

## SCHEDULE 1

### Further provisions as to the procedure for certain proceedings

#### **Planning (Listed Buildings and Conservation Areas) Act 1990**

**23.**—(1) Schedule 3 is amended as follows.

(2) In paragraph 2—

(a) before sub-paragraph (5) insert—

“(4B) Sub-paragraph (2) does not apply in the case of an appeal to which section 88E applies.”;

(b) after sub-paragraph (9)(1) insert—

“(10) Sub-paragraph (8) does not apply to references to the Welsh Ministers in section 88E (determination of procedure for certain proceedings: Wales).”

(3) In paragraph 3—

(a) before sub-paragraph (5) insert—

“(4C) Sub-paragraph (4) does not apply in the case of an appeal to which section 88E applies.

(4D) In the case of an appeal to which section 88E applies, the Welsh Ministers must give the appellant, the local planning authority and any person who has made any representations mentioned in sub-paragraph (2) an opportunity to make further representations if the reasons for the direction raise matters with respect to which any of those persons have not made representations.”;

(b) in sub-paragraph (5) before “, the Secretary of State” insert “or (4D)”.

(4) In paragraph 6—

(a) before sub-paragraph (2) insert—

“(1B) Sub-paragraph (1) does not apply in the case of an appeal to which section 88E applies, but an appointed person may hold a hearing or local inquiry in connection with such an appeal pursuant to a determination under that section.”;

(b) in sub-paragraph (2)(a) after “2(4)” insert “or this paragraph”.

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(1) Sub-paragraph (9) was inserted by section 196(4) of, and paragraphs 15 and 24(3) of Schedule 10 to, the 2008 Act.