
STATUTORY INSTRUMENTS

2006 No. 1380

The Contaminated Land (England) Regulations 2006

Hearings and local inquiries

- 9.—(1) Before determining an appeal, the Secretary of State may, if he thinks fit—
- (a) cause the appeal to take or continue in the form of a hearing (which may, if the person hearing the appeal so decides, be held, or held to any extent, in private); or
 - (b) cause a local inquiry to be held.
- (2) Before determining an appeal, the Secretary of State must act as mentioned in subparagraph (a) or (b) of paragraph (1) if a request is made by either the appellant or the enforcing authority to be heard with respect to the appeal.
- (3) The persons entitled to be heard at a hearing are—
- (a) the appellant;
 - (b) the enforcing authority; and
 - (c) any person (other than the enforcing authority) on whom the appellant was required to serve a copy of the notice of appeal.
- (4) Nothing in paragraph (3) prevents the person appointed to conduct the hearing of the appeal from permitting any other person to be heard at the hearing and such permission must not be unreasonably withheld.
- (5) After the conclusion of a hearing, the person appointed to conduct the hearing must, unless he has been appointed under subsection (1)(a) of section 114 of the Environment Act 1995⁽¹⁾ (power of Secretary of State to delegate his functions of determining, or to refer matters involved in, appeals) to determine the appeal, make a report in writing to the Secretary of State, which must include his conclusions and his recommendations or his reasons for not making any recommendations.