
STATUTORY INSTRUMENTS

2010 No. 1976

The Coastal Access Reports (Consideration and Modification Procedure) (England) Regulations 2010

PART 5

HEARINGS AND LOCAL INQUIRIES

Hearings and inquiries: common provisions

Notice of the hearing or inquiry

- 13.**—(1) As soon as possible after the decision to hold a hearing or inquiry, AP must—
- (a) publish notice of the hearing or inquiry in accordance with paragraph (2); and
 - (b) give notice of the hearing or inquiry to the persons specified in paragraph (3).
- (2) The notice must be published—
- (a) in one or more local or regional newspapers circulating in the area to which the relevant report relates;
 - (b) on AP's website; and
 - (c) in any other manner that AP thinks appropriate for drawing the attention of members of the public to the notice.
- (3) The notice must be given to—
- (a) Natural England;
 - (b) the access authority for the area in which relevant land is situated;
 - (c) the person or persons who made the objection;
 - (d) any other person with a relevant interest in relevant land; and
 - (e) any person who has made representations relevant to—
 - (i) the objection,
 - (ii) a modification of the proposals proposed by the objection, or
 - (iii) a relevant alternative modification contained in Natural England's comments on the objection.
- (4) The notice of the hearing or inquiry must—
- (a) specify its date of issue;
 - (b) state that AP intends to determine the objection by way of a hearing or inquiry;
 - (c) state the date, time and place of the hearing or inquiry;
 - (d) give details of the place and times at which documents relating to the hearing or inquiry may be available for inspection; and

- (e) give a brief description of—
 - (i) the relevant report,
 - (ii) the relevant land, and
 - (iii) the objection.

(5) The date fixed for the hearing or inquiry must be not less than six weeks after the date of first publication of the notice of hearing or inquiry on AP’s website.

(6) Subject to paragraph (5), AP may change the date, time or place of the hearing or inquiry, provided that AP gives reasonable notice of the change to those persons to whom notice of the hearing or inquiry was originally given under paragraph (3).

(7) AP is not required to give notice of an adjourned hearing or inquiry if the date, time and place of the adjourned hearing or inquiry are announced at the hearing or inquiry before its adjournment.

(8) In this regulation “the relevant report” means the report to which the objection relates.

Appearances at the hearing or inquiry

14.—(1) Any person to whom notice must be given under paragraph (3) of regulation 13 (notice of the hearing or inquiry) is entitled to appear at the hearing or inquiry.

(2) Any other person may appear at the hearing or inquiry if AP so permits.

(3) Any person appearing at the hearing or inquiry may appear in person or be represented by any other person.

Procedure at the hearing or inquiry

15.—(1) AP is to determine the procedure at the hearing or inquiry.

(2) At the start of the hearing or inquiry, AP must—

- (a) confirm AP’s appointment;
- (b) state AP’s name; and
- (c) identify the following—
 - (i) the issues which AP thinks are the main issues to be considered, and
 - (ii) any matters on which AP requires further explanation from any person appearing at the hearing or inquiry.

(3) But other issues and matters may be considered or referred to, provided that AP thinks them relevant.

(4) AP may proceed with the hearing or inquiry in the absence of any person entitled to appear at it.

(5) Any person who is entitled to appear at the hearing or inquiry may give, or call another person to give, oral evidence.

(6) Where AP thinks that any evidence or matter is irrelevant or repetitious—

- (a) AP may refuse to permit that evidence to be given or that matter to be presented; but
- (b) AP may permit that evidence or matter to be given to AP in writing—
 - (i) before the close of the hearing or inquiry, or
 - (ii) if AP so permits, within a specified time of the close of the hearing or inquiry.

(7) AP may take into account any representation, evidence or other document received by AP before or during the hearing or inquiry, provided that AP discloses it at the hearing or inquiry.

(8) AP may request any person appearing or entitled to appear at the hearing or inquiry to provide AP, within a period of time specified in the request, with any information or documents in that person's possession.

(9) A person receiving such a request must provide the information or documents within the specified period.

(10) AP may consider and determine an objection in the absence of any information or documents which were required to be provided under paragraph (8) but were not so provided.

(11) Where AP thinks that any person appearing or present at the hearing or inquiry is behaving in a disruptive manner, AP may do any of the following—

- (a) require that person to leave;
- (b) refuse to allow that person to return;
- (c) permit that person to return on specified conditions.

(12) AP may adjourn the hearing or inquiry.

(13) The hearing or inquiry may be adjourned to a site which is affected land, and may be concluded at that site, if—

- (a) no reasonable argument against such a course has been put forward by Natural England or by the person or persons who made the objection; and
- (b) AP is satisfied that—
 - (i) the hearing or inquiry would proceed satisfactorily,
 - (ii) no person would be placed at a disadvantage, and
 - (iii) all persons present would have an opportunity to attend the adjourned hearing or inquiry.

Inspection of land

16.—(1) AP may carry out a site inspection of affected land, provided that—

- (a) AP has invited any person entitled or permitted to appear at the hearing or inquiry to be present or be represented at the inspection; and
- (b) AP has given any person who is to be present at the inspection reasonable notice of the date and time of the inspection.

(2) AP may be accompanied at the inspection by any other person AP thinks appropriate.

(3) The inspection does not need to be deferred if a person to whom notice of the inspection was given is not present at the appointed time of the inspection.

Cancellation of the hearing or inquiry

17. AP may give notice cancelling a hearing or inquiry where the objection has been withdrawn before the start of that hearing or inquiry.