



Each case is unique and must be considered on its merits. It is for the person appointed to determine the case to satisfy him/herself that the application of the practice contained in this note is appropriate to the circumstances of the case. A reporter who intends to depart from the guidance should advise a Principal or Assistant Chief Reporter so issues emerging can be considered for future case work.

Guidance note:	2013 REGULATIONS: RECEIPT OF CASE
Relating to:	<p>This note relates to cases progressed under the Town and Country Planning (Appeals) (Scotland) Regulations 2013. These are:</p> <p>Planning Permission appeals (PPA) Enforcement Notice appeals (ENA) Certificate of Lawful Use or Development appeals (CLUD) Tree Works Consent appeals (TWCA) Tree Replacement Enforcement Notice appeals (TENA) Amenity Notice appeals (ANA) Planning Obligation appeals (POA) Good Neighbour Agreement appeals (GNAA) Listed Building Appeals (LBA)(from 1 December 2011) Conservation Area Consent Appeals (CAC) (from 1 December 2011) Listed Building Enforcement Appeals (LBE) (from 1 December 2011) Advertisement Consent Appeals (ADA) (from 30 June 2013) Advertisement Discontinuance Notice Appeals (ADD) (from 30 June 2013) Advertisement Enforcement Notice (ADE) (from 30 June 2013) Applications for urgent Crown development (from 30 June 2013)</p>
Background/ legislative and policy framework:	<p>The changes to the Town and Country Planning Act 1997 introduced by the Planning Act 2006 together with the consolidated Town and Country Planning (Appeals) (Scotland) Regulations 2013 introduced a significant change to the way that the procedure for determining an appeal is decided. The 'right to be heard' has been removed and regulations 7 and 9 specify that the appointed person may determine the manner in which the appeal is to be conducted.</p> <p>See also Circular 4/2013; Planning Appeals.</p>
DPEA practice:	<p>Our targets for dealing with cases are:</p> <ol style="list-style-type: none"> 1. No further procedure - 8 weeks 2. Site visit only - 12 weeks 3. Further written evidence and site visit - 20 weeks 4. Hearing session and site visit – 26 weeks 5. Inquiry session and site visit – 32 weeks

Process:	<p>On receipt of an Appeals Regulations case the appointed person should:</p> <ul style="list-style-type: none">○ Check for any potential conflict of interest/other issue which may preclude them from determining the appeal (as normal);○ note the anticipated procedure (see e mail or APP/PROC/1);○ review the documents on the case file (using the Case Management System (CMS) if the file is not at hand);○ consider the issues raised in the papers available to date and:<ul style="list-style-type: none">○ if content with the anticipated procedure, advise case officer of site visit arrangements (accompanied or unaccompanied, date and time).○ if <i>not</i> content with anticipated procedure complete form APP/PROC/2 and submit it through the CMS. Continue to make arrangements for the site visit if this is appropriate. <p>NB: a reporter may, at ANY time, request further information This should be carried out by completing APP/PROC/2 as above.</p>
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