

## SCHEDULES

### SCHEDULE 7

#### DETERMINATION OF CERTAIN APPEALS BY PERSON APPOINTED BY SECRETARY OF STATE

##### *Powers and duties of person determining appeal*

- 2 (1) A person appointed under this Schedule to determine an appeal shall have the like powers and duties in relation to the appeal as the Secretary of State under whichever are relevant of the following provisions, that is to say—
- (a) in relation to appeals under section 33, subsections (3) and (5) of that section ;
  - (b) in relation to appeals under section 85, subsections (4) to (6) of that section ;
  - (c) in relation to appeals under section 91, subsection (2) and (3) of that section ;
  - (d) in relation to appeals under section 93, subsections (4) and (5) of that section ;
  - (e) in relation to appeals under section 99, section 85(4) and (5) of this Act;
  - (f) in relation to appeals under paragraph 7 of Schedule 10 to this Act, sub-paragraph (3) of that paragraph.
- (2) The provisions of section 33(4), 85(2), 91(4), 93(2) and paragraph 7(4) of Schedule 10 to this Act relating to the affording of an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State, shall not apply to an appeal which falls to be determined by a person appointed under this Schedule but before the determination of any such appeal the Secretary of State shall, unless (in the case of an appeal under section 36) the appeal is referred to a Planning Inquiry Commission under section 45 of this Act, ask the applicant or appellant, as the case may require, and the local planning authority whether they wish to appear before and be heard by the person so appointed, and—
- (a) the appeal may be determined without a hearing of the parties if both of them express a wish not to appear and be heard as aforesaid ; and
  - (b) the person so appointed shall, if either of the parties expresses a wish to appear and be heard, afford to both of them an opportunity of so doing.
- (3) Subject to sub-paragraph (4) of this paragraph, the decision of a person appointed under this Schedule on any appeal to which this Schedule applies shall be final.
- (4) An appeal determined by any such person by virtue of this Schedule shall be treated for the purposes of this Act as having been determined by the Secretary of State.