

The Planning Inspectorate



WATER RESOURCES ACT 1991 - SECTION 43 WATER RESOURCES (LICENCES) REGULATIONS 1965

NOTICE OF APPEAL TO THE NATIONAL ASSEMBLY FOR WALES

The appeal must reach the Inspectorate within **1 month** of the date of the Notice of the Environment Agency's (EA) decision, or within **1 month** of the date by which they should have decided the application.

A. INFORMATION ABOUT THE APPELLANT(S)

Full name:

Address:

.....

Postcode: Daytime Telephone number: Reference:

Agent's name (if any):

Address:

.....

Postcode: Daytime Telephone number: Reference:

B. DETAILS OF THE APPEAL

Environment Agency Region:

Address of the Site:

.....

.....

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

Date and reference number of the application to the Environment Agency:

Date of Environment Agency's notice of decision (if any):

C. THE APPEAL

THIS APPEAL IS AGAINST the decision of the Environment Agency under the Water Resources (Licences) Regulations 1965 and Sections 38-40 of the Water Resources Act 1991:-

- * to refuse a licence to abstract and/or impound water as described.
- * to grant a licence subject to conditions as described. Or:
- * the failure of the EA to give notice of their decision in respect of the application, or of the reference of the application to the National Assembly for Wales for the Environment within the appropriate period specified in Article 10(4) of the regulations of 1965.

* delete as appropriate

D. PROCEDURE

Do you wish to appear before and be heard by an Inspector? (ie Inquiry or Hearing)
or do you agree to the written procedure? (ie an exchange of written statements with the EA and a visit to the site by an Inspector). **SEE NOTES**. Please indicate below -

* Inquiry / * Hearing / * Written Representations (* delete as appropriate).

E. SUPPORTING DOCUMENTS

A copy of each of the following should be enclosed with this form:

1. The application submitted to the EA;
2. Plans, drawings and documents forming part of the application submitted to the EA;
3. The EA's decision notice (if any); or licence (if applicable);
4. Other relevant correspondence with the EA;
5. A Plan showing the site in **RED**, in relation to two named roads (preferably on a 1:10,000 OS map).

PLEASE SIGN BELOW

Signed: Date:

Name (in capitals):

Position (if signing on behalf of a Company):

F. CHECKLIST

1. Is the form signed and fully completed? **Yes/No**
2. Are all the relevant documents listed in Section E enclosed? **Yes/No**
If **No**, what is missing?

.....

3. Are the full grounds of appeal set out in Section G? **Yes/No**

4. Send your appeal forms with all the supporting documents to:-

The Planning Inspectorate
Crown Buildings
Cathays Park
Cardiff CF10 3NQ

A copy of the appeal form MUST be sent to the Environment Agency at the address from which the decision on the application (or any acknowledgements etc) were received.

G. GROUNDS OF APPEAL

The space below is provided for the appellant to give a statement of the grounds on which the appeal is made.
Continue overleaf if needed.

Grounds of Appeal Continued:

NOTES

(i) The appellant has the right under section 44(2) of the Water Resources Act 1991 to demand the opportunity of appearing before and being heard by a person instructed by the National Assembly for Wales for the purpose. It is the National Assembly's usual practice to send an Inspector to hold a local inquiry or hearing and report to him on the matter at issue.

In some cases the National Assembly for Wales may consider it possible with the agreement of the parties, to dispense with an inquiry or hearing and decide the appeal on the basis of written statements submitted by the parties. The National Assembly will suggest this course to the parties in any case where it appears to him to be suitable.

(ii) Inspectors sent to hold inquiries/hearings are qualified persons, and it is their duty to ascertain, from the representations put forward by the parties and by their personal inspection, all the relevant facts in order to ensure a fair and impartial decision. All representations are carefully considered and receive full attention whoever is the spokesman. The National Assembly for Wales considers, therefore, that there is generally no necessity for either party to incur heavy costs in presenting their case at inquiries or hearings.

(iii) The period allowed to the Agency for giving notice to the applicant of their decision or of the reference to the application to the National Assembly for Wales is three months from the date of receipt of the application. This period may be extended by agreement in writing between the applicant and the Agency.

(iv) The National Assembly for Wales has powers under section 44(1) of the Act of 1991 to "reverse or vary any part of the decision of the Agency, whether the appeal relates to that part thereof or not, and may deal with the application as if it had been made to him in the first instance".

