

Guidance note:	Requests to sist appeals
Relating to:	All types of appeal
Background/legislative and policy framework	<p>A sist means the temporary suspension of the processing of a case. When a sist is applied the case is held in abeyance for a specified period and the “clock” relating to our timescales to determine a case stops.</p> <p>There is no legislation or specific Scottish Government policy about sisting planning appeals, it is a procedural step in the appeal which involves the exercise of discretion. The Scottish Government does however, support efficient decision making and seeks to remove unnecessary uncertainty for communities which may be affected by development proposals.</p> <p>This guidance note therefore sets out the circumstances where the DPEA will temporary sist a planning appeal because of a request by a party.</p>
DPEA practice	<p>The Scottish Government expects all cases to be determined expeditiously and DPEA have a role, mindful of its responsibility to all with an interest in the case, in ensuring that. It is rare for postponement of a case to be in the public interest.</p> <p>A sist will only be agreed where ALL of the following criteria are met:</p> <ul style="list-style-type: none"> • There is a good reason to do so (see below); • It would not prejudice any party; and • It has been agreed by the main parties to the appeal. <p>Acceptable reasons to agree a sist include unexpected events, for example the appellant has died or the appellant company has gone into administration. Inconvenience to representatives of parties (such as on proposed inquiry or hearing dates, in terms of GN23), the consideration of a separate planning application or in order to give time to the parties to negotiate an alternative scheme are unlikely to be acceptable reasons (not least since in such eventuality the appellant can withdraw the appeal).</p> <p>Despite bullet point 3, it should be stressed that agreement by the main parties is not, of itself, sufficient.</p> <p>It is regarded as good practice when agreeing to a sist to specify the duration of a sist or the date on which it will</p>

	<p>end or be reviewed. A sist can be continued and can be granted more than once in any case, on cause shown.</p> <p>As in the examples above, it may not be clear at the date of sisting how long is appropriate and the reporter if agreeing to a sist will have regard to the reason and potential prejudice to interested parties in deciding its duration until ended or reviewed.</p>
DPEA Process	<ul style="list-style-type: none"> • Request for sist received by case officer and passed to the appropriate Casework Section Manager • Initial assessment of reasons and likelihood of success undertaken, and view confirmed with Head of Performance and Administration or appointed Reporter • All parties, Reporter and client division (where appropriate) advised of request and DPEA's preliminary view and invited to comment, usually within 14 days. • Casework Section Manager to review comments and liaise with appointed Reporter or Duty Principal (as appropriate) • Case officer to advise all parties of the outcome