
STATUTORY INSTRUMENTS

2024 No. 45

The Biodiversity Gain Site Register Regulations 2024

PART 9

Appeals

Determination of appeal against rejection of an application

31.—(1) This regulation applies to an appeal under regulation 30(1), (2), (3) or (6) against a decision of the register operator to reject an application.

(2) Where, on an appeal to which this regulation applies, the First-tier Tribunal is satisfied that any of the grounds in paragraph (4) applies, it must quash the register operator's decision to reject the application and—

- (a) direct the register operator to accept the application, or
- (b) direct the register operator to reconsider the application under regulation 9, 14, 18 or 25 (as the case may be) in accordance with its ruling.

(3) Where, on an appeal to which this regulation applies, the First-tier Tribunal is not satisfied that any of the grounds in paragraph (4) applies, it must confirm the register operator's decision to reject the application.

(4) The grounds referred to in paragraphs (2) and (3) are—

- (a) that the register operator's decision to reject the application was based, wholly or partly, on an error of fact;
- (b) that the register operator's decision to reject the application was wrong in law;
- (c) where the decision to reject the application was made under regulation 9(10), 14(10), 18(8) or 25(10), that the register operator's decision to reject the application was unfair or unreasonable for any other reason;
- (d) that any decision of the register operator not to exercise its power under regulation 9(6), 14(6), 18(6), or 25(6) (as the case may be), and to reject the application as a result, was unfair or unreasonable for any other reason.