

ACCESS NEWSLETTER

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Appeals to the Secretary of State under paragraph 4(1) of Schedule 14 to the Wildlife and Countryside Act 1981

Anyone who has made an unsuccessful application to a local highway authority for an order to modify the area's definitive map and statement can appeal the decision. Appeals, which may be made to the Secretary of State under paragraph 4(1) of Schedule 14 to the Wildlife and Countryside Act 1981, will be determined by the Planning Inspectorate.

Defra has completed a review of the Schedule 14 appeal process and issued its findings to the Planning Inspectorate. The key findings of that review are as follows:

- Evidence not previously considered by the local highway authority may now be submitted with an appeal.
- The Inspector, acting on behalf of the Secretary of State, should consider any relevant evidence submitted from interested third parties along with any subsequent comments, made by either or both the appellant and the local authority, on that third party evidence.
- The majority of appeals are still expected to be determined following an exchange of representations without a site visit.
- The Planning Inspectorate may adopt a more formal oral procedure to determine appeals where the Inspector, having reviewed all the evidence submitted, considers that it is necessary to ensure procedural fairness, or where the conflict of evidence cannot be fairly resolved on consideration of the written representations and papers alone.

In light of the outcome of this policy review, the Planning Inspectorate has amended its Schedule 14 appeal guidance which is available at

<http://www.planningportal.gov.uk/planning/countryside/schedule14/schedule14appeal>

If you have any queries about the above, please email us at:
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