



2011 CHAPTER 25

PART 4

ADDITIONAL PLANNING CONTROL

CHAPTER 1

LISTED BUILDINGS AND CONSERVATION AREAS

Power to decline to determine application for listed building consent

Procedure for section 98 orders: unopposed cases

100.—(1) This section applies where—

- (a) a council has made an order under section 98 revoking or modifying a listed building consent granted by it; and
- (b) the owner and occupier of the land and all persons who in the council's opinion will be affected by the order have notified the council in writing that they do not object to the order.

(2) Where this section applies, instead of submitting the order to the Department for confirmation the council must—

- (a) advertise in the prescribed manner the fact that the order has been made, specifying in the advertisement—
 - (i) the period within which persons affected by the order may give notice to the Department that they wish for an opportunity of appearing before and being heard by the planning appeals commission; and
 - (ii) the period at the end of which, if no such notice is given to the Department, the order may take effect by virtue of this section without being confirmed by the Department;

- (b) serve notice to the same effect on the persons mentioned in subsection (1) (b);
- (c) send a copy of any such advertisement to the Department not more than 3 days after its publication.
- (3) The period referred to in subsection (2)(a)(i) must not be less than 28 days from the date on which the advertisement first appears.
- (4) The period referred to in subsection (2)(a)(ii) must not be less than 14 days from the end of the period referred to in subsection (2)(a)(i).
- (5) If—
 - (a) no person claiming to be affected by the order has given notice to the Department as mentioned in subsection (2)(a)(i) within the period referred to in that subsection; and
 - (b) the Department has not directed within that period that the order be submitted to it for confirmation,the order shall take effect at the end of the period referred to in subsection (2) (a)(ii) without being confirmed by the Department as required by section 99(1).