
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 434

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

PART 2

Appeals under section 47 of the Act

Intimation to planning authority and planning authority's response

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

- (a) a copy of the notice of appeal;
- (b) a list of 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 3(4)(b); and
- (c) a copy of all documents, materials and evidence specified on such list which the appellant has not already provided to the planning authority in connection with the application to which the appeal relates.

(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 note (“the planning authority’s response”) of what matters the planning authority consider require to be taken into account in determining the appeal and by what procedure (or combination of procedures) mentioned in regulation 8(4) the planning authority wish the appeal to be conducted;
- (b) a copy of the documents (other than those specified on the list mentioned in paragraph (1)(b)) which were before the planning authority and which were taken into account in reaching their decision;
- (c) a copy of any Report on Handling prepared in respect of the application; and
- (d) the conditions (if any) which the planning authority presently consider should be imposed in the event that the Scottish Ministers or the appointed person, as the case may be, decide that permission be granted.

(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—

- (a) comments on any matters raised in the planning authority’s response which had not been raised in the decision notice; and
- (b) any documents, materials or evidence on which the appellant intends to rely in relation to such comments.