

SCHEDULE 1

Regulation 2

Hearing Session Rules

Procedure notice and specified matters

1.—(1) Where the local review body have determined that a hearing session should be held the local review body are to give written notice to that effect to—

- (a) the applicant;
- (b) any interested party who made representations in relation to specified matters; and
- (c) any other body or person from whom the local review body wish to receive further representations or to provide further information on specified matters at a hearing session.

(2) The notice given under paragraph (1) is to specify the matters which are to be considered at the hearing session.

(3) Only specified matters are to be considered at the hearing session.

(4) A person or body given notice under paragraph (1) and who intends to appear at the hearing session must within 14 days of the date of such notice inform the local review body in writing of that intention.

Appearances at hearing session

2. The persons entitled to appear at a hearing session are—

- (a) the applicant; and
- (b) any other person or body who, in response to a procedure notice, has informed the local review body of their intention to appear at the hearing session in accordance with rule 1(4).

Date and notification of hearing session

3.—(1) The date, time and place at which the hearing session is to be held is to be determined (and may subsequently be varied) by the local review body.

(2) The local review body are to give to those persons entitled to appear at the hearing session such notice of the date, time and place fixed for the holding of a hearing session (and any subsequent variation thereof) as may appear to the local review body to be reasonable in the circumstances.

Service of hearing statements and documents

4.—(1) A person entitled to appear at the hearing session must, by such date as the local review body may by notice specify, send to the local review body, the applicant and to such other persons entitled to appear at the hearing session as the local review body may specify in such notice—

- (a) a hearing statement; and
- (b) where that person intends to refer to or rely on any documents when presenting their case—
 - (i) a list of all such documents; and
 - (ii) a copy of every document (or the relevant part of a document) on that list which is not already available for inspection under regulation 11 or 19(2) or paragraph (2) of this rule.

(2) The planning authority, until such time as the review is determined, are to afford to any person who so requests a reasonable opportunity to inspect and, where practicable, take copies of any hearing statement or other document (or any part thereof) which, or a copy of which, has been sent to the local review body in accordance with this rule.

Status: This is the original version (as it was originally made).

- (3) Any person who has served a hearing statement in accordance with this rule must—
 - (a) when required by notice in writing from the local review body provide such further information about the matters contained in the statement as the local review body may specify; and
 - (b) at the same time send a copy of such further information to any other person on whom the hearing statement has been served.
- (4) Different dates and different persons may be specified for the purposes of paragraphs (1) (a) and (b).
- (5) In this rule, “hearing statement” means, and is comprised of—
 - (a) a written statement which fully sets out the case relating to the specified matters which a person proposes to put forward at a hearing session;
 - (b) a list of documents (if any) which the person putting forward such case intends to refer to or rely on; and
 - (c) a list of any other persons who are to speak at the hearing session in respect of such case, any matters which such persons are particularly to address and any relevant qualifications of such persons to do so.

Procedure at hearing

5.—(1) Except as otherwise provided in these Hearing Session Rules, the local review body shall determine the procedure at a hearing session.

(2) The local review body, having considered any submission by the persons entitled to appear at the hearing session, are to state at or before the commencement of the hearing session the procedure which the local review body propose to adopt and in particular are to state—

- (a) the order in which the specified matters are to be considered at the hearing session; and
- (b) the order in which the persons entitled to appear at the hearing session are to be heard in relation to a specified matter (a different order may be chosen for different specified matters).

(3) Any person entitled to appear may do so on that person’s own behalf or be represented by another person.

(4) Where there are two or more persons having a similar interest in the issues being considered at the hearing session, the local review body may allow one or more persons to appear on behalf of some or all of any persons so interested.

(5) A hearing shall take the form of a discussion led by the local review body and cross-examination is not permitted unless the local review body consider that cross-examination is required to ensure a thorough examination of the issues.

(6) Subject to paragraph (7) a person entitled to appear at a hearing session is entitled to call evidence.

- (7) The local review body may refuse to permit—
 - (a) the giving or production of evidence;
 - (b) the cross-examination of persons giving evidence; or
 - (c) the presentation of any other matter,

which the local review body consider to be irrelevant or repetitious.

(8) The local review body may proceed with a hearing session in the absence of any person entitled to appear at the hearing session.

(9) The local review body may from time to time adjourn the hearing session and are to give such notice of the date, time and place of the adjourned hearing session to the persons entitled to appear at the hearing session as may appear to them to be reasonable in the circumstances unless such date, time and place are announced before the adjournment, no further notice is required.

SCHEDULE 2

Regulation 22

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

1 If the applicant is aggrieved by the decision of the planning authority—

- (a) to refuse permission for the proposed development;
- (b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission; or
- (c) to grant permission or approval, consent or agreement subject to conditions,

the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.