
STATUTORY INSTRUMENTS

1999 No. 1892

The Town and Country Planning (Trees) Regulations 1999

PART IV

**APPEALS TO BE DISPOSED OF ON THE BASIS OF
WRITTEN REPRESENTATIONS AND OTHER DOCUMENTS**

Application of Part IV and interpretation

11.—(1) This Part applies in relation to every appeal—

- (a) made on or after the date on which these Regulations come into force, under section 78 as applied to applications under orders; and
- (b) which is to be disposed of without a hearing or an inquiry to which rules under section 9 (procedure in connection with statutory inquiries) of the Tribunals and Inquiries Act 1992(1) apply.

(2) In this Part—

“appeals questionnaire” means a document in the form supplied by the Secretary of State for the purposes of this Part;

“relevant time limit” means the time limit specified in regulation 13 or in any paragraph of regulation 14, or any such time limit as varied under regulation 15; and

“starting date”, in relation to an appeal, means the date notified by the Secretary of State under regulation 12 as applicable to procedures under this Part as regards that appeal.

Notification of starting date

12. The Secretary of State shall, on receipt of an appeal to which this Part applies, inform the appellant and the authority, by notice in writing, of the starting date.

Authority’s response to appeal

13. The authority shall, not later than two weeks after the starting date, submit to the Secretary of State an appropriately completed appeals questionnaire and a copy of the documents referred to in that questionnaire.

Additional and further representations

14.—(1) The appellant and the authority may make additional representations, and any such representations shall be submitted to the Secretary of State not later than six weeks after the starting date.

(2) The Secretary of State shall, by notice in writing, invite the appellant to make further representations in response to—

- (a) the documents submitted in accordance with regulation 13; and
- (b) the authority's additional representations (if any) submitted in accordance with paragraph (1),

and the appellant's further representations (if any) shall be submitted to the Secretary of State not later than two weeks after the date of service of that notice.

(3) Where the appellant has submitted additional representations in accordance with paragraph (1), the Secretary of State shall, by notice in writing, invite the authority to make further representations in response to the appellant's additional representations, and such further representations (if any) shall be submitted to the Secretary of State not later than two weeks after the date of service of that notice.

Power to vary relevant time limits

15. The Secretary of State may, by giving a direction by notice in writing to the appellant and the authority, vary any relevant time limit in a particular case.

Decision on basis of material submitted within relevant time limits

16.—(1) The Secretary of State may proceed to a decision taking into account only such representations and supporting documents as have been submitted within the relevant time limits.

(2) The Secretary of State may, after giving the appellant and the authority notice in writing of his intention to do so, proceed to a decision notwithstanding that no representations have been made within the relevant time limits, if it appears to him that he has sufficient material before him to enable him to reach a decision on the merits of the case.