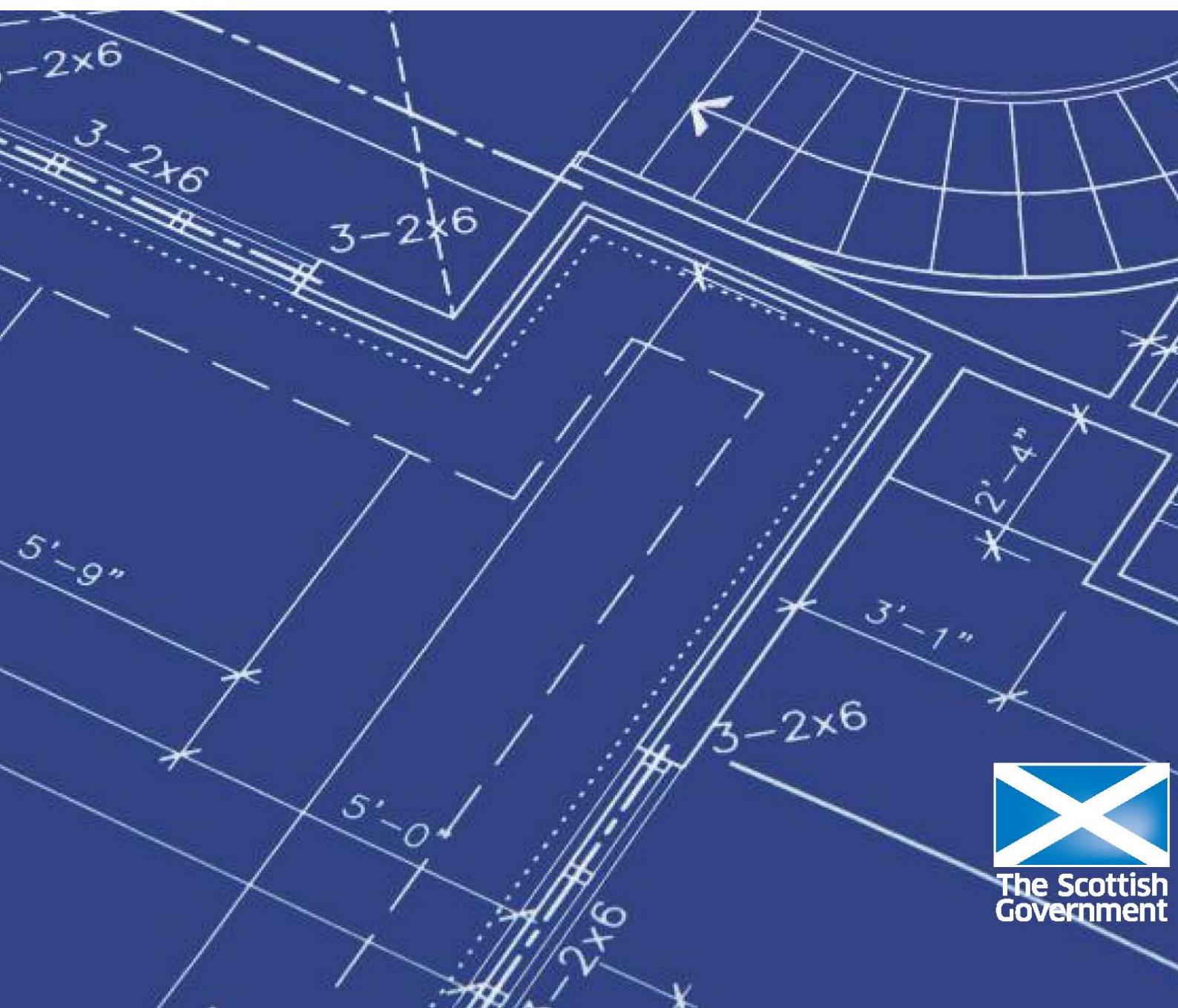


Planning and Environmental Appeals Division

Complaints



The Scottish
Government

The Planning and Environmental Appeals Division (DPEA) takes all complaints very seriously. We try hard to ensure that everyone involved in the appeals system (or other cases that we deal with) is satisfied with the service they receive from us. However planning appeals and other casework often raise strong feelings and it is inevitable that there will be at least one party who will be disappointed with the outcome of a case. This can lead to a complaint about the decision itself or the way in which the case was handled. Sometimes complaints arise due to a misunderstanding about how the system works. When this happens we will try to explain things as clearly as possible. Once a decision has been made, we cannot re-open an appeal or other case to reconsider the merits of the case or add to what the reporter has said. All the same we will answer any queries about the decision as fully as we can. A complaint can arise at any stage in the proceedings and you should raise any issues when they occur, rather than waiting for the final decision to be issued.

DPEA cannot however

- change the reporter's decision
- re-open the appeal once the decision has been issued
- resolve any issues you may have with the planning authority about the planning system or the implementation of a planning permission

The Court of Session is the only authority that can ask for the reporter's decision to be reconsidered. Anyone aggrieved by a planning appeal decision can appeal to the Court of Session within 6 weeks of the date of the decision notice. Different procedures and time limits apply to other case work such as environmental appeals.

Appeals can only be made on a point of law and we would suggest that you seek professional advice if you wish to appeal to the court.

[Further guidance on how to challenge a decision made by a reporter](#)

In dealing with complaints, DPEA will follow the [Scottish Government process](#)

Complaints and requests for a review can be submitted by post, by e-mail, in person or over the telephone (see contacts below).

1. How to lodge a complaint

In the first instance you should always try and resolve the complaint with the case officer dealing with your case. If you are unable to do so then you should write to the Head of Performance and Administration setting out the reasons for your complaint and any actions you consider DPEA should take to resolve matters.

2. Initial assessment of your complaint

In the first instance DPEA will assess whether your complaint should be dealt with as a Stage 1 or Stage 2 complaint.

A Stage 1 complaint will normally be straightforward and require little or no investigation. The main principle of this is to seek early resolution and to resolve the complaint at the earliest opportunity.

A Stage 2 complaint will typically be complex and require a detailed examination before we can issue a response.

A Stage 2 investigation will also be initiated when a complainant is unhappy with the handling or the response issued to a Stage 1 complaint.

A Stage 2 investigation of an unresolved Stage 1 complaint will be carried out independently of DPEA.

3. What action will DPEA take at Stage 1

DPEA will aim to respond to your complaint within 5 working days but no later than 10 working days in more complex cases. If we are unable to meet this target, we will write to you explaining why this cannot be done and informing you of when you will receive a response. Our response will address fully the issues you raise and set out any action we will take to deal with this

4. What action will DPEA or the Scottish Government take at Stage 2

DPEA or the Scottish Government (where the Stage 2 investigation is of an unresolved Stage 1 complaint) will appoint an Investigating Officer (IO) to carry out an investigation of your complaint and the response you received. The IO will;

- acknowledge receipt of your complaint within 3 working days
- where appropriate, discuss your complaint with you to understand why you remain dissatisfied and what outcome you are looking for, and
- give you a full response to the complaint within 20 working days

The IO will inform you if the investigation will take longer than 20 working days. They will agree revised time limits with you and keep you updated on progress.

5. Reporting of complaints

From April 2011 DPEA will publish the number of complaints received in the Division's Annual Review and also the number that were upheld. Complaints will also be recorded centrally by the Scottish Government

6. Taking it further

If you remain dissatisfied with the responses you have received, you may wish to contact the Scottish Public Services Ombudsman (SPSO). The SPSO (see Contacts below) deals with complaints about the Scottish Government, its departments and its agencies. They normally consider complaints only after they have been through the formal complaints process of the organization concerned.

Further information

Only the applicant has a right to appeal a planning decision. The Town and Country Planning (Scotland) Act 1997 sets out the legal basis for the right of appeal. The reporter will, however, consider all the evidence submitted by all parties before reaching a decision.

The reporter will decide what, if any, further information they will require to decide an appeal. This may take the form of further written submissions, a site inspection, a hearing session or an inquiry session. The reporter will also decide which party is best placed to provide this information. In some cases the reporter will decide that no further information is required.

We cannot reconsider a reporter's decision or his/her reasoning in reaching the decision. The decision can only be changed following a successful Court of Session challenge. Any party aggrieved by the reporter's decision can appeal to the Court of Session. This appeal can only be made on a point of law and you may wish to seek professional advice before taking any action in this regard.

The reporter is required to make his/her decision in accordance with the development plan unless material considerations indicate otherwise. Further information on what constitutes material considerations can be found at [Defining a material consideration](#).

Local views are important and will be fully take into account by the reporter. However, reporters have to determine an appeal on the basis of all the evidence submitted and on the planning merits of the case.

Reporters are not appointed to a case where there is any conflict of interest. Appointing reporters who do not live locally ensures that they have no personal involvement in any local issues or any ties with the planning authority or its policies. However reporters will be aware of local views from the representations people have made on a case and will, in

the vast majority of cases, have carried out an inspection of the appeal site.

In writing the decision on an appeal, reporters must give reasons for their decision and take into account all views submitted. It is not however necessary to list every bit of evidence or name every party who has submitted representations.

Each case is dealt with on its own individual merits and although two cases may be similar, there will always be some aspect of a case that is unique. Each case must be decided on its own particular merits.

If your appeal is dismissed you may wish to approach your local planning authority to discuss what development they might consider appropriate for the site.

Once a reporter has issued a decision they have no further jurisdiction in the case. Responsibility for ensuring compliance with any conditions rests with the local planning authority.

Contacts

Planning and Environmental Appeals Division

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

Telephone – 0300 244 6668
E-mail – dpea@gov.scot

Scottish Government Complaints Handling

E mail - sgcomplaints@gov.scot

Scottish Public Services Ombudsman

Scottish Public Services Ombudsman
Freepost SPSO

Telephone - 0800 377 7330 (free from UK landlines)
Fax - 0800 377 7331 (free from UK landlines)
Email – ask@spso.org.uk

Further copies of this document are available, on request, in audio and large print formats and in community languages; please phone 0300 244 668 or email dpea@gov.scot

Aby otrzymać niniejszy dokument w innej wersji językowej, na kasęcie lub w wersji z powiększonym drukiem, prosimy o kontakt:

اس دستاویز کی مزید کا پیاس آڈیو سسٹم پر اور بڑے حروف کی چھپائی میں اور گیئر کی زبانوں میں طلب کیے جانے پر مستیاب ہیں، جو ائے سبزی اس پر اپنے انتکاریں:

اے ڈنڈلیمیٹ-ڈنڈل (انگلش) آئیڈیکل کپی، آئیڈی و ملک، نیکڈا ڈیکھ لکھن اور اندازہ ڈنڈل
سائنس اندازہ لیڈر ڈیکھ لیکھن اور ڈیکھ لیکھن، کامڈن ڈیکھ لیکھن کرکن:

Gheibhear lethbhreacan a bharrachd ann an cruth
ris an èistear, ann an elò mòr agus ann an càinain
coimhearsnachd. Cuir fios gu:

इस दस्तावेज़/कागजात की और प्रतियाँ, माँगे जाने पर, ऑडियो
ट्रैप पर और बड़े अक्षरों में तथा कम्प्यूनिटी भाषाओं में मिल
सकती हैं, कृपया संपर्क करें:

इस दस्तावेज़/कागजात दीआं होर कापीआं, मंगो जाण ? ते,
आँडर्डि टेप उँपर अउ वैडे अंधरां विच अउ बैमिउनिटी
ब्राम्पावां दे विच मिल मकदीआं हन, क्रूपा करके संपरक बरो:

此文件有更多備份，如果需要，語音版本和大字體版本及少數種族語言版本也可提供，請聯絡：

يمكن أن تطلب النسخ الأخرى من هذا المستند كالتسجيل الصوتي والخط المكبر
ونسخ بلغات أخرى، يرجى الاتصال على:

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

Telephone – 0300 244 6668
E-mail – dpea@gov.scot