
STATUTORY INSTRUMENTS

1997 No. 1160

The Hedgerows Regulations 1997

Appeals

9.—(1) Subject to regulation 15, a person to whom a hedgerow retention notice or a notice under regulation 8(1) is given may, by notice given within 28 days from the date on which the notice was given to him, or such longer period as the Secretary of State may allow, appeal to the Secretary of State.

(2) The notice of appeal shall state the grounds for the appeal and the appellant shall serve a copy of it on the local planning authority which gave the hedgerow retention notice or notice under regulation 8(1).

(3) In determining the appeal the Secretary of State—

- (a) may allow or dismiss it, either as to the whole or as to part;
- (b) shall give any directions necessary to give effect to his determination, including directions for quashing or modifying any notice,

and he shall notify the appellant and the local planning authority of his determination of the appeal.

(4) Before determining the appeal, the Secretary of State shall afford to the appellant and the local planning authority an opportunity, if they so wish, of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(5) The Secretary of State may cause a local inquiry to be held in connection with an appeal and subsections (2) to (5) of section 250 of the Local Government Act 1972 (local inquiries: evidence and costs) shall apply to any such inquiry.

(6) The Secretary of State shall have the same powers to appoint a person to exercise functions in connection with appeals under this regulation as he is given by section 114 of the 1995 Act in relation to his functions specified in that section; and the provisions of Schedule 20 to that Act shall apply with respect to any such appointment as it applies to appointments under that section.

(7) The Secretary of State and any person appointed by him for any purpose of this regulation shall, except where the appeal is disposed of on the basis of written representations and other documents, have the same power to make orders under section 250(5) of the Local Government Act 1972 (orders with respect to costs of the parties) in relation to proceedings on an appeal under this regulation which do not give rise to an inquiry as he has in relation to an inquiry and section 322A(1) (orders as to costs: supplementary) of the 1990 Act shall apply to proceedings on an appeal under this regulation as if they were proceedings under that Act.

(1) Section 322A was added by the Planning and Compensation Act 1991 (c. 34), section 30.