



# The Planning Inspectorate

Room 3/J  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Direct Line: 0303 444 5531  
Customer Services:  
0303 444 5000

Email:  
helen.skinner@pins.gsi.gov.uk

[www.gov.uk/planning-inspectorate](http://www.gov.uk/planning-inspectorate)

Ms Jane Moseley  
West Sussex County Council  
Development Control  
The Grange, County Hall  
Tower Street  
Chichester  
West Sussex  
PO19 1RH

Your Ref: WSCC/015/18/NH  
Our Ref: APP/P3800/W/18/3218965

11 February 2019

Dear Ms Jane Moseley,

Town and Country Planning Act 1990  
Appeal by Britaniacrest Recycling Ltd  
Site Address: Former Wealden Brickworks, Langhurst Wood Road, Horsham,  
RH12 4QD

I refer to the above appeal and enclose the confirmed programme. Please can you let me know the venue for the inquiry as soon as possible.

## Keeping to the programme

You must keep to the attached programme and ensure that you send us the relevant documents within the timescales shown. 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 programme because we will not send any reminders.

Once a bespoke timetable has been agreed and fixed the Planning Inspectorate will expect it to be maintained unless exceptional circumstances can be demonstrated.

## 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If you hear that the appeal is to be withdrawn, please telephone me immediately.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 confirming withdrawal.

## Sending documents to us and looking at the appeal

If you post your documents, please send us 2 copies of your statement of case and proofs of evidence and 1 copy of your questionnaire and put the full appeal reference number on each copy.

If you email, please quote the full appeal reference number and send to the email address at the top of this letter.

You can look at this case using the Planning Casework Service [www.planningportal.gov.uk/planning/appeals/online/search](http://www.planningportal.gov.uk/planning/appeals/online/search) by typing in the appeal reference number and clicking on "Search for Cases".

If you have any questions, please contact me.

Yours sincerely,

***Helen Skinner***

Helen Skinner

Enclosures: bespoke programme

*Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - [www.planningportal.gov.uk/planning/appeals/online/search](http://www.planningportal.gov.uk/planning/appeals/online/search)*

## Statement of case

In your statement of case you must give full details of the case you will be putting forward at the inquiry. You must provide 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 the appellant and LPA should list all matters agreed. They 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. The LPA must submit a copy of the completed agreed statement of common ground. Further guidance on producing statements of common ground (and a model form) is available from [www.planningportal.gov.uk/planning/appeals](http://www.planningportal.gov.uk/planning/appeals).

## Proofs of evidence

A 'proof of evidence' is a written statement that the appellant(s), the LPA or a witness wishes the Inspector to take into account at the inquiry. If the proof is more than 1500 words long, you must also send me 3 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 will be able to see whether there were any statutory parties at application stage by checking the LPA's questionnaire. I will tell you about any statutory parties who write to us at appeal stage, before your statement of case is due. You must send any statutory party(ies) a copy of all your representations at the same time as you send them to us.

## Late representations

Comments or representations received after any of the time limits, relating to appeals that are to be decided by an Inspector, 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 this type of appeal. Details of this can be found on our Planning Portal - [www.planningportal.gov.uk/planning/appeals/guidance](http://www.planningportal.gov.uk/planning/appeals/guidance). You are advised to read this guidance very carefully as it contains important information about how one party to an appeal might have to pay another party's costs.

You should be aware that withdrawal at any stage in the proceedings, without good reason, may result in a successful application for costs. A successful application is also possible should an event be adjourned because of the submission of late evidence.

Additionally, a Planning Inspector or the Secretary of State may on their own initiative make an award of costs, in full or in part, if they judge that a party has behaved unreasonably resulting in unnecessary appeal expense.

## 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'.

The obligation must be capable of being executed before the inquiry closes and we would expect the appellant to be able to do so without the need for an adjournment to complete that process. To facilitate this and ensure matters can be properly discussed at the inquiry the appellant should send me a final draft of the obligation, no later than 10 working days before the inquiry opens.

Only in very exceptional circumstances will an Inspector delay the issue of a decision (or submission of their report) to wait for an obligation to be executed.

Please note that appeal files are normally only kept for one year from the date the decision is issued, following which they are destroyed. Therefore, we ask the appellant to send a copy to us and ensure that the original is sent to the local planning authority, to avoid the original being destroyed with our file.