
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 434

**The Town and Country Planning
(Appeals) (Scotland) Regulations 2008**

PART 4

Appeals under sections 130(2), 169(1) and 180(2) of the Act

Statement of appeal

13.—(1) The appellant must at the same time as giving notice of appeal to the Scottish Ministers under section 130(2), section 169(2) or section 180(2) of the Act, as the case may be, and in addition to specifying the grounds of appeal as required by section 130(3)(a) (and as applied by section 180(3)) or 169(3), of the Act, also submit a statement (“statement of appeal”) on a form to be obtained from the Scottish Ministers giving the information specified in paragraph (2).

(2) The information is—

- (a) all matters which the appellant intends to raise in the appeal;
- (b) the name and address of the appellant;
- (c) a copy of the notice against which the appeal is made;
- (d) the name and address of the representative of the appellant (if any) and whether any notice or other correspondence which is required by these Regulations to be sent to the appellant should be sent to the representative instead of the appellant;
- (e) a note of what matters the appellant considers require determination and by what procedure (or combination of procedures) mentioned in regulation 8(4) the appellant wishes the appeal to be determined.

(3) The statement of appeal is to be accompanied by copies of all documents, materials and evidence which the appellant intends to rely on in the appeal.

(4) In addition to matters set out in the statement of appeal and the documents accompanying the statement of appeal, the appellant may raise matters only in accordance with and to the extent permitted by regulations 10 and 14, the Hearing Session Rules and the Inquiry Session Rules.

Intimation of appeal to planning authority and planning authority’s response

14.—(1) The appellant must at the same time as giving the notice of appeal to the Scottish Ministers send to the planning authority a copy of—

- (a) the notice of appeal;
- (b) the statement of appeal; and
- (c) all documents, materials and evidence which the appellant intends to rely on in the appeal and which accompanied the notice of appeal in accordance with regulation 13(3).

(2) The planning authority must, not later than 21 days beginning with the date of receipt of notification of an appeal under paragraph (1), send to the Scottish Ministers and the appellant—

- (a) a statement (“the planning authority’s response”) incorporating a response to each ground of appeal and stating what matters the planning authority consider require determination and by what procedure (or combination of procedures) mentioned in regulation 8(4) the planning authority wish the appeal to be conducted; and
 - (b) copies of documents which were before the planning authority and which were taken into account in reaching its decision to issue the notice which is the subject of the appeal.
- (3) The appellant may, within 14 days beginning with the date of receipt of the planning authority’s response send to the Scottish Ministers and the planning authority comments on any matters raised in the planning authority’s response.
- (4) The planning authority are until such time as the appeal is determined to make copies of—
- (a) the notice of appeal;
 - (b) the statement of appeal;
 - (c) the planning authority’s response and any comments made under paragraph (3); and
 - (d) documents which accompanied the statement of appeal or which were sent with the planning authority’s response,
- available for inspection at an office of the planning authority and to afford any interested party who so requests an opportunity to inspect and, where practicable, to take copies of any such documents (or any part thereof).

Notification to other parties

- 15.—**(1) The planning authority must not later than 14 days following notification of the appeal under regulation 13 give notice of the appeal to each person (other than the appellant) on whom the enforcement notice or the notice under section 168 or 179 of the Act, as the case may be, was served.
- (2) Notice under paragraph (1) shall—
- (a) state the name of the appellant and the address of the land to which the appeal relates;
 - (b) describe the steps required by the notice;
 - (c) state that representations may be made to the Scottish Ministers and provide information as to how and by when such representations may be made;
 - (d) state where a copy of the notice of appeal, the statement of appeal and of the planning authority’s response may be inspected.
- (3) The period allowed for making representations is to be no less than 14 days from the date on which notice is given under paragraph (1).