

DEVELOPMENT APPEALS TRIBUNAL

For Office Use Only
Date Recd

NOTICE OF APPEAL

Before completing this form please read the attached Guidance notes.

Please use a separate form for each appeal.

Your appeal and supporting documentation must reach the Secretary of the Development and Planning Commission (DPC) within 28 days from the date you are notified in writing of the DPC's decision.

Please print clearly in capitals using black ink

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

| | | | |
|---------|----------------------|----------------|----------------------|
| Name | <input type="text"/> | | |
| Address | <input type="text"/> | Daytime Tel No | <input type="text"/> |
| | <input type="text"/> | Fax No | <input type="text"/> |

B. AGENT DETAILS FOR THE APPEAL (IF ANY)

| | | | |
|---------|----------------------|----------------|----------------------|
| Name | <input type="text"/> | | |
| Address | <input type="text"/> | Daytime Tel No | <input type="text"/> |
| | <input type="text"/> | Fax No | <input type="text"/> |

C. APPLICATION DETAILS

| | | | |
|--------------------------|----------------------|------------------------|----------------------|
| Application reference no | <input type="text"/> | Date of DPC's decision | <input type="text"/> |
|--------------------------|----------------------|------------------------|----------------------|

D. APPEAL SITE ADDRESS

| | |
|---------|----------------------|
| Address | <input type="text"/> |
| | <input type="text"/> |

E. DESCRIPTION OF THE PROPOSED DEVELOPMENT

Please describe the proposed development

F REASON FOR THE APPEAL

This appeal is against the decision of the DPC to:

Please tick **one** box only

- 1 Refuse permission for the development described on the application form.
- 2 Grant permission for the development subject to conditions to which you object.

G CHOICE OF PROCEDURE

Choose **one** procedure only (Refer to the attached Guidance Notes)

Please tick one box only

- Written representations
- Hearing

H. GROUNDS OF APPEAL

Please state your full grounds of appeal.
Please continue on a separate sheet if necessary.

I APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s). We also need to be sure that any other owner knows that you have made an appeal. YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES. Please read the attached Guidance Notes if in doubt.

If you are the sole owner of the whole of the site, certificate A will apply: Please tick **one** box only

CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner of any part of the land to which the appeal relates:

OR

CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice (see Guidance Notes) to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:

| Owner's Name | Address at which the notice was served | Date the notice was served |
|----------------------|--|----------------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

CERTIFICATES C and D

If you do not know who owns all or part of the appeal site, complete either certificate C or certificate D enclosed with the accompanying Guidance Notes and attach it to the appeal form.

J NOTIFICATION OF OTHER INTERESTED PARTIES

If Section 19 of the Town Planning Ordinance applies to your proposed development you will normally have had to publish a notice of your application and place a notice on the site at the time of the submission of the original application. any person who made representations as a result, copies of which would have been served on you at the time, must be served with a copy of your Notice of Appeal.

Is your proposed development classified as a section 19 development? Yes No

If 'No' go to section K.

If 'Yes' complete the box below giving details of all persons served with a copy of your Notice of Appeal.

| Name | Address |
|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> |

Continue on a separate sheet if necessary

K ESSENTIAL SUPPORTING DOCUMENTS

The following documents must be sent with your appeal form. Please tick the boxes to show the documents included.

- 1 A copy of the original planning application.
- 2 A copy of the certificate provided with the original application in accordance with Section 21 of the Town Planning ordinance.
- 3 A copy of the DPC's decision notice.
- 4 A list (stating drawing numbers) and copies of all plans, drawings and documents sent to the DPC in connection with the application.
- 5 Copies of all correspondence with the DPC relating to the application.
- 6 A copy (if relevant) of the certificate and notices provided to the DPC with the original application in accordance with Section 19 of the Town Planning Ordinance.
- 7 A copy (if relevant) of any Environmental Statement plus certificates and notices relating to publicity.

L PLEASE SIGN BELOW

(signed forms together with all supporting documents must be received by us within the 28 day time limit).

- 1 I confirm that I have sent a copy of this appeal form to all those persons listed in Section J.
- 2 I confirm that all sections have been fully completed and that the details of the ownership (section I) are correct to the best of my knowledge.

Signature On behalf of

Name (in capitals) Date

NOW SEND

- **2 COPIES** to us at:

The Secretary
Development and Planning Commission
Suite 631
Europort
Gibraltar

1 COPY for you to keep.

GUIDANCE NOTES FOR COMPLETION OF NOTICE OF APPEAL FORM

Please read these notes carefully before completing your appeal form.

Attached at the end of these notes are :

1. Certificate under Section 21 (1) (c) or (d)
2. Form S21(A)/1
3. Form S21(B)/1

We must receive your appeal and all supporting documentation within 28 days of the Development and Planning Commission's (DPC) written notification of its decision.

| | |
|--|---|
| <p>Section of Notice of Appeal form to which the notes refer</p> | |
| <p>B</p> | <p>Agent details</p> <p>An appellant may, if he so wishes, employ an agent to act on his behalf. If this is the case his details must be provided in this section. Where an agent is employed all correspondence shall be addressed to him.</p> |
| <p>G</p> | <p>Choice of procedure</p> <p>Both the appellant and the DPC have the right to appear before the Tribunal. However, if both parties are in agreement the appeal can be determined by the Tribunal on the basis of the written evidence submitted by both parties without the need for either party to appear before the Tribunal. You should therefore indicate on your appeal form whether you wish your appeal to be in the form of 'Written Representations' (written evidence only) or whether you wish your appeal to be concluded by a 'Hearing'. In the latter case you will still need to provide your full written grounds of appeal in section H of the form.</p> <p>The Tribunal has adopted the following procedure for determining appeals:</p> <ol style="list-style-type: none"> 1. The appellant submits the Notice of Appeal and all supporting documentation to the Secretary of the Development and Planning Commission. 2. The Secretary of the Development and Planning Commission, having checked that all the necessary information has been submitted will then forward a copy to the Secretary of the Development Appeals Tribunal. The Secretary of The Development and Planning Commission shall advise the appellant when this has been done. Thereafter, all correspondence, from either party, relating to the appeal is addressed to the Secretary of the Development Appeals Tribunal. 3. The Development and Planning Commission, once it has considered the Notice of Appeal shall prepare its response (if necessary) and forward this to the Secretary to DAT. If the Commission does not intend to submit a response it shall advise the Secretary to the DAT accordingly. |

| | |
|----------|---|
| | <p>4. On receipt of the DPC's response the Secretary of DAT shall forward a copy to the appellant who will have the opportunity to submit further comments in response if he so desires. At this time the appellant shall be reminded of the option to request a hearing (if he has not already opted for this). A copy of any such further comments will be forwarded to the Secretary to DPC. If the appellant does not wish to make any further comments he must advise the Secretary to DAT accordingly.</p> <p>5. In the case of the Written Representations procedure the DAT will consider the written evidence before them and determine the appeal.</p> <p>6. In the case of a Hearing, the DAT shall convene a date for a hearing and both parties shall attend to present their cases. The DAT will then consider all written and oral evidence and determine the appeal.</p> |
| H | <p>Grounds of appeal</p> <p>Please state clearly and concisely <u>all</u> the grounds of appeal.</p> |
| I | <p>Ownership Certificates</p> <p>The appellant must serve notice on all the owners of the land. You must also provide us with a certificate to show that you have done this. A copy of certificates A & B are incorporated into the appeal form. Others are attached to these notes.</p> <p><u>Choosing the correct certificate</u></p> <p>You must complete only one of certificates A, B, C or D. Certificates A & B are incorporated into the appeal form. Certificates C & D are attached.</p> <p>Certificate A Complete this if you are the <u>sole</u> owner of all the land involved in the appeal; if you are not the sole owner of all the land involved in the appeal one of the following will apply:-</p> <p>Certificate B Complete this if you know the names of and addresses of all the owners of the land involved in the appeal. You must also complete Form S21A/1 attached to these notes and serve copies on all the owners.</p> <p>Certificate C Complete this if you know the names of <u>some</u>, but not all of the owners of the land involved in the appeal. You must also complete Form S21A/1 attached to these notes and serve copies on those owners you do know the name and addresses of, and you must also complete Form S21B/1 attached to these notes and publish it in the Gazette and in one daily and one weekly local newspaper. You must send copies of all the published notices to us with your appeal form.</p> <p>Certificate D Complete this if you do not know the names and addresses of the owners of the land involved in the appeal. You must also complete Form S21B/1 attached to these notes and publish it in the Gazette and in one daily and one weekly local newspaper. You must send copies of all the published notices to</p> |

| | |
|----------|--|
| | us with your appeal form. |
| J | <p>Notification of interested parties</p> <p>Section 19 of the Town Planning Act sets out various public participation requirements for certain types of development. If the original application was subject to these requirements and as a result any person made a representation in relation to the original application (a copy of which would have been served on you at the time) you must serve a copy of your notice of appeal on that person(s). You are only required to serve a copy of the <u>Notice of appeal form</u> and not all the supporting documentation that is required in section k of the form.</p> |

If you need further advice or guidance please contact:

The Secretary
Development and Planning Commission
Suite 631
Europort
Gibraltar

Tel: 20075483
Fax: 20074086

The Secretary
Development Appeals Tribunal
Ministry of Health, Care and Justice
HM Government of Gibraltar
Zone 1, Level 7
St Bernard's Hospital
Harbour Views Road
Gibraltar
GX11 1AA

Tel: 20078640
Email: simon.galliano@gibraltar.gov.gi

TOWN PLANNING ACT

CERTIFICATE UNDER SECTION 21 (1) (c) or (d)

(APPEALS)

CERTIFICATE C

I certify that:

- I/The appellant* cannot issue a certificate in accordance with either paragraph (a) or paragraph (b) of Section 21(1) of the Act in respect of the accompanying appeal.
- I have/the appellant has* given the requisite notice (*FormS21A/1*) 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 owners(a) of any part of the land to which the appeal relates.

| Owner's (a) name | Address at which notice was served | Daye on which notice was served |
|------------------|------------------------------------|---------------------------------|
| | | |

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

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

Notice of the appeal (*FormS21B/1*), as attached to this Certificate, has been published in the Gazette and in the (c) on (d).....

Signed.....
*On behalf of.....
Date.....

CERTIFICATE D

I certify that:

- I/The appellant* cannot issue a certificate in accordance with paragraph (a) of Section 21(1) of the Act in respect of the accompanying appeal.
- I have/The appellant 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, was the owner(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).....
.....

Notice of the appeal (*Form S21B/1*), as attached to this Certificate, has been published in the Gazette and in the (c) on (d).....

Signed.....
*On behalf of.....
Date.....

***Delete where appropriate**

(a) "Owner" in relation to any land means a person who is for the time being the owner in respect of the fee simple thereof or is entitled to a tenancy thereof.

(b) Description of steps taken.

(c) Names of local newspapers.

(d) Date of publication (which must be not earlier than the beginning of the period of 21 days ending with the date of the appeal).

TOWN PLANNING ACT

NOTICE UNDER SECTION 21 ON AN APPEAL TO THE DEVELOPMENT APPEALS TRIBUNAL

(Notice to be given to all owners of the site)

Proposed development at (a)

I give notice that (b)

is appealing to the Development Appeals Tribunal against the decision of the Development and Planning Commission to refuse to grant permission for/to the conditions attached to the permission granted for** (c).....

Any owner* of the land who wishes to make representations about this appeal should write to the Development Appeals Tribunal at The Secretary, Development Appeals Tribunal, Ministry of Health, Care and Justice, Zone1, Level 7, St Bernard's Hospital Harbour, Views Road, Gibraltar, within 21 days of the date of this notice. Any representations must include a statement confirming that the appellant has been provided with a copy of the representations and the date this was done.

Signed.....

**On behalf of.....

Date.....

**delete as appropriate

*"owner" in relation to any land, means a person who is for the time being the owner in respect of the fee simple thereof or is entitled to a tenancy thereof.

Insert:

- a) address or location of the proposed development
- b) applicant's name
- c) description of the proposed development

TOWN PLANNING ACT

NOTICE UNDER SECTION 21 ON AN APPEAL TO THE DEVELOPMENT APPEALS TRIBUNAL

(to be published in the Gazette and a local newspaper)

Proposed development at (a)

I give notice that (b)

is appealing to the Development Appeals Tribunal against the decision of the Development and Planning Commission to refuse to grant permission for/to the conditions attached to the permission granted for** (c).....

Any owner* of the land who wishes to make representations about this appeal should write to the Development Appeals Tribunal at The Secretary, Development Appeals Tribunal, Ministry of Health, Care and Justice, Zone1, Level 7, St Bernard's Hospital Harbour, Views Road, Gibraltar, within 21 days of the date of this notice.

Signed.....

**On behalf of.....

Date.....

**delete where appropriate

*"owner" in relation to any land, means a person who is for the time being the owner in respect of the fee simple thereof or is entitled to a tenancy thereof.

Insert:

- (a) address or location of the proposed development
(b) appellant's name
(c) description of the proposed development

This notice is only for use where it has not been possible to identify all the owners of the application site.