
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 433

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

PART 4

Procedure for Determination

Determination without further procedure

12. Where the local review body consider that the review documents provide sufficient information to enable them to determine the review, they may determine the review without further procedure.

Decision as to procedure to be followed

13.—(1) Where the local review body do not determine the review without further procedure, the local review body may determine the manner in which the review is to be conducted and are to do so in accordance with this regulation.

(2) The local review body may determine at any stage of the review that further representations should be made or further information should be provided to enable them to determine the review.

(3) Where the local review body so determine, the review or a stage of the review is to be conducted by one of or by a combination of the procedures mentioned in paragraph (4).

(4) The procedures are—

- (a) by means of written submissions;
- (b) by the holding of one or more hearing sessions; and
- (c) by means of an inspection of the land to which the review relates.

(5) Where the local review body consider that such further representations should be made or information should be made available or provided by means of—

- (a) written submissions, regulation 15 applies;
- (b) a hearing session, the Hearing Session Rules apply; or
- (c) an inspection of the land, regulation 16 applies.

(6) Notices given under regulation 15(1) or rule 1(1) of the Hearing Session Rules may be given separately or combined into a single notice.

Pre-examination meetings

14.—(1) The local review body may hold a meeting (“a pre examination meeting”) to consider the manner in which the review or any stage of the review is to be conducted with a view to securing that the review or any stage of the review is conducted efficiently and expeditiously.

(2) The local review body are to determine (and may subsequently vary) the date, time or place for the holding of a pre-examination meeting.

(3) The local review body must give such notice of the holding of a pre-examination meeting and of the date, time and place where it is to be held (and any subsequent variation thereof) as may appear to the local review body to be reasonable in the circumstances, to—

- (a) where a pre-examination meeting is to be held in connection only with the conduct of a particular hearing session, those persons entitled to appear at that hearing session; and
- (b) in any other case to the applicant, the planning authority and any interested party.

(4) The local review body are to determine the matters to be discussed and the procedure to be followed at the pre-examination meeting.

Written Submissions

15.—(1) Where the local review body have determined that further representations should be made or further information should be provided by means of written submissions, the local review body may request such further representations or information and are to do so by written notice to that effect to—

- (a) the applicant; and
- (b) any other body or person from whom the local review body wish to receive further representations or information.

(2) The notice given under paragraph (1) is to—

- (a) set out the matters on which such further representations or information is requested;
- (b) specify the date by which such further representations or information is to be sent to the local review body; and
- (c) provide the name and address of any other body or person to whom a request for such further representations or information has been made.

(3) Any further representations or information made in response to the procedure notice are to be sent to the local review body on or before the date specified for that purpose in the procedure notice and a copy of any such further representations or information is to be sent on or before that date to the applicant and to such other bodies or persons (and at the address) specified in the procedure notice.

(4) Within a period of 14 days from receipt of a copy of such further representations or information, the applicant or such other body or person may send comments to the local review body in reply to it and when doing so is to send a copy of such comments to the applicant and to such other bodies or persons (and at the address) specified in the procedure notice.

Site inspections

16.—(1) The local review body may at any time make—

- (a) an unaccompanied inspection of the land to which the review relates; or
- (b) an inspection of the land in the company of such of the persons notified under paragraph (3) as desire to do so.

(2) Where the local review body intend to make an unaccompanied inspection, the local review body are to inform the applicant that they propose to do so.

(3) Where the local review body intend to make an accompanied inspection, the local review body are to give such notice of the date and time at which they propose to do so as may appear to them to be reasonable in the circumstances, to—

- (a) the applicant; and

(b) any interested party.

(4) The local review body is not bound to defer an inspection if any person to whom notice was given under paragraph (3) is not present at the time appointed.

New evidence

17.—(1) If after the conclusion of any further procedure conducted by virtue of regulation 13, the local review body propose to take into consideration any new evidence which is material to the determination of the review, the local review body must not reach a decision on the review without first affording the applicant and any other relevant party an opportunity of making representations on such new evidence.

(2) In this regulation “relevant party” means—

- (i) where the new evidence relates to a specified matter considered at a hearing session any person entitled to appear at that hearing session;
- (ii) where the new evidence relates to matters in respect of which further written representations or information was sought by a procedure notice under regulation 15, any person to whom such notice was sent.