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WELSH STATUTORY INSTRUMENTS

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**2002 No. 1794**

**The Countryside Access (Appeals Procedures) (Wales) Regulations 2002**

**Part II**

**INITIAL STAGES OF APPEALS**

**Action by the National Assembly on receipt of an appeal form**

**3.** The National Assembly must, as soon as reasonably practicable after it receives a completed appeal form, send a copy of it to the respondent.

**Response by a respondent to an appeal**

**4.—(1)** The respondent must, within 14 days of receiving from the National Assembly a copy of an appeal form, send to the National Assembly and to the appellant:

- (a) a statement containing an indication as to whether it will oppose the appeal and, if so, its grounds for doing so;
- (b) copies of any relevant correspondence between the appellant and the respondent;
- (c) in the case of an appeal under section 6 of the Act, a copy of an extract showing that part of the provisional map to which it relates;
- (d) copies of any representations made to the respondent by any person other than the appellant in respect of the decision on the part of the respondent to which the appeal relates; and
- (e) any further information required by the National Assembly to be provided.

(2) Where the respondent has complied with the requirements of paragraph (1), the respondent must, before the expiry of the relevant period specified in regulation 5(2), send to the National Assembly and to the appellant:

- (a) a statement confirming whether they will oppose the appeal;
- (b) a statement as to whether they wish to be heard by a person appointed by the National Assembly in connection with the appeal (rather than the appeal be determined on the basis of written representations) and, if so, whether they wish to be heard at a local inquiry or, alternatively, at a hearing; and
- (c) any further information required by the National Assembly to be provided.

**Notifying the parties of the appeal procedure**

**5.—(1)** The National Assembly must, no earlier than the end of the period specified in paragraph (2), give notice to the appellant and to the respondent of the form which the appeal is to take.

(2) Notice under paragraph (1) must not be given before:

- (a) the expiry of 21 days from the date specified in the notice or notices given or published under regulation 6(1)(a) or (b) as being the date by which representations to the National Assembly could be made; or
- (b) in the case of an appeal under section 6 of the Act, the expiry of three months from the date of issue of the provisional map to which the appeal relates,

whichever is the later.

(3) The notice given under paragraph (1) must be dated and must state whether the appeal is to take the form of:

- (a) a local inquiry;
- (b) a hearing; or
- (c) neither (a) nor (b), and will therefore be determined on the basis of written representations.

(4) The date of the notice given under paragraph (1) is the “starting date” for the purposes of these Regulations in relation to the appeal to which it refers and the notice must contain a statement to that effect.

(5) If the appeal is to take the form of a local inquiry, and the National Assembly intends to hold a pre-inquiry meeting, the notice given under paragraph (1) must also comply with the requirements of regulation 18(2)(a).

### **Notice to the public**

6.—(1) The National Assembly must, at the same time as it gives notice to the appellant and to the respondent under regulation 5(1), or as soon as practicable thereafter:

- (a) publish notice of the appeal in at least one daily newspaper circulating throughout that part of Wales which includes the land to which the appeal relates and in such other newspapers or publications circulating in that part of Wales as the National Assembly thinks fit; and
- (b) where practicable, publish notice of the appeal on a web-site maintained by or on behalf of the National Assembly; and
- (c) in the case of an appeal under section 6 of the Act, send notice of the appeal to the organisations listed in Schedule 1 to the Provisional Maps Regulations.

(2) A notice published under paragraph (1)(a) or (b) or sent under paragraph (1)(c) must be dated and must state:

- (a) the name of the appellant;
- (b) sufficient information to identify the land in respect of which the appeal has been brought;
- (c) if the appeal is brought under section 6 of the Act, on which of the grounds specified in section 6(3) it has been brought;
- (d) the reference number allocated to the appeal;
- (e) the starting date;
- (f) the means by which members of the public may inspect, and take a copy of, documents relating to the appeal;
- (g) that representations, which may be made either in the English language or the Welsh language, relating to the appeal may be made in writing or in electronic form to the National Assembly by such date as is specified in the notice, which must not be earlier than 6 weeks after the date on which the notice is published in accordance with paragraph (1) (a) or (b), and that copies of such representations will be provided to the appellant and to the respondent;
- (h) the address to which written communications to the National Assembly are to be sent;

- (i) whether the appeal is to take the form of a local inquiry or a hearing or is to be determined on the basis of written representations;
  - (j) if the appeal is to take the form of a local inquiry, that a person who makes representations in accordance with paragraph (2)(g) will be notified of the date and place of the inquiry and may attend, but will only be permitted to take part in, the inquiry with the permission of the person appointed to conduct it; and
  - (k) if the appeal is to take the form of a hearing, that a person who makes representations in accordance with paragraph (2)(g) will be notified of the date and place of the hearing but will only be permitted to attend and take part in the hearing with the permission of the person appointed to conduct it.
- (3) If the appeal is to take the form of a local inquiry, and the National Assembly intends to hold a pre-inquiry meeting, the notice published under paragraph (1)(a) or (b) or sent under paragraph (1)(c) must also comply with the requirements of regulation 18(2)(b).
- (4) Any notice published or sent in accordance with paragraph (1)(a), (b) or (c) may, in addition to such information as is required to be included in such a notice by this regulation, include such further information as the National Assembly shall think fit.