

Review Body – Advice for Applicants

1. Introduction

1.1 If you are dissatisfied with a planning officer's determination (or non-determination) of your local scale planning application, you can ask for that determination (or non-determination) to be reviewed by the Council's Planning Review Body. In order for a determination (or non-determination) to be reviewed, you must lodge a Notice of Review (see 2 below) with the Council. Notices of review can be lodged in respect of the:

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

1.2 If you are unsure whether you should lodge a Notice of Review with the Council or lodge an appeal with the Scottish Government's Directorate of Planning & Environmental Appeals (DPEA) check the decision notice issued by the planning authority. If your planning application has not been determined within the statutory time limit (and therefore you do not have a decision notice) you will lodge a Notice of Review if your planning application is local scale and was to be determined by a planning officer. If your planning application is (1) major scale or (2) local scale and was to be determined by the planning applications committee, you will lodge an appeal to the DPEA.

1.3 Guidance on the scale of your proposed development 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. 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.

2.2 The regulations governing review procedure require that all of the documents that you wish to rely upon must be lodged with the Notice of Review form. To save re-submitting all of the documents lodged at the time the planning application was being processed, the Notice of Review webpage will be linked to the planning authority's e-planning website. You can check what is on the e-planning website by clicking on this link <http://wam.highland.gov.uk/wam/> and entering your planning application reference number.

2.3 If you wish to lodge additional documents these should be identified as such in section 5 of the Notice of Review form. Please consider lodging photographs of the application site and its surroundings as this will assist the members of the Review Body familiarise themselves with the application site.

2.4 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? (NB you do not need to re-submit documents that are already on the planning authority's planning website).

2.5 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 consultees and 3rd parties that commented on your planning application. Once contacted, they will be allowed 16 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 16 days to respond to the comments received. All correspondence received in respect of your Notice of Review will be made available on the Planning Review Body webpage:

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

2.6 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 out-with the 3 month period referred to above is out of time and cannot be determined by the Planning Review Body.

3. Determination of your Notice of Review

3.1 Once the consultation phase described above in 2.5 is complete your Notice of Review will be put on the agenda of the next appropriate Planning Review Body. You will be advised of the date, venue and time at which the Planning Review Body will consider your Notice of Review. This is a webcast public meeting. You are welcome to attend in person or to watch the webcast via:

<http://www.highland.public-i.tv/core/>

3.2 At its meeting, the Planning 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 Planning 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 Planning 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 Planning 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 Planning Review Body prior to determining the Notice of Review, the Planning Review Body will proceed to determine the Notice of Review.

3.6 The Planning Review Body will deliberate the material lodged with your Notice of Review and that received in response to it. 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 be typed up after the meeting of the Planning 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 Planning 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

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