SCHEDULE

Appeals procedure

PART 2

Starting the appeal

Contents of the notice of appeal

7.—(1) The notice of appeal must include the following—

(a) the name, address (including any e-mail address) and telephone number of the appellant and any agent acting for the appellant;

(b) a statement of the grounds of appeal;

(c) a statement as to whether the appellant wishes to have the appeal dealt with by way of written representations or wishes to exercise the right to be heard;

(d) a list of all the documents, including dates, specified in sub-paragraph (2);

(e) in the case of an appeal relating to a management notice, if a ground of appeal is that some other owner or occupier of the land should take all or part of the measures specified in the management notice, or should pay all or part of the cost as set out in 28L(2) of the 1981 Act, full details of that owner or occupier (referred to in this Schedule as a `section 28L(2) party').

(2) It must be accompanied by—

(a) in the case of an appeal relating to—

(i) the refusal or deemed refusal of an application for a consent, or

(ii) conditions attached to a consent,

a copy of the original notice served on Natural England under section 28E(1) of the 1981 Act;

(b) in the case of an appeal relating to the withdrawal or modification of an existing consent,

(i) a copy of the existing consent;

(ii) a copy of the decision or notice from Natural England withdrawing or modifying the consent; and

(iii) a copy of Natural England's Statement of Reasons.

(c) in the case of an appeal relating to a management notice or stop notice, a copy of the management notice or stop notice;

(d) a copy of all correspondence between the appellant and Natural England that the appellant wishes to rely on;

(e) if the notice of appeal is served outside the time limits, and the appellant and Natural England have agreed to extend the time limits, a copy of that agreement.

Time limits for the notice of appeal

8.—(1) A notice of an appeal concerning a management notice must reach the Secretary of State within two months from the date of that management notice, or within such longer period as is agreed in writing before that date between Natural England and the appellant(**1**).

(2) If a notice of appeal is received within the time limits, but without any of the information or documents required by paragraph 7, the Secretary of State may in exceptional circumstances extend those time limits to enable the required information to be provided.

Notification by the Secretary of State to Natural England

9.—(1) When a notice of appeal fully complying with paragraph 7 has been received within the specified time limits, the Secretary of State must as soon as practicable send a copy of the notice of appeal (except the documents specified in paragraph 7(2)) to Natural England.

(2) In the case of an appeal relating to a management notice, the Secretary of State, when notifying Natural England, must also write to any section 28L(2) party enclosing a copy of the notice of appeal and explaining the effect of sub-sections (5) to (7) of section 28L of the 1981 Act.

(3) If Natural England or the section 28L(2) party wish to exercise a right to be heard in connection with the appeal, rather than having it dealt with by way of written representations, a notice to that effect must reach the Secretary of State within two weeks of the date on which the copy of the notice of appeal was received from the Secretary of State.

Start date for the appeal

10.—(1) After the two-week period referred to in paragraph 9(3) the Secretary of State must write to the appellant, Natural England and any section 28L(2) party, informing them whether or not there will be a hearing or inquiry, or whether the appeal will be conducted on the basis of written representations.

(2) The date of this letter is the start date for the appeal.

(**1**) This sub-paragraph deals with time limits for appeals relating to management notices. The relevant time limits for appeals relating to consents and stop notices are set out in section 28F of the 1981 Act and Schedule 11 to the Countryside and Rights of Way Act 2000. For consents, the relevant parts of section 28(F), as construed in accordance with section 27A of the 1981 Act read—

"(2) If Natural England neither give consent nor refuse it within the period of four months beginning with the date on which the notice referred to in section 28E(1)(a) was sent, the person who gave that notice may for the purposes of subsection (1) treat Natural England as having refused consent (and his appeal is to be determined on that basis).

(3) Notice of an appeal must reach the Secretary of State—

(a) except in a case falling within subsection (2), within the period of two months beginning with the date of the notice giving consent or the notice under section 28E(5) or (6), or

(b) in a case falling within subsection (2), within the period of two months beginning immediately after the expiry of the four-month period referred to there,

or, in either case, within such longer period as is agreed in writing between Natural England and the appellant.".

For stop notices the relevant time limits are the same, as modified by paragraph 11(2) of Schedule 11 to the Countryside and Rights of Way Act 2000, which modifies section 28F(3) so that it reads—

"Notice of an appeal must reach the Secretary of State within the period of two months beginning with the date of the stop notice or within such longer period as is agreed in writing between Natural England and the appellant.".