
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 433

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

PART 3

Review

Local Review Body

7.—(1) A review of a case by virtue of section 43A(8) of the Act is to be conducted by a committee of the planning authority comprising at least three members of the authority (to be known as the “local review body”).

(2) Meetings of the local review body at which decisions—

- (a) under regulation 13 relating to the manner in which the review is to be conducted; or
- (b) as to how the case under review is to be determined,

are to be held in public.

(3) The date, time and place at which a meeting mentioned in paragraph (2) is to be held is to be determined (and may subsequently be varied) by the local review body.

(4) The local review body are to give to—

- (a) the applicant; and
- (b) any interested parties who made representations (which were not subsequently withdrawn) in connection with the application under regulation 10(4),

such notice of the date, time and place fixed for the holding of such meeting (and any subsequent variation thereof) as may appear to the local review body to be reasonable in the circumstances.

Review on failure to determine the application

8.—(1) An applicant may require the local review body to review the case under section 43A(8) (c) of the Act if the appointed officer has failed to give to the applicant notice of their decision or determination or notice of referral of the application to the Scottish Ministers within the period allowed for determination of the application.

(2) The period prescribed for the purposes of section 43A(17) of the Act is the period of two months beginning on the date when the requirement to review is made by virtue of section 43A(8) (c) of the Act.

Notice of Review

9.—(1) An applicant may require the local review body to review a case under section 43A(8) by giving notice in writing in accordance with this regulation.

(2) The notice of review must be served on the local review body within the period of three months beginning with, in the case of a requirement arising by virtue of—

- (a) section 43A(8)(a) or (b) of the Act, the date of the notice of the decision to which the review relates;
 - (b) section 43(8)(c) of the Act, the date of expiry of the period allowed for determination of the application.
- (3) The notice of review (on a form obtained from the planning authority) must include–
- (a) the name and address of the applicant;
 - (b) the date and the reference number of the application in respect of which the review is required;
 - (c) the name and address of the representative of the applicant (if any) and whether any notice or other correspondence which is required by these Regulations to be sent to the applicant should be sent to the representative instead of the applicant; and
 - (d) a statement setting out the applicant’s reasons for requiring the local review body to review the case and by what procedure (or combination of procedures) mentioned in regulation 13(4) the applicant wishes the review to be conducted.
- (4) Subject to paragraph (5)–
- (a) all matters which the applicant intends to raise in the review must be set out in or accompany the notice of review; and
 - (b) all documents, materials and evidence which the applicant intends to rely on in the review must accompany the notice of review.
- (5) In addition to matters set out in the notice of review and documents which accompany the notice of review, the applicant may raise matters and submit further documents, materials or evidence only in accordance with and to the extent permitted by regulation 15 and the Hearing Session Rules.

Notification to interested parties and publication

- 10.**—(1) The local review body must not later than 14 days following notification of the review–
- (a) send an acknowledgement of the notice of review to the applicant and inform the applicant how documents related to the review may be inspected; and
 - (b) give notice of the review to each interested party.
- (2) Notice under paragraph (1)(b) may be given–
- (a) by post to any interested person notified or consulted under the Act other than by newspaper advertisement; and
 - (b) by post or by advertisement in a newspaper circulating in the locality where the proposed development is situated, to any other interested person.
- (3) Notice under paragraph (1)(b) shall–
- (a) state the name of the applicant and the address of the site to which the review relates;
 - (b) describe the application;
 - (c) state that copies of any representations previously made with respect to the application, will be considered by the local review body when determining the review;
 - (d) state that further representations may be made to the local review body and include information as to how any representations may be made, by what date they must be made and that a copy of the representation will be sent to the applicant for comment; and
 - (e) state how a copy of the notice of review and other documents related to the review may be inspected.
- (4) An interested party may, within 14 days beginning with the date on which notice is given under paragraph (1)(b) make representations in respect of the review to the local review body.

(5) The local review body are to send a copy of any representations received under paragraph (4) to the applicant and are to inform the applicant how and by what date (being a date not less than 14 days after the date on which such copy is sent under this paragraph) the applicant may make comments to the local review body on such representations.

(6) The applicant may, on or before that date, make comments on such representations to the local review body.

Publication of review documents

11.—(1) The planning authority in relation to a review are to make a copy of—

- (a) the review documents;
- (b) any notice given under regulation 10(1); and
- (c) any procedure notice,

available for inspection at an office of the planning authority until such time as the review is determined.

(2) The planning authority are until such time as the review is determined to afford to any person who so requests the opportunity to inspect and, where practicable, take copies of any review documents (or any part thereof).