
STATUTORY INSTRUMENTS

2001 No. 3966

**The Environmental Impact Assessment (Uncultivated
Land and Semi-natural Areas) (England) Regulations 2001**

Determination of appeals by hearing or local inquiry

17.—(1) This regulation shall apply to an appeal which is to be determined by hearing or by local inquiry.

(2) Within six weeks of receiving notice that the appeal is to be determined by hearing or by local inquiry, the appellant shall serve on the Secretary of State a statement which contains full particulars of his case and copies of any documents to which he wishes to refer at the hearing or local inquiry and the Secretary of State shall send copies of the statement and documents to the interested parties.

(3) The Secretary of State shall give the appellant and the interested parties at least six weeks' notice of the date, time and place fixed for the hearing or local inquiry and of the name of the person appointed to conduct the hearing or local inquiry (or, as applicable, to determine the appeal) and shall give, not less than twenty-one days before the date fixed for the hearing or local inquiry, such notice to the public as she may think fit.

(4) The Secretary of State may vary the time or place for the holding of the hearing or local inquiry and shall give such notice of any such variation as she may think fit.

(5) Any of the interested parties who wishes to be heard at the hearing or local inquiry shall, within twenty eight days of receipt of the appellant's statement pursuant to paragraph (2) above, notify the Secretary of State that he wishes to appear and the Secretary of State may require any person who has so notified her to serve upon her a statement containing the particulars of his case together with copies of any documents to which he wishes to refer at the hearing or local inquiry (other than those to which the appellant has expressed a wish to refer) within four weeks of being so required and the Secretary of State shall send copies of such statements to the appellant and to the other interested parties.

(6) The Secretary of State may by notice require the appellant or any other person who has provided a statement in accordance with paragraph (5) above to provide her with such further information about the matters contained in the statement as she may specify and she shall send a copy of such information to the interested parties or to the appellant and the other interested parties as the case may be.

(7) Before a hearing or local inquiry takes place the Secretary of State shall make all of the documents submitted by the appellant and the interested parties in respect of the hearing or local inquiry available for inspection by any person who so requests.

(8) The persons entitled to be heard at a hearing or local inquiry are—

- (a) the appellant;
- (b) the interested parties; and
- (c) any other person whom the person appointed to conduct the hearing shall permit to be heard.

(9) A person entitled to appear at a local inquiry who proposes to give evidence at the inquiry by reading a proof of evidence shall send a copy of the proof of evidence to the Secretary of State

together with a written summary not less than three weeks before the date fixed for the local inquiry and the Secretary of State shall send copies of the proof and summary to the interested parties or to the appellant and the other interested parties as the case may be.

(10) After the conclusion of the hearing or local inquiry, the person appointed to conduct the hearing or local inquiry shall, unless he has been appointed to determine the appeal, make a report to the Secretary of State which shall include his conclusions and his recommendations or his reasons for not making any recommendations.

(11) If the Secretary of State differs from the person making the report in accordance with paragraph (10) above on any matter of fact mentioned in, or appearing to her to be material to, a conclusion reached by that person, or takes into consideration any new evidence or new matter of fact and is for that reason disposed to disagree with a recommendation made in the report, she shall not come to a decision without first affording to any persons who appeared at the hearing or local inquiry the opportunity of making representations to her within such reasonable time as she shall specify.

(12) The Secretary of State or the person appointed to determine the appeal, as the case may be, shall notify the decision and the reasons for it, and shall send a copy of any report made in accordance with paragraph (10) above, to the appellant, to the interested parties and to any other persons who appeared at the hearing or local inquiry and who asked to be notified of the decision.