

**THE TOWN AND COUNTRY PLANNING (APPEALS)
(SCOTLAND) REGULATIONS 2013**



PLANNING AUTHORITY APPEAL RESPONSE FORM

For completion by the planning authority in connection with appeals under Sections 47, 75, 130, 154, 169 and 180 of the Town and Country Planning (Scotland) Act 1997 and Regulations 21 and 25 of the Town and Country Planning (Control of Advertisements) Regulations 1984

Regulations 4(2) and 14(2): The planning authority response, copy of documents, report on handling and suggested conditions must be provided to DPEA **within 21 days** of being notified of the appeal

Please note that the text boxes throughout this form are limited. Please use additional space on page 6 if required, or attach additional information on a separate word document when submitting by email.

**Address/location
of appeal site:**

Postcode:

**Planning authority
ref:**

DPEA ref:

1. PLANNING AUTHORITY CONTACT

Please provide the following information about the authority official who will be lead contact regarding the appeal:

Name:

Role/Job title:

Postal address:

Telephone no:

Fax no:

E-mail address*:

* In general, DPEA contact with the planning authority will be by **e-mail**.

2. RIGHT OF APPEAL *(complete for planning permission appeals only)*

Under the Hierarchy of developments, is this development:

For local developments only: has the appellant correctly made an appeal to the Scottish Ministers (rather than the local review body)?

If Yes, please explain why, with reference to your authority's Scheme of Delegation.

3. NOTIFICATION REQUIREMENTS OF PLANNING AUTHORITY

The Appeals Regulations require the planning authority, not later than 14 days after it receives notification of the appeal, to send a notice to each interested party informing them of the appeal and providing them with the information specified in the regulations.

Consent Appeals

Date of notice to interested parties:

**Please provide one copy of this notice and, where relevant, the newspaper advertisement.*

Please indicate the number of interested parties here (do not include consultees):

(You must provide a copy of the original letters of representation and, if more than 50 interested parties, please provide a list of names, addresses on an excel spreadsheet listing the addresses on individual lines)

Enforcement Notice Appeals

Date of notice to each person served the notice of appeal

4. REPORT ON HANDLING *(Planning Permission Appeals only)*

Have you provided a Report on Handling?

Did the committee accept the Planning Officer's recommendations?

If you have not provided a Report on Handling, please provide details of the provisions of the **development plan** and any other material considerations relevant to the development here.

If you have not provided a Report on Handling, please provide details of the **consultations**, including internal, carried out by the planning authority next. *Please also include details of any body or person the planning authority would have consulted before making a decision, had the appeal not been lodged (i.e. for appeals against non-determination).*

5. ENVIRONMENTAL IMPACT ASSESSMENT

Did the application require an environmental impact assessment ?

If no, answer the question below, then go to section 6

Have either the planning authority or Scottish Ministers issued a screening opinion or direction for the proposed development? *If yes, please provide a copy

Was an environmental statement submitted before 16 May 2017 in respect of the application?

If no, was a request for a scoping opinion or scoping direction made in respect of the development that is the subject of the appeal before 16 May 2017?

*If yes, please provide a copy of:

- (i) the request for the scoping opinion or direction, and
- (ii) the scoping opinion or direction issued

6. OPPORTUNITIES FOR THE PUBLIC TO PARTICIPATE IN DECISION-MAKING

Publicity for the application

Please provide the following information demonstrating that the requirements of regulations 18, 19 or 20 of the Town and Country Planning (Development Management) (Scotland) Regulations 2013 or Sections 60 (2)(a) or 65 (2)(a) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 have been met in respect of the application subject to the appeal:

- (i) a copy of any neighbour notification issued and a list of neighbours notified, and
- (ii) any published notification of the application. (e.g. press advertisement or site notice)

Pre-determination hearings

Section 38A of the Town and Country Planning (Scotland) Act 1997 (as amended) makes provision for a “pre-determination hearing” to be held for certain types of development.

Was such a hearing held?

*If yes, please provide a copy of any report prepared for consideration at the hearing and any minute of the hearing.

EIA applications - publicity for environmental statement / report

Please provide the following information demonstrating that the requirements of regulations 20 and 21 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (or equivalent under previous EIA legislation) have been met both for (a) any environmental report (or environmental statement) and (b) any additional information submitted in respect of the application:

- (i) a copy of any neighbour notification issued and a list of neighbours notified, and
- (ii) any published notification. (e.g. press advertisement)

EIA applications - other opportunities for the public to participate in decision-making

For any EIA application, if the planning authority took any steps to ensure the public had the opportunity to participate in decision-making procedures other than (a) the statutory requirements set out above or (b) any steps already narrated in the planning authority's decision notice, please detail those steps below:

7. MATTERS RELEVANT TO THE APPEAL

The planning authority is required to send DPEA and the appellant a note of matters it considers are to be taken into account in determining the appeal. Please do so here.

8. DOCUMENTS BEFORE THE PLANNING AUTHORITY

Please provide a list and copies of all documents which were before the planning authority and which were taken into account in reaching the authority's decision on the application (or decision to issue the notice) which is the subject of the appeal.

Note: DPEA will only accept links to documents which are available in their Core Document Library

Appeal plans (complete for planning permission appeals only)

The documents provided by the appellant have been published on the DPEA website at www.dpea.scotland.gov.uk Section 32A of the Town and Country Planning (Scotland) Act 1997 prevents a proposed development from being varied through the appeal process.

Are the plans provided with this appeal the same as those which were before your authority when it considered the planning application?

If 'no', you should now provide a copy of the plans relevant to this appeal.

Note - Plan Numbers

If the plan numbers on the decision notice are different from the numbers shown on the appellant's plans, please attach a cross-reference of numbers to make it clear which of the appellant's plans were the subject of the Council's decision (or, in the case of failure to determine cases, which plans were under consideration by the Council at the time the appeal was made).

9. ADDITIONAL MATTERS (only applies to appeals under section 47(1) of the Town and Country Planning Act)

In your response, have you raised any matters which were not before the planning authority at the time the decision now subject of the appeal was made?

If yes, you should explain in the box below why the matters were not raised at that time and why you consider they should now be taken into account:

10. CONDITIONS (Not required for Planning Obligation Appeals or for Good Neighbour Agreement Appeals)

State any conditions which the planning authority considers should be imposed in the event that permission is granted.

11. APPEAL PROCEDURE

The person appointed by the Scottish Ministers will determine the appeal following an initial exchange of information.

On some occasions the appointed person may consider further procedure to be necessary, to examine any specific matters, before reaching a decision. This is your opportunity to indicate what procedure your authority considers is most appropriate for the handling of this appeal.

- 1** Review of all relevant information provided by yourself and other parties only, with no further procedure
- 2** Inspection of the land subject of the appeal
- 3** Further written submissions on specific matters
- 4** Holding of one or more hearing sessions (i.e. round table discussions) on specific matters
- 5** Holding of one or more formal inquiry sessions on specific matters

** You can suggest a combination involving more than one further procedure, if necessary*

If you have marked boxes 3, 4 or 5, please explain here which of the matters (as set out in your statement above) you believe ought to be the subject of that procedure, and why.

In the event that a hearing or inquiry session might be needed, please suggest any suitable venue(s) in the local area.

12. SITE INSPECTION

The person appointed by the Scottish Ministers, may consider it necessary to make an inspection of the appeal site prior to determining the appeal. The following information would be helpful in guiding the appointed person as to the nature of any site inspection.

Can the site be viewed entirely from public land?

Is it possible for the site to be accessed safely, and without barriers to entry?

If there are reasons why the Reporter would be unable to access and view the appeal site alone, please explain here:

13. DIRECTIONS BY THE SCOTTISH GOVERNMENT

Have the Scottish Ministers made a direction under regulation 31 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013* relating to the application?

(This might be a direction specific to the application, or a general direction requiring the planning authority to notify Scottish Ministers before it could have granted planning permission.)

If so, what is the title and date of the direction?

Title:

Date:

* or a direction under Article 17 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992

14. OTHER MATTERS BEFORE THE SCOTTISH GOVERNMENT OR THE PLANNING AUTHORITY FOR DECISION

Related cases

Are there any other applications or appeals or other planning matters relating to the site or area currently being considered by Scottish Ministers?

Are there any other applications or reviews relating to the site or area currently being considered by the planning authority?

If yes to either of the above, please give details here (including any Scottish Government and/or planning authority reference where appropriate): *Limit 160 Characters*

Emerging Development Plan

Does the proposed development have significant implications for a local plan/local development plan and or a structure plan/alteration or a strategic development plan currently before Scottish Ministers for consideration?

If yes, please give details here:

15. NEWSPAPER

Which is the appropriate local newspaper for the purpose of any advertisement that might be required?

16. ADDITIONAL INFORMATION

17. CHECKLIST

Please confirm that this form and the documents attached* comprise the planning authority's full submission on the appeal, as required by regulation 4(2) or 14(2) of the Town and Country Planning (Appeals) (Scotland) Regulations 2013:

- (a) Planning Authority's Response: a note of the matters that the planning authority considers should be taken into account in determining the appeal, and by what procedure (or combination of procedures) the authority thinks these should be examined.
- (b) Documents: a copy of the documents (other than those specified in the appellant's list of documents, materials and evidence) which were taken into account by the planning authority in reaching its decision.
- (c) Notification requirements of planning authority: a list of interested parties, a copy of the notice of the appeal sent to interested parties and, if applicable, a copy of the newspaper advertisement of the appeal.
- (d) Report on Handling: where applicable, a copy of any report on the authority's handling of the planning application (as required by Schedule 2, paragraph 3 (d) of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013)
- (e) Conditions: where applicable, the conditions which the planning authority considers should be imposed in the event that planning permission is granted.
- (f) Environmental Impact Assessment: where applicable a copy of any screening opinion issued
- (g) Environmental Impact Assessment: where applicable a copy of any request for a scoping opinion or scoping direction made before 16 May 2017 and the scoping opinion or scoping direction issued.
- (h) Opportunities for the public to participate in decision-making: where applicable a copy of any neighbour notification, list of neighbours notified and published notification under regulations 18,19 or 20 of the Town and Country Planning (Development Management) (Scotland) Regulations 2013 or Sections 60 (2)(a) or 65 (2)(a) of the Planning (Listed Buildings and Conservation Areas (Scotland) Act 1997.
- (i) Opportunities for the public to participate in decision-making: for any EIA report or additional information, a copy of any neighbour notification, list of neighbours notified and the notification published under regulations 20 and 21 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 or equivalent under previous EIA legislation
- (j) Opportunities for the public to participate in decision-making: where applicable a copy of any pre-determination hearing report and minutes of meeting

*Note:

Documents can be submitted to DPEA as electronic attachments, as zip files, via authorised file transfer websites or on a CD. Alternatively we can accept documents in hard copy.

All documents must be clearly named and referenced.

DPEA cannot accept links to documents held on websites as part of this submission other than those to specific documents on the DPEA core document library.

This form and all supporting documents should be sent to:

E-mail: dpea@gov.scot

Post: Planning and Environmental Appeals
Hadrian House
Callendar Business Park
Falkirk
FK1 1XR

You must also send this form and the supporting documents to the appellant (or agent) – contact details are on the front page of the appeal form.

After selecting "submit by email" button, you will have the opportunity to attach additional documents to your email.