



## HAZARDOUS SUBSTANCES CONTRAVENTION NOTICE APPEAL TO SCOTTISH MINISTERS

UNDER SECTION 22 OF THE PLANNING (HAZARDOUS SUBSTANCES (SCOTLAND) ACT 1997 THE  
TOWN AND COUNTRY PLANNING (HAZARDOUS SUBSTANCES) (SCOTLAND) REGULATIONS 2015

**IMPORTANT: Please read and follow the notes provided when completing this form -failure to  
supply all relevant information could invalidate your appeal**

**Use BLOCK CAPITALS if completing in manuscript**

**Appellant(s)**

Name

Address

Postcode

Contact Tel No 1

Contact Tel No 2

Fax No

E-mail

**Agent** (if any)

Name

Address

Postcode

Contact Tel No 1

Contact Tel No 2

Fax No

E-mail

Mark this box to confirm all contact should be through  
this representative

\*Do you agree to all correspondence regarding your appeal being sent **by e-mail?** Yes      No

Planning Authority

Planning Authority's Application Reference Number

Site Address

OS Map Grid Ref or Postcode Area of Appeal Site (m<sup>2</sup>/ha)

Date on which the contravention notice is specified to take effect. Note: the appeal must be received by DPEA before that date.

What is your interest in the land?

Owner                       Occupier                       Tenant                       Lessee

What is your interest in the land?

## **Statement of Appeal**

Ground(s) of appeal, as set out in regulation 43(1)(a) - (e) of the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015. *Note your appeal must be based on one or more of these grounds.*

- (a) the matters alleged to constitute a contravention of hazardous substances control have not occurred
- (b) those matters (if they occurred) do not constitute a breach of hazardous substances control
- (c) copies of the hazardous substances notice were not served as required by Section 22 of the Planning (Hazardous Substance) (Scotland) Act 1997
- (d) the steps required by the notice to be taken exceed what is necessary to remedy any breach of contravention of hazardous substances control stated in the notice
- (e) the period specified in the notice (to comply with the steps to be taken) falls short of what should reasonably be allowed

Provide a statement of your appeal, setting out all matters you wish to raise and which require to be taken into account in determining your appeal. *Note: you may not have an opportunity to add to your appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.* (If necessary, this can be continued or provided in full on a separate document.)

## **List of documents/evidence**

Provide a list of all documents, materials and evidence which you have provided with your appeal and intend to rely on in support of your appeal and ensure that the documents are clearly numbered (If necessary, this can be continued or provided in full on a separate document). When listing plans and drawings, please quote the reference the planning authority gave them.

## **Appeal Procedure**

The person appointed to determine your appeal will decide the procedure to be used. In general, a decision will be made based on your appeal documents and the planning authority's response. In some cases the appointed person may require further procedures to gain more information on specific matters before reaching a decision. This is your opportunity to indicate what procedure you think is most appropriate for the handling of your appeal. (See Notes for Appellants)

**Note:** If you select Option 1 you should not select any further options.

You may select any combination of Options 2 to 5 if you wish.

1. Review of all relevant information provided by yourself and other parties only, with no further procedure
2. Inspection of land subject of the appeal
3. Further written submissions on specific matters
4. Holding of one or more hearing sessions (i.e. round table discussions) on specific matters
5. Holding of one or more formal inquiry sessions on specific matters

If boxes 3, 4 or 5 are checked, please explain below which of the matters (as set out in your statement above) you think should be subject to that procedure, and why. (Use additional pages if necessary.)

## **Site Inspection**

In the event that the Scottish Government Reporter appointed to consider your appeal decided to inspect the appeal site, in your opinion:

Can the site be viewed entirely from public land? Yes      No

Is it possible for the site to be accessed safely, and without barriers to entry? Yes      No

Are there any biosecurity issues that affect the site? Yes      No

*(for more information on biosecurity, please see the site inspection section in the notes for appellants)*

If there are any reasons why you think the Reporter would be unable to access and view the appeal site alone, please explain here:

### **Other Appeals**

Have you made any other appeals to Scottish Ministers concerning this land?

Yes

No

If yes, please give details, including our appeal reference numbers (if known):

### **Checklist**

Please mark the appropriate boxes to confirm you have provided all supporting documents/evidence relevant to your appeal:

Contravention notice issued by the planning authority, which is the subject of your appeal

Full completion of all parts of this form

Full statement of appeal

All documents, materials and evidence which you intend to rely on

**The Scottish Government routinely publishes all documents relating to each appeal on its website at [www.dpea.scotland.gov.uk](http://www.dpea.scotland.gov.uk). You must advise DPEA if there are particular reasons why you think any document you have provided cannot be published.**

### **Declaration**

**I appeal to the Scottish Ministers as set out on this form and supporting documents. I can confirm that I have today sent a copy of my appeal to the Planning Authority.**

Signed

Date

If you take part in the appeals process, use DPEA websites, contact the division or attend a webcast, the DPEA may collect certain information about you. To find out more about what information is collected, how the information is used and managed please read the [DPEA's privacy notice](#).

This form and all supporting documents should be sent to:

E-mail: [dpea@gov.scot](mailto:dpea@gov.scot)

Post: Planning and Environmental Appeals Division  
Hadrian House  
Callendar Business Park  
Falkirk  
FK1 1XR

Contact Tel: 0300 244 6668