



The Planning Inspectorate

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Date received

Planning (Hazardous Substances) Act 1990 Planning (Hazardous Substances) Regulations 1992

APPEAL FORM

If you need this document in large print, on audio tape, in Braille or in another language, please contact our diversity helpline on 0117 372 8939

The appeal must reach the Inspectorate within **6 months** of the date of the Notice of the Hazardous Substances Authority's (HSA) decision, or within **6 months** of the date by which they should have decided the application.

A. INFORMATION ABOUT THE APPELLANT(S)

Full name(s)

Address.

Postcode

Daytime Telephone Number

Reference

E-mail

Agent's name (if any)

Address

Postcode

Daytime Telephone Number

Reference

E-mail

B. DETAILS OF THE APPEAL

Name of Hazardous Substances Authority

Address of the Site

National Grid Reference (see OS map for instructions eg TQ: 298407)

C. THE APPEAL

This appeal is against the decision of the HSA to: (please tick)

- *refuse/grant subject to conditions a hazardous substances consent
- *refuse to remove/vary condition(s) attached to a previous grant of hazardous substances consent
- refusing to give any consent, agreement or approval required by a condition attached to a previous grant of hazardous substances consent
- refuse a continuation of hazardous substances consent applied for under Section 17

OR

- the failure of the HSA to give notice of their decision within the appropriate period on an application for permission or approval.

* delete as necessary.

Date of application

Date of HSA decision (if any)

HSA reference (if known)

D. SUPPORTING DOCUMENTS

● You must enclose a copy of each of the following with the appeal form:

- the application made to the HSA;
- the HSA's decision (if any)
- the notice and appropriate certificate provided to the HSA in accordance with Regulation 6 of the 1992 Regulations;
- the certificate submitted to the HSA in accordance with Regulation 7;
- the appropriate Regulation 13 certificate for this appeal. You should also enclose a copy of the Notice if you have completed certificate B or C. (See ANNEX A.) Please tick a box to show which certificate you have enclosed.

A

B

C

D

Notice

- each of the plans, drawings and documents sent to the HSA as part of the application they considered;
- all other relevant correspondence with the HSA;
- a plan showing the site, marked in RED, in relation to two named roads (preferably on an extract from the relevant 1:10,000 OS Map).

● You should also enclose copies of the following, if appropriate:

any other plans, drawings and documents sent to the HSA but which did not form part of the application (eg drawings for illustrative purposes;

any additional plans or drawings relating to the application but not previously seen by the HSA. Number them clearly and note the numbers here:

E. PROCEDURE

CHOOSE ONE PROCEDURE ONLY

Please tick

● **Written Representations**

This is normally the simplest, quickest and most straightforward way of making an appeal. The process involves the submission of written 'grounds of appeal' followed by a written statement and any supporting documents. It also provides an opportunity to comment in writing on the HSA's reason for their decision (or failing to determine the application). An Inspector will study all of the documents before visiting the appeal site and issuing a written decision.

Although you may request the written procedure, the Inspectorate will consider whether it is suitable for your appeal.

● **Inquiry**

This process is suited to more complicated cases which require detailed discussion about the issues of the case. Like the written procedure, the process starts with the submission of the 'grounds of appeal' followed by a full written statement. Although an inquiry is not a court of law, the procedures will be similar as the parties will often be legally represented and expect witnesses may be called to give evidence. Members of the public and the press may also attend.

GROUND OFS OF APPEAL

If you have agreed to the written procedure you **must** make your **FULL STATEMENT OF CASE** here. If you have not agreed to the written procedure, you should give a brief outline of your case.

Continuation sheet overleaf
Continuation sheet

Continue on a separate sheet if necessary.

COMPLETE AND SIGN THE DECLARATION BELOW

I confirm that a copy of each of the supporting documents indicated above is enclosed and that the relevant plans have been clearly marked.

I also confirm that a copy of this appeal and any supporting documents not previously seen by the HSA has been sent to them.

Signed _____ (on behalf of)

Position (if signing on behalf of a Company)

Name (in capitals) _____ Date _____

Now check that you have:

- completed the form;
- enclosed the supporting documents;
- set out above your grounds of appeal.

Send your appeal form with all the supporting documents to:

ENGLAND

The Planning Inspectorate
Room 4/04 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

WALES

The Planning Inspectorate
Crown Buildings
Cathays Park
Cardiff CF1 3NQ

A copy of the appeal form and grounds of appeal MUST be sent to the HSA at the address from which the decision on the application (or any acknowledgements etc) was received.

The Planning Inspectorate is registered under the Data Protection Act to hold personal data supplied by you.

CERTIFICATES TO BE SUPPLIED UNDER REGULATION 13

In making an appeal, you will need to complete a fresh certificate relating to ownership, as the position may have changed since the application was made. The notice to be served on an owner is attached together with the certificates (A) to (D). **Only ONE** of the certificates (A) to (D) will meet the circumstances of the case and will need to be completed.

‘Owner’ means a person having a freehold interest or a tenancy the unexpired term of which is not less than 7 years.

- If you are **the sole owner** of all the land to which the appeal relates, please complete and return **certificate A**.
- If you are **not the sole owner of all the land**, one of the following courses should be taken:
 - if the names and addresses of **all** the owners (or other owners, if you own part of the land) are known, you should give them notice in the form shown in the attached NOTICE OF APPEAL UNDER REGULATION 13(5). Please complete and return **certificate B**, together with a copy of the Notice under Regulation 13(5).
 - if the names and addresses of some, but **not all** of the owners are known, you should complete and return **certificate C**, together with a copy of the Notice under Regulation 13(5).
 - if the names and addresses of none of the owners of the land are known, please complete **certificate D**.

Where you have to give notice to owners, and their names and addresses are known, the Notice can be served by handing it to them personally, leaving it at their address, or sending it by registered post or recorded delivery service. If the notice has to be served on a company or other incorporated body, it must be addressed to the company secretary or clerk at their registered or principle office, by any of the three methods above.

Any person who knowingly or recklessly issues a certificate which contains any statement which is false or misleading in a material particular is liable on conviction to a fine.

**THE PLANNING (HAZARDOUS SUBSTANCES) ACT 1990
THE PLANNING (HAZARDOUS SUBSTANCES) REGULATIONS 1992
NOTICE OF APPEAL UNDER REGULATION 13(5)**

Notice to be served on an owner ('owner') means a person having a freehold interest or a tenancy, the expired term of which is not less than 7 years).

I give notice that

(a).....

having applied to the (b).....

for Hazardous Substances Consent/the continuation of Hazardous Substances Consent* to

(c).....

.....

.....

at (d).....

.....

is appealing to the Secretary of State for Communities and Local Government

* against the decision of (b).....

* or the failure of (b) to give notice of decision.

If you wish to make representations about this appeal, please write to the Planning Inspectorate, Room 4/04 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, **within 21 days of the date of service of this notice.**

Signed

* on behalf of

Date

* delete as appropriate

NOTES

- a. appellant's name
- b. name of HSA to whom the application was made
- c. brief details of the consent being sought
- d. address or location of the application site

**THE PLANNING (HAZARDOUS SUBSTANCES) ACT 1990
THE PLANNING (HAZARDOUS SUBSTANCES) REGULATIONS 1992
CERTIFICATE UNDER REGULATION 13(4)**

CERTIFICATE A

I certify that:

At the beginning of the period of 21 days ending with the date of the accompanying appeal, no one, except the appellant, was the owner (a) of any part of the land to which the appeal relates.

Signed

***on behalf of**

Date

*** Delete as appropriate**

NOTE

(a) 'owner' means a person having a freehold interest or a tenancy, the unexpired term of which is not less than 7 years.

**THE PLANNING (HAZARDOUS SUBSTANCES) ACT 1990
THE PLANNING (HAZARDOUS SUBSTANCES) REGULATIONS 1992
CERTIFICATE UNDER REGULATION 13(4)**

CERTIFICATE B

I certify that:

I have/The appellant has* given the required notice to everyone else who, at the beginning of the period of 21 days ending with the date of the accompanying appeal, was the owner (a) of any part of the land to which the appeal relates, as listed below.

Name of Owner(s) and address on which notice served:

.....
.....
.....
.....
.....
.....

Date on which notice served:

Signed

*on behalf of

Date

*delete as appropriate

NOTE (a) 'owner' means a person having a freehold interest or a tenancy, the unexpired term of which is not less than 7 years.

**THE PLANNING (HAZARDOUS SUBSTANCES) ACT 1990
THE PLANNING (HAZARDOUS SUBSTANCES) REGULATIONS 1992
CERTIFICATE UNDER REGULATION 13(4)**

CERTIFICATE C

I certify that:

I/The appellant* cannot issue a Certificate A or B in respect of the accompanying appeal.

I have/The appellant has* given the required notice to the persons specified below, being persons who at the beginning of the period of 21 days ending with the date of the appeal, were owner(s) of any part of the land to which the appeal relates.

Name(s) of Owner(s) and address at which the notice was served:

.....
.....
.....
.....
.....

Date on which notice was served:

I have/The appellant has* taken all reasonable steps open to me/him/her* to find out the names and addresses of other owners (a) of the land, or of a part of it, but have/has* been unable to do so. These steps were as follows (b) :

.....
.....

Signed:.....

* On behalf of: Date:

* delete as appropriate

NOTES

- (a) 'owner' means a person having a freehold interest or a tenancy the unexpired term of which is not less than 7 years.
- (b) Insert description of steps taken.

**THE PLANNING (HAZARDOUS SUBSTANCES) ACT 1990
THE PLANNING (HAZARDOUS SUBSTANCES) REGULATIONS 1992
CERTIFICATE UNDER REGULATION 13(4)**

CERTIFICATE D

I certify that:

I/The appellant* cannot issue a Certificate A in respect of the accompanying appeal.

I/The appellant have/has taken all reasonable steps open to me/him/her* to find out the names and addresses of everyone else who, at the beginning of the period of 21 days ending with the date of the appeal, were owners (a) of any part of the land to which the appeal relates, but have/has* been unable to do so. These steps were as follows:

(b).....
.....
.....
.....
.....

Signed

* on behalf of

Date

*delete where appropriate

NOTES

- (a) 'owner' means a person having a freehold interest or a tenancy, the unexpired term of which is not less than 7 years.
- (b) insert description of the steps taken.