



COUNTRYSIDE AND RIGHTS OF WAY ACT 2000 - SECTION 38
MARINE AND COASTAL ACCESS ACT 2009 – SCHEDULE 20, PARAGRAPH 4

Appeals against notices issued by Appropriate Authorities (please see the Guide for Appellants (notice appeals) for further information.

WARNING

For appeals against a notice under section 36(3) of the Countryside and Rights of Way Act 2000 we must receive the completed appeal form, plus any enclosures, within the period specified in that notice within which the works specified in that notice are required to be carried out.

For appeals against a notice under section 37(1) of the Countryside and Rights of Way Act 2000 or paragraph 3(3) of Schedule 20 to the Marine and Coastal Access Act 2009 we must receive the completed appeal form, plus any enclosures, within the period specified in that notice after which the appropriate authority intends to carry out the works specified in that notice.

If you need this document in large print, on audio tape, in another language or in Braille, please call
0303 444 5226.

PLEASE PRINT CLEARLY IN CAPITALS USING BLACK INK

A. APPELLANT

Name

Address

Postcode

Daytime Tel

Email

I prefer to be contacted by: Email ☐ Post ☐

B. AGENT: If acting on behalf of the appellant, you will be our main contact on all matters relating to this appeal and we will direct all queries and correspondence to you.

Name

Organisation

Address

Postcode

Daytime Tel

Email

I prefer to be contacted by: Email ☐ Post ☐

C. APPEAL SITE

OS Grid reference e.g. 513129 160125

Address and description of appeal site (e.g. the left hand corner of the dry stone wall separating Black's Moor from Purple Fell, north of Love Lane, Easton):

Postcode of, *or of nearest property to*, the appeal site

Appeals may only be made by an owner or occupier of the land.

What is your/the appellant's interest in the land: Owner ☐ Occupier ☐

If you are the occupier, please state your interest in the land.

D. RELEVANT AUTHORITY WHOSE NOTICE THE APPEAL IS AGAINST

Name of the Relevant Authority

Name of contact within the Relevant Authority

Address

Telephone Number

Reference number of notice issued by Relevant Authority

Proposed date by which the work is to be completed

E. GROUNDS FOR APPEAL. Part 1 – Access Land. Part 2 – Coastal Route.

Please tick ✓ whichever box below applies.

Part 1 – Appeals relating to access land

Appeals are made under section 38 of the Countryside and Rights of Way Act 2000.

A notice has been given under section 36(3) for the failure to remedy a **restriction**

The grounds for this appeal are that:

The notice requires the carrying out of any works which are not necessary for remedying a breach of the agreement ☐

Any of the works have already been carried out ☐

The period specified in the notice as that before the end of which the works must be carried out is too short ☐

A notice has been given under section 37(1) to open up, improve, repair, construct or maintain access to the land

The grounds for this appeal are that:

The notice requires the carrying out of any works which are not necessary for giving the public reasonable access to the access land in question or the works are not necessary for the purposes of the coastal access duty ☐

In the case of works to provide a means of access, that the means of access should be provided elsewhere, or that a different means of access should be provided ☐

Any of the works have already been carried out ☐

Part 2 – Appeals relating to the Coastal Route

A notice has been given under paragraph 3(3) of Schedule 20 to the Marine and Coastal Access Act 2009

The grounds for this appeal are that:

The notice requires the carrying out of any works which it is not necessary to carry out for the purposes of the coastal access duty ☐

Any of the works have already been carried out ☐

The period specified in the notice as the period after which steps are to be taken to carry out the works is too short ☐

F. REASONS FOR APPEAL

Reasons for your appeal (please tell us why you believe the notice given by the Relevant Authority should be modified or cancelled).

Please continue at [section J](#) or on a separate sheet if necessary

G. PROCEDURE

There are 3 possible procedures for the determination of an appeal: - written representations, hearings and inquiries. The Secretary of State will decide which procedure your appeal should follow. The decision will be based upon the criteria below and will also take your preference into account and the view of the Relevant Authority.

Please tick one box only.

I wish my appeal to be decided through the **written representations** procedure ☐

This procedure involves an exchange of the parties' written statements after which, if required, the Inspector will visit the site unaccompanied or accompanied by you and a representative from the Appropriate Authority

I wish to appear and be heard by an Inspector at a **hearing** ☐

This procedure is likely to be suited to cases which require detailed discussion about the merits of a proposal or where questions need to be asked to establish the facts. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. A hearing lets the parties exchange their views in a less formal atmosphere than at an inquiry. Hearings are open to the public and third parties will be heard at the Inspector's discretion. Hearings are not usually suitable for appeals that:

- *are complicated and controversial*
- *have created a lot of local interest*
- *require cross-examination of witnesses*

Please state your reasons for wanting a hearing

I wish to appear and be heard by an Inspector at an **inquiry** ☐

This is the most formal procedure. Although it is not a court of law the proceedings will often seem quite similar, as the parties will usually be legally represented and expert witnesses may be called to give evidence and cross-examination may occur. Inquiries are open to the public.

Please state your reasons for wanting an inquiry

H. SUPPORTING DOCUMENTS

The documents listed below **must** be sent with your appeal form. If we do not receive **all** your appeal documents before the end of the appeal period, we will not deal with it.

Please tick the boxes to show which documents you are enclosing.

1. A copy of the notice given by the Relevant Authority ☐

2. A plan showing the site(s) outlined in red, including two roads clearly named (preferably on a copy of a 1:10,000 Ordnance Survey map, or Natural England's conclusive map, or Natural England's coastal access route) ☐

3. Any relevant correspondence between yourselves and the Relevant Authority ☐

I. CONFIRMATION

DECLARATION

1. I understand that:

- a) The Planning Inspectorate may use the information I have given for official purposes in connection with the processing of my appeal.
- b) Details from this form, including my name, the site description and reasons for making this appeal may appear on the <https://www.gov.uk/> website.

By signing this form I am agreeing to the above use of the information I have provided.

2. I have completed all sections of the form and confirm that the details are correct to the best of my knowledge.

3. I have sent a copy of this form and enclosures to the Relevant Authority.

Signature

Date:

Name (in capitals)

On behalf of (if applicable)

The gathering and subsequent processing of the personal data you give on this form accords with the terms of the Planning Inspectorate's registration under the Data Protection Act 1998. More about the Planning Inspectorate's data protection policy can be found on the GOV.uk website at:

<https://www.gov.uk/government/publications/appeals-casework-portal-documentation>

Please send the completed form and supporting documents to:

Telephone: 0303 444 5226

or e-mail it to: rightsofway2@pins.gsi.gov.uk

1. You must send a copy of this completed form to the Appropriate Authority including copies of any supporting documents you send to us.

2. When we receive your form we will check it against background documents supplied by the Appropriate Authority before telling you whether your appeal is valid.

3. At the end of the appeal process we will send you the Inspector's decision, including the reasoning in writing.

J. SUPPLEMENTARY SHEET

