

Review Body – Advice for Applicants

1. Introduction

1.1 Applicants for planning permission dissatisfied with the determination (or non-determination) of local scale applications by planning officers, can apply for a Notice of Review. Notices of review can be lodged in respect of:

- Decisions to refuse planning permission
- Conditions attached to grant of planning permission
- Non-determination of planning applications within the statutory time period.

1.2 A Notice of Review must be lodged within 3 months of the date of the planning application decision notice. A Notice of Review based on non-determination of a local scale planning application by a planning officer must be lodged within the 3 month period following the expiry of the statutory period for determination. Notices of Review will be determined by the Council's Planning Review Body.

1.3 Appeals to the Directorate for Planning and Environmental Appeals (DPEA) are still available for applicants dissatisfied with the determination (or non determination) of major applications and local scale applications determined by the Council's Planning Application Committees.

1.4 In cases where you have received a planning application decision notice (i.e. in all cases except non determination), the decision notice will indicate whether you should apply for a Notice of Review (lodge with the Review Body Administration Team) or an appeal (lodge with the DPEA).

1.5 In non determination cases guidance on whether the scale of the proposed development is either major or local can be obtained by contacting the planning officer processing your application or can be found in The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009:

http://www.oqps.gov.uk/legislation/ssi/ssi2009/ssi_20090051_en_1

2. Applying for a Notice of Review

2.1 The Notice of Review form can be downloaded from the Planning Review Body webpage (<http://www.highland.gov.uk/yourcouncil/committees/planningreviewbody/>). This webpage also contains a Scottish Government guidance note to assist completion of the Notice of Review form. The regulations governing Review Body procedure require that all of the documents that you wish to rely upon must be lodged with the Notice of Review form (only in exceptional circumstances will you be permitted to lodge additional information after the Notice of Review form has been lodged). Therefore you may wish to consider the following checklist when deciding what documents to lodge.

Planning Application Form

All plans lodged with Planning Application (cross check docket on plans for the number of plans lodged with planning application)

Any supporting information lodged with Planning Application e.g.

- Retail Impact Assessment
- Transport Assessment
- Report on Archaeology
- Report on Nature Conservation
- Tree Survey
- Drainage Survey
- Tree Survey
- Etc

Decision Notice

Extracts from Structure Plan that you wish to rely upon

Extracts from Local Plan that you wish to rely upon

Extracts from any other policy document (national or local) that you wish to rely on e.g.:

- Supplementary planning guidance
- SPPs

- NPPGs
- PANs
- Circulars

Etc

Any other document you wish to rely on e.g.:

- consultation responses
- 3rd party representations
- correspondence with the planning officer

Etc

2.2 Please note that if you refer to a document in your supporting statement, you are expected to lodge that document with your Notice of Review form. Non-submission may delay determination of your Notice of Review. If this happens you will be contacted by the Administration Team and advised of the document(s) that you need to lodge. For ease of reference by members of the Review Body when determining your Notice of Review, please number all documents lodged and cross refer to these numbers in your Notice of Review/ supporting statement.

2.3 There are certain minimum requirements for a Notice of Review to be deemed valid. These are:

1. Has the applicant's name and address been completed? (page 1)
2. Has the planning application reference number been completed? (page 1)
3. Has the date that the planning application was decided been completed? (page 1)
4. Has the agent's name and address been completed? (If applicable) (page 1)
5. Has the applicant indicated whether correspondence is to be sent to agent rather than applicant? (If applicable) (page 1)
6. Has the applicant indicated the review procedure he/she thinks appropriate? (page 2)
7. Has the applicant included a statement of the reasons for seeking the review? (page 3 or separate sheet)
8. Are all the documents referred to in the statement of reasons (page 3 or separate sheet)/list of documents (page 4) included with form?

2.4 If these requirements are met, you will receive a letter from the Review Body Administration Team indicating that your Notice of Review is valid. Once valid, the Review Body Administration Team will contact the planning officer that determined your planning application as well as the statutory consultees and 3rd parties that commented on your planning application. Once contacted, all of these parties will be allowed 14 days to comment on your Notice of Review. Once these comments are received the Review Body Administration Team will write to you and you will be allowed 14 days to respond. All correspondence received in respect of your Notice of Review will be available on the Planning Review Body webpage:

<http://www.highland.gov.uk/yourcouncil/committees/planningreviewbody/>

2.5 If your Notice of Review is deemed to be invalid, the Review Body Administrative Team will write to you indicating the reasons why the Notice of Review is invalid and, if appropriate, you will be allowed an opportunity to make your Notice of Review valid. Please note a Notice of Review received outwith the 3 month period referred to above is out of time and cannot be determined by the Review Body.

3. Determination of your Notice of Review

3.1 Once the consultation phase described above in 2.4 is complete your Notice of Review will be put on the agenda of the next appropriate Review Body. You will be advised of the date, venue and time at which the Review Body will consider your Notice of Review. Please note that even if your Notice of Review is considered valid by the Review Body Administration Team, the Review Body may decide that it has insufficient information to determine your Notice of Review.

3.2 At its meeting, the Review Body will first consider whether further procedure is necessary before it determines the Notice of Review. If further procedure is requested in respect of your

Notice of Review, your Notice of Review will not be determined at this meeting – it will be continued to the next appropriate meeting.

3.3 If further procedure is requested, you will be notified what that procedure will be. The Review Body may decide that the following (or a combination of the following) is/are required before determining your Notice of Review:

- Further written submissions
- Hearing session
- Site visit.

3.4 The Administration Team will write and advise you that further procedure has been requested by the Review Body, how to comply with the Review Body's request and when/where your Notice of Review will next be considered.

- If written submissions are requested you will be given information about what the submissions should address.
- If a hearing session is requested, the Review Body's hearing procedure will be followed at the meeting.
- If a site visit is requested this may be accompanied (i.e. parties may attend and point things out to the members of the Review Body but must not use the site visit to try and persuade the members of the merits of their case) or unaccompanied (i.e. parties may observe from a distance but must not take part in the site visit).

3.5 If no further procedure is requested by the Review Body prior to determining the Notice of Review, the Review Body will proceed to determine the Notice of Review.

3.6 The Review Body will deliberate the material lodged with your Notice of Review and that received in response to it (from the planning officer, consultees and 3rd parties). The Notice of Review will then be determined and the decision announced at the meeting (a Notice of Review can either be upheld (planning permission granted) or dismissed (planning permission refused). The decision of the Review Body will typed up after the meeting of the Review Body and will be issued to you as soon as possible thereafter.

3.7 Please note there is the possibility that during deliberation of your Notice of Review that members might still request that further procedure is required before the Notice of Review is determined. If this happens, deliberation will stop and the Notice of Review will be continued to the next appropriate meeting of the Review Body. The Administration Team will be instructed to advise you of what the further procedure will be (and how to comply with that request).

K Lyons
Clerk to Review Body
May 2011

Review Body Administration Team, Chief Executive's Office, Highland Council,
Council Headquarters, Glenurquhart Road, Inverness IV3 5NX