

# DEVELOPMENT APPEALS TRIBUNAL

For Office Use Only  
Date Recd

## NOTICE OF APPEAL (TREES)

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 Appeals Tribunal within 28 days from the date you are notified in writing of the Development and Planning Commission decision, except in the case of an appeal of type 3(f) or 3(g) below, in which case it must be received within 14 days.

Please print clearly in capitals using black ink

### 1. APPELLANT DETAILS

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

Name

Address

Daytime Tel No

Fax No

### 2. AGENT DETAILS FOR THE APPEAL (IF ANY)

Name

Address

Daytime Tel No

Fax No

### 3. APPEAL TYPE

This appeal is in respect of:

Please tick one box only

- a) Refusal of consent to carry out works to a tree(s) that is subject to a TPO
- b) Grant of consent to carry out works to a tree(s) that is subject to a TPO, with conditions to which you object
- c) Refusal of consent to carry out works to a tree(s) that is not subject to a TPO
- d) Grant of consent to carry out works to a tree(s) that is not subject to a TPO, with conditions to which you object
- e) Non-determination of an application for consent to carry out works to a tree(s)
- f) The designation of a Tree Preservation Order
- g) A notice served under Section 7 of the Environmental Protection (Trees) Act (requirement to prevent, cure or control an infestation or disease, or to remedy the condition of a tree(s))

**4. APPEAL SITE ADDRESS**

Address

**5. APPLICATION DETAILS (Please complete if 3 a, b, d or e has been ticked)**

Application reference no

Date of DPC's decision

**6. TREE PRESERVATION ORDER DETAILS (Complete if relevant)**

TPO No.

**7. DESCRIPTION OF THE TREE(S) SUBJECT TO THE APPEAL**

Please describe the tree(s):

**8. CHOICE OF PROCEDURE**

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

Please tick one box only

Written representations

Hearing

**9. GROUNDS OF APPEAL**

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

## 10 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 application to carry out works to a tree(s)  | <input type="checkbox"/> |
| 2 | A copy of the DPC's decision notice (if applicable)   | <input type="checkbox"/> |
| 3 | A list (stating drawing numbers) and copies of all plans, drawings and documents sent to the DPC in connection with the application to carry out works to a tree(s) | <input type="checkbox"/> |
| 4 | A copy of the Tree Preservation Order (where applicable)  | <input type="checkbox"/> |
| 5 | A copy of the notice served under Section 7 (where applicable)  | <input type="checkbox"/> |
| 6 | Copies of all correspondence with the DPC relating to the application/ TPO designation/ Notice  | <input type="checkbox"/> |

## 11 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 all sections have been fully completed and that the details are correct to the best of my knowledge.

Signature

On behalf of

Name (in capitals)

Date

NOW SEND

- **2 COPIES** to:

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

**1 COPY** for you to keep.

## GUIDANCE NOTES FOR COMPLETION OF NOTICE OF APPEAL FORM (TREES)

Please read these notes carefully before completing your appeal form.

**All appeals must be received within 28 days of the Development and Planning Commission’s (DPC) written notification of its decision with the exception of appeals against a notice served under Section 7 or an appeal against a Tree Preservation Order, in which case they must be received within 14 days of receipt of the notice or order.**

Section of Notice of Appeal form to which the notes refer	
1	<p><b>Appellant Details</b></p> <p>In the case of an application to carry out works to a tree (s) only the original applicant may lodge an appeal against the decision of the DPC or against its non-determination of the application.</p> <p>In the case of an appeal against the designation of a Tree Preservation Order only the owner or occupier of the land affected by the Order may lodge an appeal.</p> <p>In the case of a notice to remedy a dangerous or infected tree only the owner of the land affected by the Order may lodge an appeal.</p>
2	<p><b>Agent details</b></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>
3	<p><b>Appeal Type</b></p> <p>This form can be used for different types of appeals. Please indicate, by ticking one box only, the type of appeal that you are lodging.</p>
4	<p><b>Appeal site Address</b></p> <p>Please provide the full address of the appeal site.</p>
5	<p><b>Application Details</b></p> <p>This section should only be completed if the appeal relates to a type indicated under section 3 a, b, c, d or e. Please provide the application reference number provided by the DPC at the time of the application and the date of the DPC’s decision.</p>
6	<p><b>Tree Preservation Order Details</b></p> <p>If the appeal relates to an application to carry out works to a tree(s) that is the subject of a TPO, or relates to the designation of a Tree Protection Order, please provide the TPO number.</p>

<p style="text-align: center;">7</p>	<p><b>Description Of The Tree(s) Subject To The Appeal</b></p> <p>Please provide a full description of the tree(s) including details on species type and height.</p>
<p style="text-align: center;">8</p>	<p><b>Choice of Procedure</b></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 9 of the form.</p> <p>The Tribunal has adopted the following procedure for determining appeals:</p> <p>The appellant submits the Notice of Appeal and all supporting documentation to the Secretary of the Development Appeals Tribunal.</p> <p>The Secretary of the Development Appeals Tribunal (DAT), having checked that all the necessary information has been submitted will then forward a copy to the Secretary of the Development and Planning Commission. All correspondence, from either party, relating to the appeal must be addressed to the Secretary of the Development Appeals Tribunal.</p> <p>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> <p>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>In the case of the Written Representations procedure the DAT will consider the written evidence before it and determine the appeal.</p> <p>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>
<p style="text-align: center;">9</p>	<p><b>Grounds of appeal</b></p> <p>Please state clearly and concisely <u>all</u> the grounds of appeal.</p>

10	<p><b>Essential Supporting Documents</b></p> <p>You must ensure that copies of all relevant documentation are submitted with the appeal. The documents to be provided will vary depending on the type of appeal. Please tick the relevant boxes to indicate the documents that are being submitted with the appeal.</p>
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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](mailto:simon.galliano@gibraltar.gov.gi)