 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 that person may, if he is aggrieved by the notice, appeal by notice under this section to the Secretary of State.

(2) Notice of appeal shall be given in writing to the Secretary of State at any time before the date on which the discontinuance notice is due to take effect under regulation 8(4), taking account where appropriate of any extension of time under regulation 8(6), of those Regulations, or such longer period as the Secretary of State may allow.

(3) A notice of appeal shall be accompanied by a copy of each of the following documents—

- (a) the discontinuance notice;
- (b) any notice of variation; and
- (c) any relevant correspondence with the authority.

(4) Where an appeal is brought under this section, the Secretary of State may require the appellant or the local planning authority to submit to him, within such period as he may specify, a statement in writing in respect of such matters relating to the discontinuance notice as he may specify and if, after considering the grounds of appeal and any such statement, the Secretary of State is satisfied that he has sufficient information to enable him to determine the appeal, he may, with the agreement in writing of both the appellant and the local planning authority, determine the appeal without complying with section 79(2).”

2. In section 79—

(a) for subsection (1) substitute—

“(1) Where an appeal is brought in respect of a discontinuance notice the Secretary of State may—

- (a) allow or dismiss the appeal, or
- (b) subject to subsection (1A)—
 - (i) correct any defect, error or misdescription in the discontinuance notice; or
 - (ii) reverse or vary any part of the notice (whether the appeal relates to that part of it or not),

and deal with the matter as if an application for express consent had been made and refused for the reasons stated for the taking of discontinuance action.

(1A) The Secretary of State may take any action mentioned in subsection (1)(b) only if he is satisfied that the correction, reversal or variation will not cause injustice to the appellant or the local planning authority.”

(b) for subsection (4) substitute—

Status: This is the original version (as it was originally made).

“(4) On the determination of an appeal under section 78 the Secretary of State shall give such directions as may be necessary for giving effect to his determination including, where appropriate, directions for quashing the discontinuance notice or for varying its terms.”;

- (c) omit subsection (6); and
- (d) in subsection (6A), after the word “appeal”, the first time it appears, insert “in respect of a discontinuance notice”.