



The Planning Inspectorate

Questionnaire (s78) & (s20)

Received

Planning, Listed Building Consent and Conservation Area Consent

Appeal ref: APP/Q1445/A/09/2102048/NWF
Appeal by: Explore Living (no1) Ltd, X-Leisure (Brighton I) and X-Leisure (Brighton II) Ltd
Grid ref: _____
Site address: Site at Land at Brighton Marina, Brighton
Postcode: BN2 5UT

When you have completed this questionnaire you must send a copy, with attachments, to the appellant/agent and to our case officer, **within 2 weeks** of the 'starting date'. You can send it to us by e-mail. The start date and case officer's details and e-mail address are in our letter.

1 a	Despite our initial letter, do you consider that this appeal can be dealt with by the written representation procedure?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
b	Or do you wish to be heard by an Inspector at;		
	(i) a hearing? or	YES <input type="checkbox"/>	NO <input type="checkbox"/>
	(ii) an inquiry?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
c	How long do you expect an inquiry would last?		<u>20</u> days
d	How many witnesses do you intend to call?		<u>4</u>
e	What are the preferred Hearing dates you have agreed with the appellant/agent? (2 dates should be provided, or more if possible)		<u>N/A</u>
f	What are the preferred Inquiry dates you have agreed with the appellant/agent? (2 dates should be provided, or more if possible)		<u>Start date 3rd November</u>
2 a	If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
b	Is it <i>essential</i> for the Inspector to enter the site to assess the impact of the proposal?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
	If YES, please explain;		_____
c	Are there any known health and safety issues that would affect the conduct of the site inspection?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
	If YES, please describe;		_____
3	Please provide the name, telephone number and e-mail address of the officer we can contact to make arrangements for the site visit, hearing or inquiry.		
	Name: <u>SUE DUBBERLEY</u>		

Tel No: 01273 292322

E-mail address: sue.dubberley@brighton-love.gov.uk

4	Does the appeal relate to an application for approval of reserved matters?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
5	Was a GDPO 1995 Article 7 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
6	Did you give publicity to the application in accordance with either Article 8 of the GDPO 1995, Section 67/73 of the Planning (Listed Buildings and Conservation Areas) act 1990 or Regulation 5 of the Planning Listed Buildings and Conservation Areas) Regulations 1990? If YES, please attach;	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
a	a copy of the notice published;	<input checked="" type="checkbox"/> Attached	
b	any representations received as a result of that notice;	No of docs <u>0</u>	
7	Is the appeal site within;	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
a	A Green Belt?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
b	An Area of Outstanding Natural Beauty?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
8	Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? If YES, please attach details.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
		<input type="checkbox"/> Attached	
9 a	Are there any other appeals or matters relating to the same site still being considered by us or the Secretary of State? If YES, please give our reference numbers and if necessary attach details. Refs: _____	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
		<input type="checkbox"/> Attached	
b	Are there any other appeals or matters adjacent or close to the site still being considered by us or the Secretary of State? If YES, please give our reference numbers and if necessary attach details. Refs: _____	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
		<input checked="" type="checkbox"/> Attached	
10	Would the development require the stopping up or diverting of a public right of way? If YES, please attach an extract from the Definitive Map and Statement for the area, and any other details.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
		<input type="checkbox"/> Attached	
11 a	Is the site in a Conservation Area? If YES, please attach a plan of the Conservation Area	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
		<input type="checkbox"/> Attached	
b	Does the appeal relate to an application for conservation area consent?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
12 a	Does the proposed development involve the demolition, alteration or extension of a listed building? If YES, is it a: Grade 1 <input type="checkbox"/> Grade II* <input type="checkbox"/> Grade II <input type="checkbox"/> Date of Listing: _____	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
b	Would the proposed development affect the setting of a listed building? If YES, to (a) or (b), please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest.	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
		<input checked="" type="checkbox"/> Attached	

	Has a grant been made under s3A or s4 of the Historic Buildings and Ancient Monuments Act 1953?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
14 a	Would the proposals affect an Ancient Monument (whether scheduled or not)?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
b	If YES, was English Heritage consulted? Please attach a copy of any comments.	YES <input type="checkbox"/>	NO <input type="checkbox"/> <input type="checkbox"/> Attached
15	Is any part of the site subject to a Tree Preservation Order? If YES, please attach a plan showing the extent of the Order and any relevant details.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/> <input type="checkbox"/> Attached
16	Have you made a Local Development Order under s61A to s61C of the Town and Country Planning Act 1990 (as inserted by s40 of the Planning & Compulsory Purchase Act 2004) relating to the application site? If YES, please attach a copy of the relevant order.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/> <input type="checkbox"/> Attached
17	Does the appeal involve persons claiming Gypsy/Traveller status, whether or not this is accepted by the planning authority?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
18 a	Is the appeal site in or adjacent to or likely to affect an SSSI and/or an Internationally designated site (ie. cSAC, SAC, pSPA, SPA, Ramsar)? If YES, please attach the comments of Natural England.	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/> <input checked="" type="checkbox"/> Attached
b	Are any protected species likely to be affected by the proposals? If YES, please attach details.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/> <input type="checkbox"/> Attached
19	Environmental Impact Assessment		
	Schedule 1		
a	(i) Is the proposed development Schedule 1 development as described in Schedule 1 of The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
	(ii) If YES, under which description of development? (ie Nos 1-20)	_____	
	Schedule 2		
b	(i) Is the proposed development Schedule 2 development as described in Column 1, Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
	(ii) If YES, under which description of development in Column 1? (ie Nos 1-13)	<u>10</u>	
	(iii) Is the applicable threshold/criteria in Column 2 exceeded/met?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
c	Is the development within or partly within a 'sensitive area' as defined by Regulation 2 of the Town and Country planning (Environmental Impact Assessment) (England & Wales) Regulations 1999? If YES, please provide details: _____	YES <input type="checkbox"/>	NO <input type="checkbox"/>
	Screening		
d	(i) Have you issued a screening opinion (SO)? If YES, please attach a copy of the SO that was placed on the planning register, and any other related correspondence.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/> <input type="checkbox"/> Attached
	(ii) If YES, did the SO state that the proposed development is EIA development as defined by the EIA Regulations?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

If you decided that the proposed development is not EIA development as defined by the EIA Regulations, please attach brief reasons for your opinion.

Attached

Environmental Statement (ES)

e Has the appellant supplied an environmental statement?

YES NO

If YES, please supply any related correspondence from statutory consultees and others that you may have had about the adequacy of the environmental information contained in the ES, having regard to The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 and Circular 2/99.

Attached

Publicity

f If applicable, please attach a copy of the site notice and local advertisement published under Article 8 of the GDPO 1995, as required for EIA development.

Attached

20 Have all notifications or consultations under any Act, Order or Departmental Circular, necessary before granting permission, taken place?

YES NO

If YES, please attach copies of any comments that you received in response.

Attached

If NO, please inform the appropriate bodies of the appeal now and ask for any comments to be sent to us within six weeks of the starting date.

21 **Copies of the following documents must, if appropriate, be attached to this questionnaire;**

N/A No of docs

a a copy of the letter with which you notified people about the appeal;

1

b a list of the people you notified and the deadline you gave for their comments to be sent to us;

1

Deadline: 30 July 2009

c all representations received from interested parties about the original application;

d the planning officer's report to committee or delegated report on the application and any other relevant documents/minutes;

1

e any representations received as a result of a GDPO 1995 Article 7 (or Regulation 6) notice;

f extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan). You must include the front page, the title and date of approval/adoption, please give the status of the plan. Copies of the policies should include the relevant supporting text. You must provide this even if the appeal is against non-determination;

2

List of policies:

g extracts of any relevant policies which have been 'saved' by way of a Direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004, that you consider necessary. Please attach a copy of the Direction and a copy of the letter from the Government Office which accompanied the Direction.

0

List of policies:

Direction attached Letter attached

h	extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted and if so, when;	<input type="checkbox"/>	_____
i	extracts from any supplementary planning document that you consider necessary, together with the date of its adoption. In the case of emerging documents, please state what stage they have reached;	<input type="checkbox"/>	_____
j	a comprehensive list of conditions which you consider should be imposed if planning permission is granted. You need not attach this to the other questionnaire papers, but it should reach us within 6 weeks of the starting date. The list must be submitted separately from your appeal statement;	<input checked="" type="checkbox"/>	<u>1</u>
<input type="checkbox"/> Attached <input checked="" type="checkbox"/> At 6 weeks			
k	any other relevant information or correspondence you consider we should know about;	No of docs	<u>0</u>
22	For appeals dealt with by written representations only.		
	Do you intend to send a 6 week statement about this appeal?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
	If NO, please attach the following information now (for all appeals, whether refusal or non-determination);		
a	the relevant planning history, including a full list of the plans submitted with the application;	<input type="checkbox"/>	Attached
b	any supplementary reasons for the decision on the application or what the decision notice would have said;	<input type="checkbox"/>	Attached
c	matters which you want the Inspector to note at the site visit;	<input type="checkbox"/>	Attached
d	how the relevant development plan policies relate to the issues of this appeal;	<input type="checkbox"/>	Attached
23	For the Mayor of London cases only		
a	Was it necessary to notify the Mayor of London about the application?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
	If YES, please attach a copy of that notification.	<input type="checkbox"/>	Attached
b	Did the Mayor of London issue a direction to refuse planning permission?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
	If YES, please attach a copy of that direction	<input type="checkbox"/>	Attached

Your reference: BH2007/03454

I confirm that a copy of this questionnaire and any attachments have been sent to the appellant/agent today.

Name: Sue Dubberley

On behalf of (LPA): Brighton and Hove City Council.

Date: 1 July 2009

Please tell us of any changes to the information you have given on this form.