



## The Environmental Damage (Prevention and Remediation) (England) Regulations 2015

### Environmental Liability Appeal Form

If you need this document in large print, on audio tape, in Braille or in another language please call 0303 444 5584.

**WARNING:** The appeal must reach the Inspectorate within the statutory appeal deadlines as laid out in the above mentioned regulations.

**PLEASE PRINT CLEARLY IN CAPITALS USING BLACK INK**

#### A. APPELLANT DETAILS

Name

Organisation Name (if applicable)

Contact reference Number

Address

Postcode

Daytime Tel

Fax

Email

I prefer to be contacted by: Email ☐ Post ☐

#### B. AGENT DETAILS (if applicable)

Name

Organisation Name (if applicable)

Contact reference Number

Address

Postcode

Daytime Tel

Fax

Email

I prefer to be contacted by: Email ☐ Post ☐

Please turn over

**C. (a) ENFORCING AUTHORITY DETAILS –  
E.G. ENVIRONMENT AGENCY, LOCAL AUTHORITY**

Name

Contact reference Number

Date of Liability to Remediate Notice  
(DDMMYY)

Date of Remediation Notice  
(DDMMYY)

**C. (b) ENFORCING AUTHORITY DETAILS –  
E.G. ENVIRONMENT AGENCY, LOCAL AUTHORITY**

Name

Contact reference Number

Date of Liability to  
Remediate Notice (DDMMYY)

Date of Remediation Notice  
(DDMMYY)

Please use separate sheet as necessary

**D. APPEAL SITE ADDRESS**

Site Address

Postcode (if known)

**E. GROUNDS OF APPEAL**

**Please indicate the grounds for appeal by ticking whichever box applies and then set out your reasons in section F of this form.**

**Appeals against Liability to Remediate:**

1. The operator's activity did not cause the damage; [ ]
2. The enforcing authority has acted unreasonably in deciding that damage is environmental damage; [ ]
3. The environmental damage resulted from compliance with an instruction from a public authority, (except an instruction relating to an emission or incident caused by the operator's own activities); [ ]
4. The responsible operator was not at fault or negligent and the environmental damage was caused by an emission or event expressly authorised by, and fully in accordance with the conditions of a permit listed in Schedule 3; [ ]
5. The responsible operator was not at fault or negligent and the environmental damage was caused by an emission or event or any manner of using a product in the course of an activity that the operator demonstrates was not considered likely to cause

environmental damage according to the state of scientific and technical knowledge at the time when the emission was released or the activity took place;	[ ]
6. The damage was the result of an act of a third party and occurred despite the fact that the operator took all appropriate safety measures;	[ ]
<b>Appeals against Remediation Notices:</b>	
1. The remediation notice differs from the proposals made by the responsible operator.	[ ]

<b>F. REASONS FOR APPEAL</b>
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Please use separate sheet as necessary

<b>G. CHOICE OF PROCEDURE</b>
<b>Please indicate your preferred option 1 , 2 or 3 by <i>ticking one box only</i></b>

Please note that we must also take the Enforcing Authority's preference into account when we decide how the appeal will proceed.

✓

### 1. Written Representations

This procedure involves an exchange of the parties' written statements, followed by a visit to the appeal site by the Inspector.

W [ ]

You and a representative of the Enforcing Authority will be given an opportunity to accompany the Inspector during the site visit.

### 2. Hearing

A hearing is a discussion, held under the direction of the Inspector. It lets parties exchange their views in a less formal atmosphere than at a public inquiry. Hearings are open to the public, and third parties may be heard at the discretion of the Inspector. Hearings are generally conducted in the spirit of the Town and Country Planning (Hearing Procedure) (England) Rules 2000, SI 2000 No 1626.

Hearings are not usually suitable for appeals that:

H [ ]

- are complicated or controversial and have created a lot of local interest
- require cross-examination of witnesses.

Although you may prefer a hearing, the Inspectorate will also consider whether your appeal would be best dealt with at a more formal inquiry or on the basis of written representations.

### 3. Inquiry

This is the most formal procedure and is usually the best way to deal with a case that involves complex legal issues and or where many third parties have expressed an interest in the case. Expert evidence is often presented at an inquiry and witnesses may be cross-examined. An inquiry will normally take longer than a hearing, and in some cases could continue for several days. It is not a court of law but proceedings may appear to be quite similar. Inquiries are open to the public and third parties may be heard at the discretion of the Inspector.

An inquiry will be held if you or the regulator decide that you do not want to use the written representations procedure and we decide that a hearing is unsuitable.

I [ ]

Sometimes even if both parties have opted for the written representations procedure or an informal hearing we may decide to hold an inquiry. If we do, we will tell you why.

**If you want us to hold an inquiry please set out you reasons.**

*"I wish to be heard by an Inspector at an inquiry because..."*

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## H. ESSENTIAL SUPPORTING DOCUMENTS

**The documents listed below, must be sent with your appeal form. If we do not receive all the required documents within the statutory appeal period we may not be able to accept your appeal.**

**Please tick the box to show the documents you are enclosing.**

1. Statement of your grounds of appeal; [ ]
2. A copy of the Liability Notification (as appropriate); [ ]
3. A copy of the Remediation Notice (as appropriate); [ ]

## I. CONFIRMATION

## DECLARATION

I understand that:

- a) The Planning Inspectorate may use the information I have given for official purposes in connection with the processing of my appeal;
- b) Details from this form, including my name, the site description and my grounds of appeal may appear on the Planning Portal.

By signing this form I am agreeing to the above use of the information I have provided.

I have completed all sections of the appeal form and confirm that the details are correct to the best of my knowledge. (Please Note: signature is not necessary for electronic submissions)

## Signature

Date  
(DDMMYY)

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Name (in capitals)

On behalf of (if applicable)

**For more information about how we process your personal information please see Section K.**

**Please now send this form and all the necessary supporting documents to:**  
**ETC@planninginspectorate.gov.uk**

You also need to send a copy of it to the Enforcing Authority/Authorities.

## J. SUPPLEMENTARY SHEET

## **K. PRIVACY STATEMENT**

This privacy notice provides information about our processing of personal information in respect of environmental damage 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 environmental damage 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 Enforcing Authority also sends us information from their consideration of the case.

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

In processing an environmental damage appeal, we receive information from the appellant, Enforcing Authority 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.

There may be occasions where we may need to liaise with Defra and share information with them. For example where a procedural query is raised or a challenge to the decision in the courts.

### **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).

Data Manager  
The Planning Inspectorate  
3rd Floor Temple Quay House  
2 The Square, Temple Quay  
Bristol  
BS1 6PN



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/>