

GUIDANCE NOTES FOR COMPLETION OF NOTICE OF APPEAL FORM

Please read these notes carefully before completing your appeal form.

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.

Section of Notice of Appeal form to which the notes refer	
B	<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>
G	<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 Appeals Tribunal (DAT). 2. The Secretary of the 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. The Secretary of the DAT shall advise the appellant when this has been done. All correspondence, from either party, relating to the appeal is to be addressed to the Secretary of the DAT. 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 the DAT. If the Commission does not intend to submit a response it shall advise the Secretary to the DAT accordingly. 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

	<p>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>Notification of interested parties</p> <p>As part of the process of submitting the application to which this appeal relates other owners of the land in question or members of the public may have made representations for or against the application. Copies of these representations would have been provided to the applicant. You must serve a copy of your notice of appeal on any person(s) who made representations on the application. 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 Appeals Tribunal
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Gibraltar

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