
STATUTORY INSTRUMENTS

2002 No. 1710

The Access to the Countryside (Provisional and
Conclusive Maps) (England) Regulations 2002

PART III

APPEALS AGAINST PROVISIONAL MAPS

CHAPTER I

Initial stages of appeals

Interpretation

15. In this Part—

“appeal land” means the land which is the subject of an appeal;

“appeal period” means, in relation to a provisional map, the period referred to in regulation 16(1);

“appeal procedure” means the procedure for determining the issues arising on an appeal or for determining any consequential issue, by means of a hearing or inquiry or on the basis of written representations, as determined by the Secretary of State under regulation 19(1)(b);

“appointed person” means a person appointed by the Secretary of State under section 8 to determine an appeal or any matter involved in such an appeal and having the powers conferred by paragraphs 3 and 4 of Schedule 3 to the Act;

“assessor” means a person appointed by the Secretary of State under paragraph 4(3) of Schedule 3 to the Act to sit with an inspector at a hearing or inquiry and advise the inspector on any matters arising;

“consequential issue” means any issue, consequential on the determination of an appeal, as to the manner in which the discretion conferred on the Secretary of State by section 6(4) should be exercised;

“document” includes a photograph, map or plan;

“hearing” means a hearing in relation to which this Part applies;

“inquiry” means a local inquiry in relation to which this Part applies;

“inspector” means—

- (a) an appointed person; or
- (b) a person holding a hearing or inquiry and making a report to the Secretary of State in order for her to determine an appeal;

“questionnaire” means a document, in the form supplied by the Secretary of State, seeking information relating to the appeal or any consequential issue;

“pre-inquiry meeting” means a meeting held before an inquiry to consider what may be done with a view to securing that the inquiry is conducted efficiently and expeditiously, and, where

two or more such meetings are held, references to the conclusion of a pre-inquiry meeting are references to the conclusion of the final meeting;

“proof of evidence” means a proof of evidence sent to the Secretary of State in accordance with regulation 48;

“start date” means, in relation to certain periods prescribed by these Regulations as periods within which certain requirements so prescribed are to be complied with, the date on which such periods are to commence, as specified by the Secretary of State in her written notice to the appellant and the Agency under regulation 19;

“statement of case” means a written statement which contains full particulars of the case which a person proposes to put forward, at a hearing or inquiry or by way of written representations, in relation to the appeal or any consequential issue, and includes copies of any supporting documents which that person intends to refer to or put in evidence;

“statement of common ground” means a written statement prepared jointly by the appellant and the Agency pursuant to regulation 49 which contains agreed factual information about the appeal;

“transferred appeal” means an appeal or any matter involved in an appeal, in respect of which the Secretary of State has exercised her power in section 8 to appoint a person to determine the appeal or the matter, as the case may be, on her behalf, and, in relation to any such appeal, references in these Regulations to a decision on an appeal shall be construed as references to a decision on the appeal or the matter involved in an appeal (as the case may be) which that person has been appointed to determine; and

“written representations” includes supporting documents.

Notice of appeal against provisional map

16.—(1) Any appeal to the Secretary of State under section 6(1) against the showing of any land on a provisional map as registered common land or open country shall be made by notice given to the Secretary of State, on a form obtained from her, within three months of the date of the issue of the map.

(2) If the appellant wishes to withdraw an appeal before it is determined, he shall do so by giving notice to the Secretary of State before the appeal is determined, and the Secretary of State shall send a copy of that notice as soon as practicable to the Agency.

Notification of receipt of documents

17. The Secretary of State shall, as soon as practicable after she has received all the information required to enable her to entertain the appeal, notify the appellant and the Agency of this in writing and send a copy of the notice of the appeal to the Agency.

Preliminary information to be supplied by the Agency

18. The Agency shall ensure that, within two weeks of the receipt by them of notification in accordance with regulation 17, the following have been received by the Secretary of State and a copy has been received by the appellant—

- (a) a completed questionnaire (which shall also state the date on which it is sent to the Secretary of State) together with a copy of each document referred to in it;
- (b) the names and addresses of any persons who made representations to the Agency in respect of the showing of, or failure to show, the appeal land on a draft map; and
- (c) details of the time and place at which the Agency intends to make documents available for the purposes of regulation 57.

Notification of start of appeal etc

19.—(1) The Secretary of State shall, as soon as practicable after receipt of the information required to be supplied by the Agency in accordance with regulation 18, notify in writing the appellant, the Agency and any other person who made representations to the Agency in respect of the showing of, or failure to show, the appeal land as registered common land or open country on a draft map of—

- (a) the start date;
 - (b) whether the appeal procedure will take the form of a hearing or inquiry or will be disposed of on the basis of written representations;
 - (c) whether the appeal will be determined by the Secretary of State or by the inspector;
 - (d) the reference number allocated to the appeal;
 - (e) the addresses (including an e-mail address) to which written communications to the Secretary of State about the appeal are to be sent; and
 - (f) the time and place where documents relating to the appeal are to be made available for the purposes of regulation 57.
- (2) A notice under paragraph (1) shall—
- (a) state the name of the appellant and, sufficiently to enable it to be identified, the location and extent of the appeal land;
 - (b) state that the appeal is brought under section 6(2) in relation to the showing of the land as registered common land on a provisional map or under section 6(3) in relation to the showing of the land as open country on that map, as appropriate;
 - (c) state that the Agency—
 - (i) has sent to the Secretary of State and the appellant the name and address of any person other than the appellant who made representations to the Agency in respect of the showing of, or the failure to show, the appeal land as registered common land or open country on a draft map; and
 - (ii) is required to send a copy of such representations to the Secretary of State and the appellant;
 - (d) state that, if any such persons wish their representations to be disregarded by the Secretary of State for the purposes of the appeal, they should notify the Secretary of State of this in writing within six weeks of the start date;
 - (e) state that a person who has made any such representations may make further representations in writing to the Secretary of State in respect of the appeal by ensuring that they are received by the Secretary of State, at an address specified in the notice, within six weeks of the start date;
 - (f) state that any other person may also make representations in writing to the Secretary of State in respect of the appeal by ensuring that they are received by the Secretary of State at that address and within such time; and
 - (g) if there is to be a hearing or inquiry, state that any person, other than the appellant or the Agency, may be heard with the permission of the inspector and that such permission shall not be unreasonably withheld.
- (3) The Secretary of State shall ensure that a copy of the notice of appeal is available for inspection on a website maintained by the Planning Inspectorate Executive Agency until the appeal is determined.

Supply of further information by the Agency

20. The Agency shall ensure that, within two weeks of the start date, the Secretary of State and the appellant have received copies of—

- (a) any correspondence between the appellant and the Agency relating to the appeal land; and
- (b) any representations made to the Agency in respect of the showing of, or failure to show, the appeal land as registered common land or open country on a draft map.

Submission of statements of case etc

21. Within six weeks of the start date—

- (a) the Agency shall ensure that the Secretary of State has received two copies of their statement of case;
- (b) the appellant shall ensure that the Secretary of State has received two copies of his statement of case; and
- (c) any other person who wishes to make representations to the Secretary of State in respect of the appeal shall ensure that the Secretary of State has received three copies of such representations.

Copies of documents etc

22. The Secretary of State shall, as soon as practicable after receipt of copies of the documents referred to in regulation 21 or, where further information is required under regulation 24—

- (a) send to the appellant a copy of any statement of case submitted by the Agency under regulation 21(a), together with a copy of any additional information supplied to the Secretary of State in respect of it under regulation 24;
- (b) send to the Agency a copy of any statement of case submitted by the appellant under regulation 21(b), together with a copy of any additional information supplied to the Secretary of State under regulation 24, and
- (c) send to the appellant and the Agency a copy of any representations submitted by any person under regulation 21(c), together with a copy of any additional information supplied to the Secretary of State under regulation 24.

Comments on statement of case etc.

23. Within nine weeks of the start date—

- (a) the appellant shall ensure that the Secretary of State has received any comments which he may wish to make on—
 - (i) the Agency's statement of case, or
 - (ii) any representations made by any other person in respect of the appeal; and
- (b) the Agency shall ensure that the Secretary of State has received any comments which they wish to make on the appellant's statement of case or any such representations.

Provision of further information

24. The Secretary of State, or the inspector, may require such further information as she or he may specify from—

- (a) the appellant or the Agency in respect of their statement of case;

(b) any person who has made representations to the Secretary of State under regulation 21(c) in respect of such representations;

and all such information shall be provided in writing within such period as the Secretary of State, or the inspector, may reasonably require.