

558/97

**IN THE MATTER OF THE DEVELOPMENT AND PLANNING LAW (1995 REVISION)**

**AND**

**IN THE MATTER OF AN APPEAL PURSUANT TO SECTION 43 (4) OF THE DEVELOPMENT AND PLANNING LAW (1995 REVISION)**

**AND**

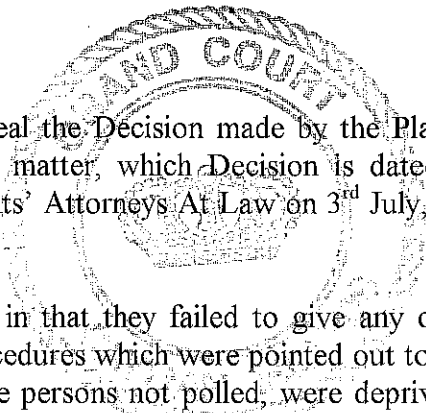
**IN THE MATTER OF AN APPLICATION FOR PLANNING PERMISSION BY THE CHIEF ENGINEER, PUBLIC WORKS DEPARTMENT**

**BETWEEN: BROOKS & BROOKS(on behalf of Certain Objectors)  
APPELLANTS**

**AND: THE PLANNING APPEALS TRIBUNAL  
RESPONDENTS**

JUL - 4 1997

**NOTICE OF APPEAL**



**TAKE NOTICE** that the Appellants hereby appeal the Decision made by the Planning Appeals Tribunal regarding the above-referenced matter, which Decision is dated 13<sup>th</sup> May, 1997 but was only received by the Appellants' Attorneys At Law on 3<sup>rd</sup> July, 1997 on, the following grounds:

- 1 That the Planning Appeals Tribunal erred in that they failed to give any or any sufficient consideration to errors in the polling procedures which were pointed out to them and in particular they failed to consider that those persons not polled, were deprived of Natural Justice and effectively had their democratic right taken away from them.
- 2 The Planning Appeals Tribunal erred in that they failed to give any or any sufficient consideration to the fact that once it was pointed out to them that there were errors in the polling procedures whereby some persons were not polled that the results would be inaccurate.
- 3 The Planning Appeals Tribunal erred in that they failed to give any or any sufficient consideration to the submission made by Counsel for the Planning Authority, after the said inaccuracies in the polling were pointed out, that the Polling results which the said Tribunal had before it could not have been the polling results which were before the Central Planning Authority at the time when it made its Decision.
- 4 The Planning Appeals Tribunal erred in that they failed to give any or any sufficient consideration to the fact that based on the polling results before it the only polling result which referred to the 1,500 square feet radius as is stipulated in Regulation 8 (3) showed a majority of persons disapproving of the said project.

5 The Planning Appeals Tribunal erred in that they failed to consider or failed to give sufficient consideration to the submission that the Central Planning Authority had not given sufficient reasons for its Decision.

6 The Planning Appeals Tribunal erred in that they failed to consider or give sufficient consideration to the fact that only 3 days notice of the Central Planning Authority's meeting was given to the objectors to the project and in some cases the letters informing objectors of the date and time of the meeting were not received until after the said meeting had taken place thus depriving them of Natural Justice.

The objectors reserve the right in accordance with Rule 10 of the Appeals Rules to issue additional Grounds of Appeal, if thought necessary, once Rule 9 of the Cayman Islands Development and Planning Law, (Revised) Appeals Rules have been complied with.

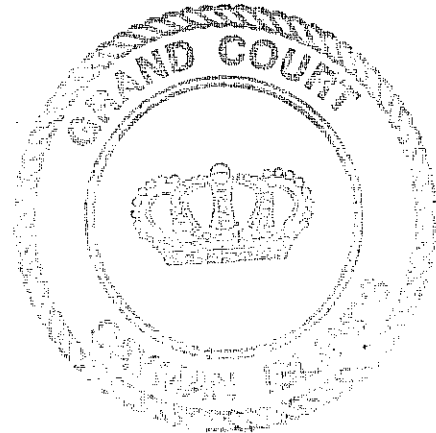
Dated this 4<sup>th</sup> day of July, 1997.

Brooks & Brooks

**BROOKS & BROOKS**

Attorneys At Law for the Objectors  
herein

JUL -4.1997



**THIS NOTICE OF APPEAL** was filed by Brooks and Brooks, Attorney-At-Law for and on behalf of the Objectors herein whose address for service is that of their said Attorneys At Law 2<sup>nd</sup> Floor Harbour Centre P.O. Box 1355 George Town, Grand Cayman.