



# The Planning Inspectorate

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Mrs S Beniston  
Bolsover District Council  
Planning Services Manager  
Sherwood Lodge  
Bolsover  
Chesterfield  
Derbyshire  
S44 6NF

Your Ref: 07/00148/FULMAJ  
Our Ref: APP/R1010/A/08/2074562/NWF  
Date: 21 May 2008

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Dear Mrs Beniston

**Town and Country Planning Act 1990  
Appeal by Waystone Limited  
Site at Land To The North West Of, Midland Place, Midland Way, And Adj 6  
Tallys End, Barlborough, S43 4WP**

I have received appeal forms and documents for this site. I am the case officer. If you have any questions, please contact me.

### Using e-mail and the internet

You can now use the internet to send us documents and check the information and the progress of this case at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs). You can look at this case by typing in the above reference number where it says 'Case Ref' on the 'Search' page and clicking on the search button.

### The starting date

I have checked the papers and confirm that the appeal is valid. If I later find out that this is not the case, I will write to you again.

The appellant has asked for an inquiry, which we are arranging. The date of this letter is the **starting date** for the appeal.

### Keeping to the timetable

You must keep to the timetable set out below and make sure that you send us the relevant documents within these deadlines. This will mean that we can deal with the appeal promptly and fairly. If you do not send us the relevant documents in time, the Inspector will not normally look at them and we will return them to you. You must note the details of the following timetable because we will not send any reminders.



The following documents must be sent within this timetable.

### **By 4 June 2008**

You must notify any statutory parties and any other interested persons who made representations to you about the application, that the appeal has been made. You should tell them that: -

- i) any comments they made at application stage will be sent to me and if they want to make any additional comments, wherever possible, they must submit 3 copies within 6 weeks of the starting date, **by 2 July 2008**. If comments are submitted after the deadline, the Inspector will not normally look at them and they will be returned.
- ii) they may view the documents at your offices.
- iii) they can get a copy of our booklet 'Guide to taking part in planning appeals' either free of charge from you or through 'publications' on our website: [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk) and
- iv) if they want to receive a copy of the appeal decision they must write to me asking for one.

You must send a copy of a completed appeal questionnaire and supporting documents, including relevant development plan policies to the appellant and me.

### **By 2 July 2008**

You and the appellant must send me 2 copies of any statement. I will send a copy of your statement to the appellant and send you a copy of their statement. You and the appellant must send a copy of your statements to any statutory parties. I will send you and the appellant a copy of any comments submitted by interested persons or organisations.

### **By 23 July 2008**

You and the appellant must submit 2 copies of any final comments you and they have on each other's statement and on any comments from interested persons or organisations. You must not send your final comments instead of, or to add to your statement. No new evidence is allowed at this stage. I will send you a copy of the appellant's final comments at the appropriate time.

### **Using e-mail or post**

If you send us your documents by e-mail, you only need to send us one copy of each. However, if you post your documents, please send us **2 copies** of everything and put the full appeal reference number on each copy.

### **No later than 4 weeks before the inquiry -**

You and the appellant must send me 2 copies of your proofs of evidence, with a summary where appropriate. The appellant must also send me a copy of the statement of common ground.

### **Withdrawing the appeal**

If you hear that the appeal is to be withdrawn, please telephone me immediately. If I receive written confirmation of this from the appellant, I will write to you.

Further information about the terms we use in this letter and appeal procedures is on the attached sheet.

Yours sincerely

pp Robert Laurie Wordsworth

301(BPR)



## **Questionnaire**

The appeal questionnaire must be sent complete with copies of all necessary documents referred to in it. It is particularly essential to us that details of all relevant development plan policies are included with the questionnaire at this early stage.

### **Statement of case**

In your statement of case you must give full details of the case you will put forward at the inquiry. You must include a list of any documents, maps and plans, you intend to refer to or use in evidence. Please also include a list of any conditions or limitations you would agree to, if the appeal were to be allowed.

### **Statement of common ground**

In the statement of common ground you should list all agreed matters. You and the appellant are expected to meet in advance of the inquiry, to agree the statement of common ground. This should include basic facts such as the site description, area, planning history, relevant planning policies, and all other matters of agreement relating to the appeal. The Inspector may question the information in the statement. A guide to the Statement of Common Ground is in Annex 3(ii) of DETR Circular 05/2000. A model form is enclosed and is also available on our website: [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk).

### **Proofs of evidence**

A 'proof of evidence' is a written statement that you, the appellant or a witness wants the Inspector to take into account at the inquiry. If the proof is more than 1500 words long, you must also send me 2 copies of a written summary which should not be more than 10% of the length of the proof. The summary should reflect the contents of the proof and should not include new evidence. When a summary is provided, only that will be read at the inquiry. If proofs and summaries are not received together and on time, the inquiry may be postponed.

### **Statutory parties**

'Statutory parties' are owners or tenants of the appeal site who made comments within the time limit on the applications or appeals. You must give details of and statutory parties at application stage in reply to question 17(e) of the questionnaire. I will tell you about any statutory parties who write to us at appeal stage, before your statement of case is due.

### **Late Representations**

Comments or representations received after any of the time limits will normally be disregarded and we will send them back. Late representations will only be considered in extraordinary circumstances.

### **Inquiry opening statements**

Both main parties may give opening statements before presenting formal evidence. They should be no longer than 5-15 minutes maximum. The Inspector will decide the order of presentation of opening statements and evidence, but usually the appellant will be asked to make a brief opening statement first, to set the scene and describe the nature of the scheme. The LPA will then make their opening statement before moving on to present their formal evidence.

## Costs

Costs can be awarded in inquiry cases. Details are in the enclosed booklet 'Costs awards in planning appeals' or you can look at the booklet on <http://www.planning-inspectorate.gov.uk/pins/publications/index.htm>. You should read this very carefully. DOE Circular 8/93 gives more advice. You should be aware that if an inquiry is adjourned because of the submission of late evidence, there is the possibility of a successful application for costs.

## Planning obligations - Section 106 agreements

A planning obligation - often referred to as a 'section 106 agreement' – is either:

- a legal agreement made between the LPA and a person 'interested in the land'; or
- a legally binding undertaking signed unilaterally by a person 'interested in the land'.

If you want to rely on a planning obligation, you must send me a completed, signed and dated copy 10 working days **before** the inquiry opens.

Obligations should be completed by the close of an inquiry. An Inspector will not normally delay the issue of a decision to wait for the completion of an obligation.

Please note that appeal files are normally only kept for one year from the date the decision is issued, following which they are destroyed. It is therefore important you ensure that if any Section 106 planning obligation is received from the appellant, **the original is always retained by yourselves**. If you should receive a copy instead, please contact the appellant so that it may be exchanged for the original.

# STATEMENT OF COMMON GROUND

APPEAL REFERENCE:

DATE OF INQUIRY:

SITE ADDRESS AND DESCRIPTION OF THE DEVELOPMENT:

APPELLANT

LPA

**This statement addresses the following areas of common ground:**

1. Description of the site (including agreed dimensions)
2. Description of the area
3. Planning history of site
4. Development plan (including relevant policies) & any draft development plan (including stage reached and weight to be attached).
5. Relevance of any supplementary planning guidance published by LPA.
6. Others: *[eg where applicable, agreed traffic (and/or other) data and circumstances]*

***It will be helpful also to identify matters which are the subject of specific disagreement.***

**Enter text of common grounds**

(Please sign the boxes at the end)

Please turn over

Large empty rectangular box for signatures and dates.

Signed on behalf of Appellant	Signed on behalf of LPA
.....Date.....	.....Date.....
Position.....	Position.....
Please continue on separate sheet(s) if necessary (sign at end)	

## Guidelines for appeal statements and proofs of evidence

**If you are able to do so, please submit your appeal documents electronically using the Planning Casework Service ([www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)).**

We will scan all the paper documents that we receive into our computer system. To help us do this and ensure that the information in your documents is accurately recorded and understood, wherever possible please prepare your appeal documents in the following way.

1. Type the information using 'sans serif' font sizes of at least 11 point. ('Sans serif' fonts are easier to read on screen, common examples are Arial and Verdana.)
2. Use A4 size paper wherever possible.
3. Print documents on both sides of a page if you want to, but please ensure that the quality of paper is such that images from one side of the page do not show through to the other side.
4. Use black ink and capitals if you need to write on a document.
5. Ensure photocopied documents are clear and legible.
6. Place photographs, maps, plans, etc., in a separate appendix and cross-reference them within the main body of the document. Do not stick photographs to sheets of paper. Put them in an envelope and write the site address or appeal reference number if known on the back.
7. Bind documents in such a way that bindings can be undone quickly without damaging the document. Avoid using wire or plastic spiral binders.
8. Avoid using cover sheets, sleeves or other bindings that do not add value or information.
9. Ensure that the pages of documents are clearly numbered.
10. Please do not send valuable original documents unless these are specifically requested.
11. Please do not include post-it notes or other small attachments which might be easily dislodged or lost.