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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 157**

**The Town and Country Planning (Schemes of Delegation  
and Local Review Procedure) (Scotland) Regulations 2013**

**PART 5**

**General**

**National security**

**18.** The validity of a notice of review is not affected by failure to disclose information as to—

- (a) national security; and
- (b) the measures taken, or to be taken, to ensure the security of any premises or property,

where the notice of review is accompanied by a written statement from the applicant that, in the opinion of the applicant, the information relates to the matters mentioned in paragraph (a) or (b) above, and that public disclosure of that information would be contrary to the national interest.

**Further copies of documents etc.**

**19.—**(1) The local review body may require any person who has submitted documents, materials or evidence under these Regulations in connection with the review to—

- (a) provide to the local review body such number of additional copies of such of those documents, materials or evidence as they may specify; and
- (b) provide to such other persons as they may specify such copies or additional copies of any documents, materials or evidence as they may specify.

(2) The planning authority must, until such time as the review is determined, make copies of such documents, materials or evidence provided under paragraph (1)(a) available for inspection at an office of the planning authority and, where practicable, must afford any person who so requests a reasonable opportunity of taking copies of such documents (or any part thereof).

**Compliance with development management procedures**

**20.** The local review body must, to the extent not already done so, comply with regulations 18 (notification by the planning authority), 19 (notification of minerals applications), 20 (publication of application by the planning authority) and 25 (consultation by the planning authority) of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013<sup>(1)</sup> before determining the review.

### Appointment of assessor

**21.**—(1) The local review body may appoint a person to sit with the local review body at a hearing session to advise them on such matters arising as they may specify (“an assessor”) and where they do so they are to notify every person entitled to appear at the hearing session of the name of the assessor and of the matters on which the assessor is to advise them.

(2) Where an assessor has been appointed, the assessor may (and if so required by the local review body, must), after the close of the hearing session, make a report in writing to the local review body in respect of the matters on which the assessor was appointed to advise.

### Decision Notice

**22.**—(1) The local review body must—

- (a) give notice (“a decision notice”) of their decision to the applicant; and
- (b) notify every person who has made (and not subsequently withdrawn) representations in respect of the review that a decision on the review has been made and where a copy of the decision notice is available for inspection.

(2) A decision notice must, in addition to the matters required by section 43A(12)(a) of the Act—

- (a) in the case of an application for planning permission—
  - (i) include the reference number of the application;
  - (ii) include a description of the location of the proposed development including, where applicable, a postal address;
  - (iii) include a description of the proposed development (including identification of the plans and drawings showing the proposed development) for which planning permission has been granted, or as the case may be, refused;
  - (iv) include a description of any variation made to the application in accordance with section 32A(2) of the Act;
  - (v) specify any conditions to which the decision is subject;
  - (vi) include a statement as to the effect of section 58(2) or 59(4) of the Act, as the case may be, or where the planning authority have made a direction under section 58(2) or 59(5) of the Act, give details of that direction;
  - (vii) if any obligation is to be entered into under section 75 of the Act in connection with the application, state where the terms of such obligation or a summary of such terms may be inspected; and
  - (viii) include details of the provisions of the development plan and any other material considerations to which the local review body had regard in determining the application;
- (b) in the case of an application for a consent, agreement or approval required by a condition imposed on a grant of planning permission include—
  - (i) a description of the matter in respect of which approval, consent or agreement has been granted or, as the case may be, refused;
  - (ii) the reference number of the application; and
  - (iii) the reference number of the application for the planning permission in respect of which the condition in question was imposed.

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(2) Section 32A was inserted into the Town and Country Planning (Scotland) Act 1997 (c.8) by section 8 of the Planning etc. (Scotland) Act 2006 (asp 17).

(3) A decision notice must in the case of refusal or approval subject to conditions be accompanied by a notification in the terms set out in Schedule 2 to these Regulations.

### **Electronic communications**

**23.**—(1) Where the criteria in paragraph (2) are met, any document required or authorised to be sent by these Regulations may be sent by electronic communications and any requirement in these Regulations that any document is to be in writing is fulfilled.

(2) The criteria are—

- (a) the recipient consents, or is deemed to have agreed under paragraph (3), to receive it electronically; and
- (b) that the document transmitted by the electronic communication is—
  - (i) capable of being accessed by the recipient;
  - (ii) legible in all material respects; and
  - (iii) sufficiently permanent to be used for subsequent reference.

(3) The local review body and any person sending a document using electronic communications are to be taken to have agreed—

- (a) to the use of such communications for all purposes relating to the review which are capable of being carried out electronically; and
- (b) that the address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, that communication.

(4) Deemed agreement under paragraph (3) shall subsist until that person gives notice to revoke the agreement.

(5) Notice of withdrawal of consent to the use of electronic communications or of revocation of agreement under paragraph (4) takes effect on a date specified by the person in the notice, but not less than seven days after the date on which the notice is given.

(6) In this regulation—

“address” includes any number or address used for the purpose of such communications or storage;

“document” includes any notice, consent, agreement, decision, representation, statement, report or other information or communication;

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000<sup>(3)</sup>;

“legible in all material respects” means that the information contained in the document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form; and

“sent” includes served, submitted or given and cognate expressions are to be construed accordingly.

### **Revocations, saving and transitional provisions**

**24.**—(1) Subject to paragraph (3), the provisions specified in paragraph (2) are revoked.

(2) The provisions are—

- (a) the 2008 Regulations<sup>(4)</sup>;

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<sup>(3)</sup> 2000 c.7. Section 15(1) was amended by paragraph 158 of Schedule 17 to the Communications Act 2003 (c.21).

<sup>(4)</sup> S.S.I. 2008/433 as amended by S.S.I. 2009/220, 2011/138 and 2012/325.

- (b) regulation 5 of the Town and Country Planning (Miscellaneous Amendments) (Scotland) Regulations 2009<sup>(5)</sup>; and
  - (c) regulation 4 of the Town and Country Planning (Miscellaneous Amendments) (Scotland) Regulations 2011<sup>(6)</sup>.
- (3) In relation to a hearing session or inquiry session in respect of which notice is given under paragraph 1(1) of Schedule 1 (hearing session rules) of the 2008 Regulations before 30th June 2013—
- (a) Schedule 1 (hearing session rules) of the 2008 Regulations continues to have effect as it did immediately before that date; and
  - (b) the Hearing Session Rules contained in these Regulations do not apply.
- (4) In this regulation “the 2008 Regulations” means the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

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<sup>(5)</sup> S.S.I. 2009/220.  
<sup>(6)</sup> S.S.I. 2011/138.