
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 138

The Town and Country Planning (Miscellaneous Amendments) (Scotland) Regulations 2011

Amendment of the Town and Country Planning (Appeals) (Scotland) Regulations 2008

3.—(1) The Town and Country Planning (Appeals) (Scotland) Regulations 2008(1) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 3(3) (notice of appeal)—

(a) in paragraph (d) for “what procedure” substitute “what, if any, procedure”; and

(b) after paragraph (d) insert—

“; and

(e) where the appeal is made under section 47(1) of the Act, a copy of the decision notice”.

(3) In regulation 4(2)(a) (intimation to planning authority and planning authority’s response) for “what procedure” substitute “what, if any, procedure”.

(4) In regulation 13 (statement of appeal)—

(a) for paragraph (1) substitute—

“(1) The appellant must at the same time as giving notice of appeal to the Scottish Ministers under section 130(2), 169(2) or 180(2) of the Act, as the case may be, also submit a statement (“statement of appeal”) on a form to be obtained from the Scottish Ministers.

(1A) The statement of appeal, in addition to specifying the grounds of appeal as required by section 130(3)(a) (and as applied by section 180(3)) or 169(3) of the Act, is to give the information specified in paragraph (2).”; and

(b) in paragraph (2)(e) for “what procedure” substitute “what, if any, procedure”.

(5) In regulation 14(2)(a) (intimation of appeal to planning authority and planning authority’s response) for “what procedure” substitute “what, if any, procedure”.

(6) For regulation 17(2)(b) (called-in applications) substitute—

“(b) references to the appointed person—

(i) in Parts 3 and 7 (other than in regulation 21), rule 1(1) of the Hearing Session Rules and rule 1(1) of the Inquiry Session Rules are to be treated as references to the Scottish Ministers; and

(ii) in regulation 21, the Hearing Session Rules (other than in rule 1(1)) and the Inquiry Session Rules (other than in rule 1(1)) are to be treated as references to the person appointed to hold the hearing session or inquiry session, as the case may be;”.