

For official use only
Date received:
Ref. no. APP/

Appeal to the National Assembly for Wales in respect of a certificate of appropriate alternative development under section 17 of the Act

Important — please see the Notes on page 6, particularly about time limits for appeals

DATA PROTECTION ACT: the Planning Inspectorate is registered under the Data Protection Act 1984 to hold personal data supplied by you.

1. Appellant's details

Full name(s)

Address

..... Post Code Telephone Number

Fax number e-mail Reference number

Are you a) the landowner or b) the acquiring authority ? *(Please tick)*

If you are the owner, are you the freeholder or the leaseholder ? *(Please tick)*

Name and address of agent or professional representative to whom letters should be sent

.....

Post Code Telephone Number

Fax number e-mail Reference number

2. Details of the other party directly involved in the acquisition *(This will always be either the landowner or the acquiring authority)*

Full name(s)

Address

..... Post Code Telephone Number

Fax number e-mail Reference number

Is this a) the landowner or b) the acquiring authority ? *(Please tick)*

Name and address of agent or professional representative of other party

.....

..... Post Code Telephone Number

Fax number e-mail Reference number

3. Details of the application

Name and address of local planning authority, contact name and telephone number
.....
.....

Name of applicant (if different from appellant)

Address of site and its area in hectares

How is the land being acquired? (Please tick and supply other requested details)

(a) Compulsory purchase order If you have ticked this box, please give the name of the order

.....
(b) By agreement

(c) Compulsory acquisition by private or hybrid Parliamentary Bill If you have ticked this box, please give the name of the Bill

.....
(d) By blight notice

(e) By purchase notice

Date of acquiring authority's intention to purchase land

(A. For most compulsory purchase orders, this is the date of the notice that the order has been made. But if the acquiring authority is a Government Department or Agency, this is the date of the notice that the draft order has been made.

B. Where acquisition is by agreement, this is the date of the acquiring authority's initial written offer to negotiate purchase.

C. For acquisition by Parliamentary Bill, this is the date of the notice published and served in accordance with the relevant Standing Order of Parliament.

*D. In the case of blight notices, this depends on whether the notice was opposed. If the notice was **unopposed** (that is, the authority did not serve a counter-notice objecting to the blight notice) the date is two months after service of the notice. If the notice was **opposed** and then decided by the Lands Tribunal in favour of the server, the date is the one specified as the deemed notice to treat date in the direction of the Tribunal.*

*E. For purchase notices, this depends on whether the notice was accepted locally or referred to the National Assembly. So this **either** the date the notice is accepted by the local planning authority or another council or statutory undertakers, **or** the date of confirmation by the National Assembly.)*

Date and reference number of application

Date of decision (if any)

Give the class(es) of development specified in the application and the time when you consider that planning permission would have been granted (continue on a separate sheet if necessary)

.....
.....

4. Supporting documents

4.1. You **must** supply one copy of the following, either with this form or no later than one month from the date you gave notice of this appeal (notice is either the date we receive this form or the date of an earlier letter from you giving notice). We can give an extension of time if you have a good case, **but we can only do this before the expiry of the month**. If you do not meet this requirement, which is **statutory**, your appeal is deemed to have been withdrawn. Please tick the relevant boxes:

- the application to the local planning authority, including the map or plan that accompanied it;
- the certificate (if any) issued by the local planning authority;
- a statement of the grounds of appeal (see page 5 of this form).

4.2. We also need one copy of the following to check the validity of your appeal:

- the statement specifying the date on which a copy of the application was served on the other party directly concerned (*this only applies if you made the application*);
- the acquiring authority's notice of intention to purchase of the land — *we mean by this either*
 - ? *in the case of compulsory acquisition by a public authority (such as a local authority or statutory undertaker) notice of the making of the compulsory purchase order; or*
 - ? *in the case of compulsory acquisition by a government department, notice of the publication of the draft compulsory purchase order; or*
 - ? *notice of the acceptance or confirmation of a purchase notice or blight notice; or*
 - ? *the initial written offer to negotiate acquisition by agreement;*
- any plan that accompanied the acquiring authority's notice of intention to purchase of the land
- a plan showing the appeal site;
- copies of any other relevant correspondence.

5. The appeal

* Delete as appropriate

5.1. *I/we appeal to the National Assembly for Wales under section 18 of the Land Compensation Act 1961 against

(A) the certificate issued by the local planning authority under section *17(4)(a)/17(4)(b) of the Act on and received by *me/us on

(B) (*where the authority has not issued a decision*) the certificate under section 17(4)(b) of the Act that is deemed to have been issued by the local planning authority.

5.2. *I/we

(C) enclose all the items in Section 4.1 of this form.

(D) cannot at present supply the documents that *I/we have not ticked in Section 4.1 above but will do so within the statutory period of one month from today. ***I/we understand that if *I/we do not supply the missing documents within this period, my/our appeal will be treated as withdrawn**, as provided by article 4(4) of the Land Compensation Development Order 1974.

(E) cannot at present supply the documents not ticked in Section 4.1 above and will not be able to do so within one month as specified in article 4(3). The reason for the delay is

*I/we hereby apply to the National Assembly for Wales under article 4(3) for an extension of time of months until
*I/we understand that if *I/we do not supply the missing information within this extended period, my/our appeal will be treated as withdrawn as provided by article 4(4) of the Order, unless the National Assembly for Wales grants a further extension of time **before** the expiry of the first extension.

5.3. *I/we

(F) enclose all the documents in Section 4.2 of this form.

(G) cannot at present supply the documents not ticked in Section 4.2 of this form but will do so within one month from today. *I/we understand that the appeal cannot be processed until these documents have been provided.

Signature(s) (on behalf of)

Name (BLOCK LETTERS) Date

6. Choice of procedure

Please tick the relevant boxes.

Written representations

The whole site can clearly be seen from a road or other public land.

The site cannot be adequately seen unless the Inspector enters private land

Inquiry Please give reasons why an inquiry is necessary

.....
.....

7. Grounds of Appeal (continue on a separate sheet if necessary)

.....

8. Checking and dispatching

Now check that you have

- | completed the whole form
- | put in all the enclosures you have ticked in Section 4 of the form
- | stated the full grounds of appeal on page 4

Then send:

1st COPY to
The Planning Inspectorate
Crown Buildings
Cathays Park
CARDIFF,
CF10 3NQ
FAX - 02920 825150
☎ - 02920 825155

2nd COPY to the other party directly concerned with the acquisition (landowner or acquiring authority)

3rd COPY to the local planning authority who issued (or should have issued) the certificate.

4th COPY for you to keep.

NOTES

About us

1. We are part of the National Assembly for Wales (The Assembly) and Office of the Deputy Prime Minister (ODPM). From our office in Cardiff, we arrange inquiries and site visits into many different kinds of appeals.
2. Planning Inspectors have different backgrounds. These include town planning, surveying, engineering, architecture and law. We choose Inspectors very carefully and train them thoroughly. They generally work from home. For some very complex inquiries, we may appoint an assessor to assist the Inspector on special aspects of the application (for example, noise or pollution).
3. We have to do a certain amount of administrative work before inquiries and site visits. This is dealt with by case officers. We always give their names, telephone and fax numbers. And we do not change the case officer allocated to a particular appeal unless we are forced to (for example, through illness), you will normally benefit from a single contact point throughout the course of an appeal.

Inquiries

4. The appellant and the other party directly concerned with the acquisition¹ have a right to appear before, and be heard by, an Inspector before the National Assembly decides the appeal.² Where you or the other directly concerned party exercise this right, we arrange an inquiry. This is always held in public. After the inquiry, the Inspector reports with his or her conclusions and recommendation to the National Assembly. The report is made available with the decision.
5. The local planning authority does not have a right to be heard, unless they are also the acquiring authority.
6. The National Assembly has the power to hold an inquiry³ even if nobody has asked for one. Of course we always listen very carefully to what the parties tell us. But if an appeal is complex and can only be adequately and fairly dealt with at an inquiry, we may occasionally exercise this power on behalf of the National Assembly.

Written representations

7. Wherever possible, with the agreement of the parties, we do not hold an inquiry. Instead the National Assembly decides the appeal on the basis of an exchange of written statements by the parties and a site visit by an Inspector. His or her report is made available just as if an inquiry had been held. For the more straightforward appeals, this procedure normally leads to a quicker decision.

¹ The parties directly concerned are the landowner and the acquiring authority.

² Section 18(3) of the Land Compensation Act 1961.

³ Section 37 of the Land Compensation Act 1961.

Time limits for making appeals and supplying certain information

8. You **must** give written notice of an appeal under section 18 within a specified time⁴. This is -
- ∴ within one month of receiving the certificate from the local planning authority;
 - ∴ if no certificate has been issued, within one month of the date when the local planning authority should have issued it (*the authority should have issued a certificate within two months from the date they received the application, unless you and the other directly concerned party have agreed a longer period with them*).

The National Assembly has **no** power to extend the time for giving notice of an appeal under section 18.

9. After you have given notice of appeal you have a further month to submit a copy of the application to the local planning authority, the certificate issued by them (if any) and the statement of your grounds of appeal. The law provides that your appeal is deemed to be withdrawn if you do not provide these documents in time. Although the National Assembly has power to extend this time, you must obtain its consent (from us) **before** the period has expired. Of course, your appeal can be processed faster if all documentation and information is provided with the notice of appeal, but we recognise that this is not always possible (particularly if you are the landowner). The local planning authority should be able to help in cases of difficulty.

Informing the other party directly involved and the local planning authority

10. You must copy your appeal to the other party directly concerned and the local planning authority.

⁴ Article 4 of the Land Compensation Development Order 1974.