



# The Planning Inspectorate

ENVIRONMENTAL PROTECTION ACT – SECTION 43  
WASTE MANAGEMENT LICENSING REGULATIONS 1994

## APPEAL FORM

**If you need this document in large print, on audio tape, in Braille or in another language, please contact our diversity helpline on 0303 444 5584**

### WARNING

The appeal must reach the Inspectorate within **6 months** of the date of the Notice of the Environment Agency’s (EA) decision, or within **6 months** of the date by which they should have decided the application.

### A. INFORMATION ABOUT THE APPELLANT(S)

Full name.....

Name of Company.....

- \* a) I am the applicant for the licence,
- \* b) I am the holder of the licence,
- \* c) I am the last holder of the licence,
- \* d) I am the proposed transferee of the licence.

(\* delete as necessary)

Address.....

Postcode.....Daytime Telephone number.....Mobile.....

Do you prefer to be contacted by email or post .....

Agent’s name (if any).....

Address.....

Postcode.....Daytime Telephone number.....Reference.....

Do you prefer to be contacted by email or post .....

### B. DETAILS OF THE APPEAL

Environment Agency Region

#### a) In the case of a site licence –

Address of the Site .....

National Grid Reference .....

**b) In the case of a mobile plant –**

Name or description of plant .....

**C. THE APPEAL**

THIS APPEAL IS AGAINST the decision of the Environment Agency to:- (\* please tick)

- \* reject an application for a licence
- \* reject an application to modify the licence
- \* grant a licence subject to conditions
- \* modify the conditions in the licence
- \* suspend a licence
- \* revoke a licence
- \* reject an application to surrender a licence
- \* reject an application to transfer a licence
- \* or the failure of the Environment Agency to give notice of their decision within the appropriate period following the application.

Date of application ..... Date of EA decision (if any) .....

EA reference (if known).....

**D. PROCEDURE**

**CHOOSE ONE PROCEDURE ONLY**

Please tick ✓

- **Written Representations**

This is normally the simplest, quickest and most straightforward way of making an appeal. The process involves the submission of written 'grounds of appeal' followed by a written statement and any supporting documents. It also provides an opportunity to comment in writing on the EA's reason for their decision (or failing to determine the application). An Inspector will study all of the documents before visiting the appeal site (if a site visit is deemed necessary) and issuing a written decision.

- **Hearing**

This process is likely to be suited to slightly more complicated cases which require detailed discussion about the issues of the case. Like the written procedure, the process starts with the submission of the 'grounds of appeal' followed by a full written statement of case and an opportunity to comment in writing on the EA's reasons for their decision (or failing to determine the application). The planning Inspectorate will then arrange a hearing. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. Members of the

public may attend and at the discretion of the Inspector, give their views. The Inspector will visit the site (if deemed necessary) and issue a written decision.

**If you have requested either written representations or a hearing, the Inspectorate will need to decide whether this procedure is suitable for your appeal.**

• **Inquiry**

This is the most formal of procedures. Although it is not a court of law, the proceedings will often seem quite similar as the parties to the appeal will usually be legally represented and expert witnesses will be called to give evidence. Members of the public and press may also attend.

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**E. SUPPORTING DOCUMENTS**

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Where applicable a copy of each of the following should be enclosed with this appeal

**Please tick** ✓

1. Your grounds of appeal (see G);
2. The application submitted to the EA:
3. Plans, drawings and documents forming part of the application submitted to the EA:
4. A copy of the planning permission or certificate of established or lawful use which is in force and relates to the relevant land, plant or equipment;
5. The EA's decision notice (if any); or licence (if applicable);
6. Other relevant correspondence;
7. 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.....

Position (if signing on behalf of a Company).....

Name (in capitals).....Date.....

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

[ETC@planninginspectorate.gov.uk](mailto:ETC@planninginspectorate.gov.uk)

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

## **F. PRIVACY STATEMENT**

This privacy notice provides information about our processing of personal information in respect of waste carrier casework in England.

### **Who are we?**

We are the Planning Inspectorate, an agency sponsored by the Ministry of Housing, Communities and Local Government.

We administer and determine waste carrier appeals on behalf of the Secretary of State for Environment, Food and Rural Affairs.

### **How do we collect information?**

The personal information that we use is provided to us by the parties making, or taking part, in that case. As part of that process, the Environment Agency also sends us information from their consideration of the case.

### **What type of information do we collect?**

In processing a waste carrier appeal, we receive information from the appellant, Environment Agency and other interested people. The personal information normally includes name and contact details and any other personal information within the representations themselves.

### **How is that information used?**

The information provided to us is used to determine the case. You should be aware that the information provided is copied to other parties and can be made publicly available. We do not normally redact contact information or other information when copying information to other parties - and you should only submit information on that basis.

We do not accept anonymous representations, but you may ask for your name and address to be withheld. If you request this then your name and contact information will be removed, including in the version provided to the Inspector, and your representation may receive less weight as a result.

The appointed Inspector will consider the information provided and reach their decision, providing both the outcome of the case and their reasons for it.

### **What is the legal basis for our processing of information?**

Our processing of personal information is necessary for the effective determination of the case and is therefore necessary for the performance of a task carried out in the public interest. There are also explicit statutory/legal obligations on us in respect of that casework.

Our processing of any special category data (if any is provided) is on a similar basis, being necessary for reasons of the substantial public interest in exercise of our official function of administering and determining cases.

### **What are the consequences of failing to provide your information?**

If you fail to provide us with information required to validate your case then we may not be able to consider it. We will normally let you know if this applies.

There is no statutory obligation on interested parties to participate in a case.

### **How long do we keep your information?**

We normally keep copies of the information provided to us on a case for a period of one year following issue of the decision, and keep the decision itself for 5 years.

### **Who do we share information with?**

As set out above and in our guidance, the information we receive is copied to the case parties. We may use third party service providers to assist us in the provision of our service – for instance through the provision of information technology services). Where we do so, contracts will be put in place to ensure that your personal information is processed only as instructed by us (unless otherwise required by law), and that appropriate measures are in place to ensure the security of information.

## **Your rights in respect of your personal information**

### **Data protection legislation**

Data protection legislation provides you with rights in respect of your personal information. Typically these are:

- the right to be informed;
- the right of access;
- the right to rectification;
- the right to erasure;
- the right to restrict processing;
- the right to data portability
- the right to object;
- rights in relation to automated decision making and profiling.

Given our lawful basis for processing information, your rights to erasure, data portability and to object to the processing of your information may not apply and we do not use automated decision making or profiling.

Your other rights may also not be absolute and, as our legal basis for processing information is not normally dependent on your consent, withdrawal of this is not normally applicable. However, if you have concerns over the use of your personal information, or wish to exercise your rights, then please contact us at the address below.

### **Complaints about the processing of your personal information**

When we process your personal information we will comply with the Data Protection Act.

If you are unhappy with the way the Inspectorate processes your personal information then you should first contact the Inspectorate's Data Manager: [dataprotection@planninginspectorate.gov.uk](mailto:dataprotection@planninginspectorate.gov.uk).

Alternatively, you can contact our respective sponsor's Data Protection Officer directly (please make clear that your query/complaint relates to the Planning Inspectorate)

MHCLG: [dataprotection@communities.gov.uk](mailto:dataprotection@communities.gov.uk)

If you are still not happy, or for independent advice about data protection, privacy and data sharing, you can contact:

The Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow, Cheshire,  
SK9 5AF

Telephone: 0303 123 1113 or 01625 545 745  
<https://ico.org.uk/>

## **G. GROUNDS OF APPEAL**

Please supply the reasons you are appealing (submit additional sheets if necessary).

