

SCHEDULE 7

Appeals

PART 1

Procedure of appeals (other than those to the Planning Appeals Commission)

1.—(1) Where a person wishes to appeal to an appeal body under regulation 83, that person must do so by notice in writing served on that appeal body.

(2) The notice mentioned in sub-paragraph (1) must be accompanied by—

- (a) a statement of the grounds of appeal;
- (b) where the appeal relates to refusal to grant approval under regulation 49 or 59, a copy of the appellant's application and any supporting documents;
- (c) where the appeal relates to refusal to grant an extension of approval under regulation 62, a copy of the appellant's application and any supporting documents;
- (d) where the appeal relates to withdrawal of approval under regulation 54, a copy of the notification of the decision and any supporting documents;
- (e) where the appeal relates to suspension or cancellation of approval under regulation 64, a copy of the notification of the decision and any supporting documents;
- (f) a copy of any correspondence relevant to the appeal;
- (g) a copy of any other document relevant to the appeal; and
- (h) a statement indicating whether the appellant wishes the appeal to include a hearing or to be determined on the basis of written representations.

(3) The appellant must serve a copy of the notice of appeal on the appropriate authority whose decision is being appealed together with copies of the documents mentioned in sub-paragraph (2).

2.—(1) Subject to sub-paragraph (2), notice of appeal must be given before the expiry of the period of two months beginning with the date of the decision that is the subject of the appeal.

(2) The appeal body may for good reason at any time allow notice of an appeal to be given after the expiry of the period mentioned in sub-paragraph (1).

3. Where under regulation 84(2) the appeal includes a hearing, the person hearing the appeal must, unless appointed to determine an appeal under regulation 84(1)(a), make a written report to the appeal body that appointed the person under regulation 84(1)(b) which must include conclusions and recommendations or reasons for not making any recommendations.

4.—(1) The appeal body or other person determining an appeal must notify the appellant in writing of the decision and of the reasons for that decision.

(2) If the appeal body determines an appeal after a hearing under regulation 84(2), it must provide the appellant with a copy of any report made to it under paragraph 3.

(3) The appeal body or other person determining an appeal must, at the same time as notifying the appellant of the decision, send the appropriate authority a copy of any document sent to the appellant under this paragraph.