

LOCAL REVIEW BODY

The Local Review Body will conduct reviews in accordance with Section 43 A (8) of the Town and Country Planning (Scotland) Act 1997 as amended where the Appointed Officer:

- (a) refuses an application for planning permission or for consent agreement or approval
- (b) grants it subject to conditions or
- (c) has not determined it within such a period as may be prescribed by regulations or a development order

The Local Review Body shall at all times conduct its affairs in accordance with the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) Scotland Regulations 2008.

The Comhairle shall appoint ten members to the Local Review Body with membership of the Local Review Body being drawn from Members on the Sustainable Development and Environment and Protective Services Committees, on the basis that membership of the Local Review Body would take account of geographical location of Members' wards

The Local Review Body shall have a permanent Chairman and Vice - Chairman appointed by the Local Review Body. The Chairman and Vice-Chairman of the Local Review Body shall be invited to attend each meeting of the Local Review Body.

The Chief Executive shall decide the membership of the Local Review Body drawn from the available pool of members to deal with individual cases:

- (1) The Local Review Body shall require three members to be present to be quorate;
- (2) The Local Review Body shall normally have no more than five members at any one sitting;
- (3) There shall be consistency of membership of at least three members of the Local Review Body throughout a case; and
- (4) The Local Review Body will where appropriate appoint an assessor to sit with the Local Review Body at any hearing session it elects to hold to advise on matters arising.

Meetings of the Local Review Body will be advised by Officers of the Comhairle as may be determined by the Chief Executive.

ADMINISTRATIVE PROCEDURES OF LOCAL REVIEW BODY

An applicant may require the Local Review Body to review a case by giving notice in writing within three months of the date of decision.

Not later than 14 days following receipt of a request for a review, the Chief Executive will send an acknowledgment of the notice of review to the applicant and give notice of the review to each interested party*. (*Being a party notified or consulted under the Act or a person who made (and did not subsequently withdraw) representations in connection with the application).

An interested party may make representations to the Local Review Body within 14 days beginning on the date on which notice of the review is given.

The Chief Executive will send a copy of any such representations received to the applicant and shall provide the applicant with 14 days to make comment on the representations to the Local Review Body.

The Chief Executive shall make copies of all documents submitted in relation to a review available for inspection and copying until such time as the review has been determined

Where the Local Review Body considers that the review documents before them provide sufficient information to enable them to determine the review, they may determine the review without further procedure.

Other than in circumstances where the Local Review Body considers the review documents provide sufficient information to enable them to determine the review without further procedure, the Local Review Body may consider the review by:

- means of written submissions;
- holding one or more hearing sessions;
- means of a site inspection; or
- a combination of procedures.

In all circumstances, meetings of the Local Review Body will be held in public.

The Local Review Body may hold a pre-examination meeting to consider the manner in which the review is to be conducted.

The Chief Executive will give notice to the applicant and any interested parties who made (and did not subsequently withdraw) representations in connection with the application of the date, time and place fixed for such a meeting.

The Local Review Body may at any time seek further representations or information from any party involved in the review. Any information received shall be copied to the applicant and other bodies or parties to the review.

The Local Review Body may at any time make either an unaccompanied site visit or a site visit accompanied by the applicant and any interested party. Where it is intended to carry out an unaccompanied visit the Chief Executive will notify the applicant of the Local Review Body's intention. Where it is intended to carry out an accompanied visit the Chief Executive will notify (and give a minimum of 5 days notice to) the applicant and any interested party of their intention to do so.

Where having concluded their consideration of papers, having held hearings and/or having visited the site, the Local Review Body propose to take into consideration any new evidence that is material to the determination of the review, the Chief Executive will notify the applicant and any interested parties accordingly providing a further period of 14 days to make representations on such new evidence.

The Chief Executive will give notice of the decision of the Local Review Body to the applicant and will notify every person who made representations in respect of the review that a decision has been made and where a copy of the decision notice may be inspected.

In most cases, where there are no complex issues, a review decision will be taken at the meeting of the Local Review Body arranged to consider the review.

PROPOSED CONDUCT OF LOCAL REVIEW BODY HEARINGS COMHAIRLE NAN EILEAN SIAR

Regulation 13 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 provides discretionary powers for a Local Review Body to hold hearings to determine reviews submitted under Section 43A of the Town and Country Planning (Scotland) Act 1997

The following procedures will apply where the Local Review Body decide to hold a hearing to consider a request for a review of a planning application determined by the Appointed Officer or an application where the Appointed Officer has failed to make a determination within the prescribed period:

- The Chief Executive, in consultation with the Chairman of the Local Review Body, shall identify a suitable date for the Hearing, which shall, where possible, be no greater than one week prior to the Local Review Body meeting.
- The Chief Executive will give notice of the hearing to the applicant, any interested party who made representations in relation to the application and any other person or body from whom the Local Review Body wishes to receive any further representations or further information on specified matters.

- Any party wishing to appear at the Hearing must give written notice to the Comhairle's Chief Executive within 14 days from when the notice was issued.
- Any party wishing to appear at the Hearing must, no later than 7 days prior to the Hearing, send a Hearing Statement outlining their case and a copy of any documents they intend to refer to or rely on when presenting their case 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 the notice. The Hearing Statement must be available for inspection and copying until the review is determined
- The Chief Executive in consultation with the Chairman of the Local Review Body, having considered the submissions, the order in which the specified matters are to be considered, and the order in which those entitled to appear are heard will determine the number and order of people who will be heard. The Local Review Body may refuse to permit the giving of evidence or the presentation of any matter that is considered to have no material relevance or is repetitious.
- Each person or body who is heard will be given a maximum of 5 minutes to present their case. Members of the Local Review Body may ask questions of the persons making the submissions but cross-examination between parties shall not be permitted without the consent of the Local Review Body.