

BWEA 30

Winning an appeal

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Preparation for Appeal

- Is application valid and complete?
- Notices served?
- EIA – procedure law
- What is the application – document trail

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Preparation for Appeal

- Future proofing
- Grid availability
- Are ES surveys up to date and adequate?
- Land options

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Preparation for Appeal

- Off-site works
- Will the witnesses support the scheme?
- Amending the scheme – pitfalls
- Can I appeal – time limits

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Method of Appeal

- Written representations, informal hearing or inquiry
- Little choice if much public interest
- Do we need to test evidence orally?
- Speed of determination
- Are hearings ever satisfactory?
- Chances of success

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Inquiry – choosing witness team

- If possible keep to E.S team
- This is no time to go wobbly
- Qualities of a good witness
- A good witness can win it for you
- Catch 22 for newcomers

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Preparing for an inquiry

- Ground of appeal and statements of case
- Pre-inquiry meetings
- Team building
- Fear your own advocate more than the opposition
- Evidence – what does the Inspector/Reporter need to know?
- Uses and abuses of rebuttals (E + W only)

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At inquiry

- Keeping witnesses oven ready – the dangers of adrenalin
- Minimising oral evidence – the Scottish approach
- Calling witnesses – tactics
- Agreements, conditions and schemes
- Knowing what matters
- Avoiding judicial review – a peculiarly English trend



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