

## Frequently asked questions

### Applicant

**Q:** I am unhappy with the planning authority's decision on my planning application, what can I do about it?

**A:** First check the decision letter that you will have received from the Council's Development and Infrastructure Service as this will indicate whether you should be appealing the decision (to the Directorate of Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk [www.dpea.scotland.gov.uk](http://www.dpea.scotland.gov.uk) ) or applying for a review of the decision by the Highland Council Review Body. The Review body can only determine reviews of local scale applications determined (or not determined in the prescribed period) by planning officers. If you are unsure whether or not you should be applying for a review through the Council or appealing to the DPEA you should contact the Planning Office who will deal with your application as a matter of urgency.

**Q:** How do I apply for a Review?

**A:** You will need to complete a form. Either contact the Review Body Administration Team (at the address below, Tel: 01463 702572, Email: [review.body@highland.gov.uk](mailto:review.body@highland.gov.uk)) or download a form from here:

[http://www.highland.gov.uk/info/20003/committee\\_information/524/planning\\_review\\_body/4](http://www.highland.gov.uk/info/20003/committee_information/524/planning_review_body/4)

**Q:** Can I lodge a Notice of Review on-line?

**A:** Yes, via the e-planning system <https://eplanning.scotland.gov.uk/WAM/> Please note that the e-planning system is run by the Scottish Government and you should contact them if you require assistance with an online submission.

**Q:** Is there a time limit on submitting a review?

**A:** Yes, a review must be submitted **within 3 months** of the date that appears on the Decision Notice from the Development and Infrastructure Service. Please note that we **cannot** accept a review after this time period. It is in your interests to submit a notice well within the time period as, in order to be validated, your Notice of Review must contain certain information that is required by Regulations issued by the Scottish Government.

**Q:** What documents should I submit together with the Notice of Review?

**A:** You should submit all documents, drawings or plans that you wish to rely upon. However, please note that all information submitted at the planning application stage will automatically be re-considered as part of the Review, therefore this information need not be re-submitted. If you do not submit supporting documentation you face the possibility that your review will be invalid or if it is validated that the Review Body either do not have all the information they need and have to request this or they may determine the review with the information presented to them. Advice notes can be found here:

[http://www.highland.gov.uk/info/20003/committee\\_information/524/planning\\_review\\_body/4](http://www.highland.gov.uk/info/20003/committee_information/524/planning_review_body/4)

**Q:** Where do I send the completed Notice of Review form?

**A:** To the **Review Body Administration Team, Corporate Development Service (Legal Services), Highland Council, Council Headquarters, Glenurquhart Road, Inverness, IV3 5NX.**

DO NOT SEND THE COMPLETED FORM TO THE PLANNING OFFICE THAT ISSUED YOUR DECISION NOTICE AS THIS WILL RESULT IN A DELAY IN THE PROCESSING OF YOUR NOTICE OF REVIEW AND MAY MEAN THAT IT IS RECEIVED OUTWITH THE TIME PERIOD.

**Q:** I have lodged a review, what happens next?

**A:** The Review Body Administration Team will check that the Notice of Review is competent (i.e. that it refers to a local scale planning application determined by an officer of the planning authority, is within the time limit for lodging the Notice of Review and has all the supporting documents that you have referred to) and will write to you advising you of the outcome of this process.

- If the Notice of Review is competent – interested parties (consultees, 3<sup>rd</sup> party supporters and objectors) will be notified of the Notice of Review and have the opportunity to make comments on the Notice of Review. If there are no interested parties you will be advised of the date of the Review Body meeting at which the Notice of Review will be reported to Members.
- If the Notice of Review is incomplete – you will be asked to provide the missing information.
- If the Notice of Review is incompetent due to being out of time – you will be informed that the Review Body is unable to determine your Notice of Review and the Notice and supporting documents will be returned to you.
- If the Notice of Review is incompetent as it is not an application that can be reviewed by the Review Body – you will be informed that if you wish to challenge the decision of the planning authority, you must lodge an appeal with the Directorate of Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk. The Notice and supporting documents will be returned to you. NB you must lodge an appeal within 3 months of the date of the decision notice.

**Q:** Am I able to see the comments of interested parties on my Notice of Review?

**A:** Yes, these will be available on-line in the Planning Review Body documents section of the Council website and in the case file (contact the Review Body Administration Team).  
[http://www.highland.gov.uk/info/20003/committee\\_information/524/planning\\_review\\_body/5](http://www.highland.gov.uk/info/20003/committee_information/524/planning_review_body/5)

**Q:** Can I respond to the comments received from interested parties?

**A:** Yes, if comments are received, you will be contacted and given 14 days to respond. All the information received by the Review Body Administration Team will be made publicly available (through the Council website) and will be circulated to the members of the Review Body prior to their determination of your Notice of Review.

**Q:** When can I expect a decision from the Review Body?

**A:** The planning legislation requires that a Review Body must determine a Notice of Review lodged on the grounds of non-determination of the planning application within 2 months of lodging the Notice of Review. If this does not happen, an applicant may appeal the non-determination by the Review Body to the Directorate of Planning and Environmental Appeals (see address above). There is no time limit for the determination of Notices of Review lodged in respect of refusals and grants of planning permission subject to conditions although the Review Body is expected to deal with Notices of Review expeditiously.

### **The Review Body Meeting:**

**Q:** Can I attend the Review Body meeting?

**A:** Yes, as an applicant or interested party you will be written to and told when and where the Review Body is to meet. This is a public meeting and you may observe proceedings from the public gallery. You will not be permitted to address the Review Body unless the Review Body decides that a hearing is necessary before determining the Notice of Review.

**Q:** Will my Notice of Review be determined there and then?

**A:** This will depend whether the Review Body is satisfied that they have been provided with sufficient information to determine the Notice of Review. If the Review Body is satisfied that it has all the information necessary to allow them to determine the Notice of Review, the application will be dealt with there and then. If information is missing or the Review Body wishes to get clarification of matters contained in the paperwork, then the Notice of Review will be continued to a future meeting. You will be advised in writing of when the Notice of Review will next be heard by the Review Body.

**Q:** What if I cannot attend a meeting?

**A:** All Council meetings are broadcast live and are available to watch back for one year following the meeting. The webcast page can be found here:  
<http://www.highland.public-i.tv/core/portal/home>

### **Site Visits:**

**Q:** I have asked for a site visit, will one be carried out?

**A:** It is up to the Review Body to decide whether they wish to hold a site visit. If they decide that a site visit is desirable then the Notice of Review will be deferred until the next meeting following a site visit having been carried out. Site visits can be either accompanied or unaccompanied. If the Review Body carries out an accompanied site visit this means the applicant and/or agent will be invited to the site visit along with all interested parties, the Review Body and Council Officers. If a site visit is unaccompanied then only the Review Body and Council Officers will attend, the site visit when unaccompanied is not open to the public.

**Q:** The Review Body are having a site visit, what does that mean?

**A:** It is up to the Review Body to decide whether they wish to hold a site visit. If they decide that a site visit is desirable then the Notice of Review will be deferred until the next meeting following a site visit having been carried out. Site visits can be either accompanied or unaccompanied. If the Review Body carries out an accompanied site visit this means the applicant and/or agent will be invited to the site visit along with all interested parties, the

Review Body and Council Officers. If a site visit is unaccompanied then only the Review Body and Council Officers will attend, the site visit when unaccompanied is not open to the public to attend.

**Q:** Can I attend the site visit?

**A:** It depends whether the site visit is an accompanied one or an unaccompanied one. The Review Body Committee will decide whether it wishes to carry out an accompanied site visit (which is open for all to attend) or an unaccompanied site visit (where only the Independent Planning adviser and Council officers accompany the Review Body Committee. If you have applied for the Notice of Review or are an interested party you will be written to and advised of the type of site visit that is to be undertaken.

**Q:** I've been advised that a site visit is to be held, can I address members of the Review Body at the site visit?

**A:** First you should check your notification letter from the Administration Team which will indicate whether the site visit is to be accompanied or unaccompanied. If it is unaccompanied you will be notified that it is to take place but you are not expected to attend (if you do, you will be asked to observe proceedings and not address members while the site visit takes place). If it is an accompanied site visit you will be invited to attend (non-attendance will not result in the postponement of the site visit). At the site visit, you will be permitted to point out things to the Review Body (e.g. "these are the trees that will require to be felled") but you are not permitted to try and convince the Review Body of the merits of your Notice of Review.

### **Hearings:**

**Q:** I've been invited to attend a hearing, what does this involve?

**A:** In the letter notifying you of the hearing you will have been asked to lodge a hearing statement. This needs to be lodged with the Review Body Administration Team (see details above) by the date stated. On the day of the hearing, you may be asked questions on your hearing statement by members of the Review Body. The hearing is not an opportunity to rehearse your Notice of Review – the Review Body uses the hearing procedure to further examine the details of the Notice of Review or the comments of interested parties prior to coming to a decision on the Notice of Review.

### **Further Information:**

**Q:** Why have I been asked to provide further information?

**A:** Further information may be requested when the Review Body has either found the Notice of Review/comments from interested parties deficient in some way or where clarification is required as regards a matter referred to in the application/comments. In order to be completely clear what parties' positions are, the Review Body may ask for further information which the other parties to the Notice of Review will then have an opportunity to comment on. You should ensure that you respond within the time limits advised as otherwise the further information may not be accepted.

### **Determination of Notices of Review:**

**Q:** My Notice of Review was upheld by the Review Body, can I start development straight away?

**A:** No, to do so would risk enforcement action being taken against you. In due course you will receive a letter confirming the Review Body's decision. The decision notice contains those conditions that planning permission is granted subject to and these must be adhered to prior to development commencing. If you are in any doubt about the terms of the planning permission, you should contact your local area planning office.

**Q:** My review has been dismissed by the Review Body and I am unhappy with this decision, what can I do?

**A:** The decision of the Review Body may be appealed on a point of law to the Court of Session. Independent legal advice should be sought in order that you are informed of your rights.

**Q:** I am not happy with the outcome of the Review Body, can I complain?

**A:** If you are unhappy with the decision reached by the Review Body the only right of appeal or challenge is through the Court of Session, the Council cannot respond to complaints in that regard. If you are unhappy with the service provided by the Review Body Admin Team, complaints should be made in writing to:

Complaints Officer, The Highland Council, Customer Services, PO Box 5773, Inverness , IV1 9EJ or online via:

[http://www.highland.gov.uk/info/670/consultations\\_complaints\\_and\\_compliments/368/make\\_a\\_complaint](http://www.highland.gov.uk/info/670/consultations_complaints_and_compliments/368/make_a_complaint)

### **Roles at the Committee**

**Q:** What Members are on the Review Body, will my local member take part?

**A:** The Committee is made up of 9 Members. The membership can be seen here:

[http://www.highland.gov.uk/info/20003/committee\\_information/524/planning\\_review\\_body/3](http://www.highland.gov.uk/info/20003/committee_information/524/planning_review_body/3)

A minimum of 3 Members must attend the meeting for the meeting to proceed. If a Notice of Review is within a members ward they will not take part in the consideration of that Notice of Review.

**Q:** What does the Independent Planning Adviser do?

**A:** As the name suggests, the Independent Planning Adviser is a consultant and qualified planner who provides advice on planning matters to the Review Body. They do not offer a view as to whether a Notice of Review should be upheld or not.

**Q:** What does the Solicitor/Clerk do?

**A:** They will provide legal advice as and when required by the Committee and will ensure that procedural formalities are followed.

### **Interested Parties**

**Q:** I commented on the planning application, will my original comments be taken into account?

**A:** Yes, all comments made during the planning process will be provided to the Review Body.

**Q:** Can I, or do I need to provide comments on the review?

**A:** All interested parties will be written to and offered the chance to comment on the review. You can comment if you wish to do so. If you have nothing you wish to add to your comments made previously at the planning application stage then you do not need to do anything further as those comments will be provided to the Review Body.

**Q:** Will my comments be publically available?

**A:** Yes, all comments received are placed on the Councils website on the Review Body page. The applicant will be provided with an opportunity to respond to any comments made. After that point no further information can be accepted unless the Review Body specifically requests it.

**Q:** My comments online appear to be redacted or blacked out?

**A:** It may on occasion be necessary to redact parts of correspondence in order that the Council complies with the relevant requirements of the Data Protection Act. The un-redacted version of correspondence will be provided to members of the Review Body before they determine the Notice of Review.

**Q:** Can I attend the Review Body meeting?

**A:** Yes, you will receive notice of when/where the Review Body is to meet. This is a public meeting and you may observe proceedings from the public gallery. You will not be permitted to address the Review Body unless the Review Body decides that a hearing is necessary before determining the Notice of Review

**Q:** What is contained in the Review Body Committee papers?

**A:** All information as submitted by the applicant and interested parties in relation to the Notice of Review together with any additional information from the planning application stage is provided to the Members in a booklet format a week before the Committee meeting. You can see exactly what is contained in each booklet by looking at the documents for each Notice of Review by following this link:

[http://www.highland.gov.uk/info/20003/committee\\_information/524/planning\\_review\\_body/5](http://www.highland.gov.uk/info/20003/committee_information/524/planning_review_body/5)

### **Further Questions**

**Q:** I still have further questions, who should I speak to?

**A:** Please contact the Review Body Admin Team who will be able to assist with any query you may have. They can be emailed at [review.body@highland.gov.uk](mailto:review.body@highland.gov.uk) or contacted on 01463 702572