

SCHEDULE

Provisions in respect of a request for a direction and the examination of closed evidence

PART 2

Request for a direction

Acknowledgement of request for a direction

2. As soon as practicable after receiving a request for a direction the Secretary of State shall acknowledge receipt of the request in writing.

Publicity

3.—(1) As soon as practicable after receiving a request for a direction the request shall be publicised by the Secretary of State in accordance with paragraphs (2) and (3).

(2) Notice of the request shall be given—

- (a) to each interested party;
- (b) by posting and maintaining notice of the request in a conspicuous place or (in the case of an application for an order making provision for land-based linear works more than 5 kilometres in length) at intervals of not more than 5 kilometres on, or as close as is reasonably practicable to, the land to which the application relates; and
- (c) by local advertisement.

(3) The notice given under paragraph (2) shall—

- (a) state that a request for a direction has been made;
- (b) state that written representations as to whether a direction should be given can be made to the Secretary of State at the address specified in the notice; and
- (c) specify the date by which any such representations should be made to the Secretary of State (being a date not less than 14 days from the date when the notice is given).

(4) Any notice posted pursuant to paragraph (2)(b) shall be readily visible to and legible by members of the public; but where, without any fault or intention of the applicant, the notice is removed, obscured or defaced before the commencement of the hearing, the Secretary of State shall be treated as having complied with the requirements of that sub-paragraph if the Secretary of State has taken reasonable steps for the protection of the notice and, if need be, its replacement.

(5) In this rule “by local advertisement” means—

- (a) by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated; and
- (b) where the Secretary of State maintains a website for the purpose of advertisement of applications, by publication of the notice on the website.

Notice of decision in respect of request for a direction

4.—(1) As soon as practicable after determining whether or not to give a direction, the Secretary of State shall notify the decision to—

- (a) any person who made representations to the Secretary of State; and
- (b) any precluded person,

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but nothing in this paragraph requires or permits the Secretary of State to give reasons for the decision, where the giving of reasons would result in the public disclosure of closed evidence.

(2) Where a direction is given the Secretary of State shall, at the same time as notifying the decision in accordance with paragraph (1), send a copy of the direction to—

- (a) the person who requested the direction;
- (b) the Commission; and
- (c) any precluded person or their appointed representative.