
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 433

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008

PART 1

Preliminary

Citation, commencement and application

1.—(1) These Regulations may be cited as the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 and come into force in accordance with paragraphs (2) and (3).

(2) Parts 1 and 2 of these Regulations come into force on 6th April 2009.

(3) These Regulations (other than Parts 1 and 2) come into force on 3rd August 2009.

(4) These Regulations (other than Part 2) apply to reviews conducted by virtue of section 43A(8) of the Act.

(5) Part 2 of these Regulations applies to the preparation and content of a scheme of delegation under section 43A(1) of the Act.

Interpretation

2. In these Regulations—

“Act” means the Town and Country Planning (Scotland) Act 1997;

“appointed officer” means a person appointed by virtue of a scheme of delegation under section 43A(1) of the Act by the planning authority to determine the application;

“hearing session” means a hearing held or to be held into matters specified in a procedure notice given under rule 1(1) of the Hearing Session Rules;

“Hearing Session Rules” means the rules set out in Schedule 1 to these Regulations;

“interested party” means—

- (a) any authority or person consulted by the planning authority in compliance with a requirement imposed by virtue of section 43(1)(c) of the Act and from whom the planning authority received representations (which were not subsequently withdrawn) in connection with the application; and
- (b) any other person from whom the planning authority received representations (which were not subsequently withdrawn) in connection with the application, before the end of the period mentioned in section 38(1) of the Act;

“local review body” has the meaning given in regulation 7(1);

“period allowed for determination of the application” is the period specified in regulation 26(2) of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008⁽¹⁾;

“procedure notice” means a notice given (whether separately or in combination) under regulation 15(1) or rule 1(1) of the Hearing Session Rules;

“reference number of the application” means the unique number assigned by the planning authority to the application;

“review documents” means notice of the decision in respect of the application to which the review relates, the Report on Handling and any documents referred to in that Report, the notice of review given in accordance with regulation 9, all documents accompanying the notice of review in accordance with regulation 9(4) and any representations or comments made under regulation 10(4) or (6) in relation to the review;

“Report on Handling” means, in respect of an application, the report to be placed in the register of applications which the planning authority are required to keep in accordance with regulations made under section 36(1) of the Act⁽²⁾;

“rule” means a rule set out in Schedule 1 to these Regulations; and

“specified matters” are in relation to a request for further written representations or information under regulation 15 or to a particular hearing session, those matters which are set out in the procedure notice.

⁽¹⁾ S.S.I. 2008/432.

⁽²⁾ The requirement to include a Report in the register is contained in Schedule 2 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 (S.S.I. 2008/432).