
STATUTORY INSTRUMENTS

2014 No. 3038

The Commons Registration (England) Regulations 2014

PART 3

Applications and proposals to amend the Registers

Method of determining applications and proposals

27.—(1) The determining authority must, in determining any application or proposal, take into account—

- (a) the contents of the application or proposal, and any material accompanying it;
- (b) in the case of an application, any further information or evidence provided by the applicant in accordance with a direction under regulation 20(2) or 26(5)(b);
- (c) any written representations made by any person in accordance with regulation 25, or in accordance with an invitation under paragraph (4);
- (d) any oral representations made by any person in accordance with paragraph (7);
- (e) the findings made at a site inspection, if any; and
- (f) where a public inquiry or a hearing has been held by an inspector—
 - (i) the evidence presented at the inquiry or hearing (if the determination is being made by the inspector who heard the evidence); or
 - (ii) the report and recommendation of the inspector (if the determination is not being made by the inspector).

(2) The determining authority may decide that a public inquiry is to be held in relation to any application or proposal.

(3) Where the Planning Inspectorate is the determining authority, it may decide that a hearing in accordance with regulation 32 is to be held in relation to any application or proposal.

(4) The determining authority may, if it thinks it necessary to enable an application or proposal to be determined, invite further written representations about any specified matter from—

- (a) the applicant, in the case of an application;
- (b) the registration authority, in the case of a proposal;
- (c) a person who has made representations in accordance with regulation 25; or
- (d) any other person;

and may specify the time within which any such further representations must be made.

(5) Representations made pursuant to an invitation under paragraph (4) must be signed by the person making them.

(6) Paragraph (7) applies in relation to any application or proposal which the determining authority decides to determine without holding a public inquiry or (where the Planning Inspectorate is the determining authority) a hearing in accordance with regulation 32.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (7) The determining authority—
- (a) may not refuse an application without first offering the applicant an opportunity to make oral representations; and
 - (b) may not grant or refuse an application or proposal without first offering any person (other than the applicant) for whom the grant or refusal (as the case may be) would represent a determination of that person's civil rights an opportunity to make oral representations.