

National Park Authority Local Review Body Standing Orders

March 2016



Definitions section

Advisor	The Officer responsible for providing advice and assistance to the LRB in respect of procedure and these Standing Orders, or on any other legitimate issue upon which the LRB feels advice is required and the Advisor feels he/she can fully advise;
Applications	As defined in the Scheme of Officer Delegation relative to planning;
Appropriate Officer	The officer of the Planning Authority designated as such in the Scheme of Delegation;
Assessor	Any individual appointed to assess a specified issue or specified issues in line with Regulation 20 of The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008;
Clear days	When referring to service of Notices, the term “clear days” refers to weekdays, excluding weekends, public holidays (as designated by the Authority), the day the Notice is posted and the day the meeting is held;
Clerk	The Officer responsible for minuting a meeting of the LRB.
Local Development	has the meaning ascribed to it in The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009;
Member	A National Park Authority Board Member appointed to serve on the Local Review Body (including the Chair and the Depute Chair);
Review	A Review may take place by: (a) examining written submissions by an applicant and the National Park Authority; (b) a hearing; (c) an inspection of the relevant land; or (d) any combination of (a), (b) and (c);
Scheme of Officer Delegation	The appended document which outlines the classes of development upon which the Officers of the Authority may make a decision without referring a particular application to the Planning and Access Committee, and the circumstances in which that is legitimate;
The Act	Means the Town and Country Planning (Scotland) Act 1997, as amended and all secondary legislation sitting beneath it;
The Chair	The person appointed by the Authority to preside at any

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Local Review Body meeting;

The Depute Chair

The person appointed by the Authority to preside at any Local Review Body meeting in the absence of the Chair.

Applicability of these Standing Orders and the Remit of the Local Review Body

1. These Standing Orders (the LRB Standing Orders) govern the procedure of meetings of the Loch Lomond and the Trossachs National Park Authority Local Review Body (“the LRB”). The procedures set out in the LRB Standing Orders accord with the requirements of the Town and Country Planning Schemes of Delegation and Local Review Procedure (Scotland) Regulations 2008 (the Regulations). In the event of any conflict between these LRB Standing Orders and the Regulations the Regulations will take precedence. In addition to these Standing Orders, the National Park Authority Standing Orders also apply to meetings of the LRB. In the case of conflict between the two sets of Standing Orders, the LRB Standing Orders take precedence unless the Proper Officer advises otherwise.
2. The LRB is only entitled to review the decision of an application made in terms of the Scheme of Delegation for Planning. All such applications relate to Local Development.
3. Applications in respect of Local Development are initially decided by an Appointed Officer of the Authority. References in the LRB Standing Orders to decisions of the Authority refer to decisions taken by the Appointed Officer in terms of the Scheme of Delegation.
4. All LRB meetings will take place in public.
5. The LRB will be advised by a Legal Adviser appointed by the Park Authority.

Where a Review is Required.

6. A Review will be required as a result of three possible eventualities:
 - 6.1 An applicant wishes a review of the decision of the Authority made in their application; or
 - 6.2 An applicant wishes a review of a condition attached to a permission issued to him/her; or
 - 6.3 An applicant wishes the LRB to review his application because the Authority has failed to come to a decision on their application within the statutory timeframe.
7. The Regulations require that the Notice of Review must be submitted by the applicant within three months of:

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- 7.1 The date on the relevant decision notice; or
- 7.2 The date by which the Authority ought to have reached its decision. (8 weeks from the date of validation of the planning application)
8. The Notice of Review must be in writing. The Regulations require that the Notice of Review must contain the following information:
 - 8.1 The name and address of the applicant;
 - 8.2 The date and the reference number of the relevant application;
 - 8.3 The name and address of the representative of the applicant (if any) and whether any notice or other required correspondence should be sent to the representative instead of the applicant; and
 - 8.4 A statement setting out the applicant's reasons for requesting the LRB to review the case and by what mechanism (written submissions, hearing or site visit) or combination of mechanisms the applicant wishes the review to be conducted.
9. The Regulations require that all matters which the applicant intends to raise in the Review and all documents, materials and evidence upon which the applicant intends to rely in the Review must be set out in or accompany the Notice of Review. Information that was not submitted as part of the relevant planning application will not be considered by the LRB. However, in accordance with the Regulations additional information may be considered where it is specifically requested by the LRB.

Determination the Review Procedure

10. As provided for in the Regulations if the LRB is content that the Notice of Review is sufficient to enable them to make a decision on the review, the Review may be held without further procedure.
11. It is entirely a matter for the LRB to decide the method of determination which will be used in each Review.
12. If the LRB requires further information, it may hold a pre-examination meeting to determine the most appropriate procedure for the Review. The Regulations provide that the procedures available to the LRB include written submission, hearing and/or site inspection. The LRB will determine the date, time and venue of the pre-examination meeting, and will provide reasonable notice to the interested persons in accordance with the requirements of the Regulations. Where an applicant has requested a particular review procedure the LRB will have regard to the applicant's preference, but reserves the right to determine the most appropriate procedure for the Review.

Notice of a Review and Interested Persons

13. Notice that a Review is to be held will be sent to the applicant and interested persons as defined in the Regulations which will include statutory consultees, and persons who have made representations to the Authority about the application. The LRB may also notify any other body or person from whom it wishes to receive further representations or to provide further information on specified matters. Persons notified will have a

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reasonable period of time in which to make written representations to the LRB (no less than 20 clear working days).

Attendance at Hearings

14. Where the procedure adopted by the LRB is a hearing those eligible to appear at the hearing will be the applicant and/or any other party who has received Notice of a Review and who notifies the LRB of his or her intention to appear at the hearing in writing within fourteen days of the date of such Notice. The Authority's Committee Clerk will acknowledge receipt of such notification.

Agenda Papers/Notice of Meeting

15. The agenda and papers will be circulated to all parties at least seven clear working days prior to the relevant LRB meeting.

Membership and Quorum

16. The membership of the LRB is up to five members and the quorum of the LRB is three Members, where one such Member must be either the Chair or the Depute Chair. Should the Chair or Depute Chair not be available LRB members should elect a Chair for the purpose of that meeting. The membership of each LRB will be drawn from the Authority's Planning and Access Committee. Members must be present at the start of a Review in order to participate. A Review starts when the Chair invites the LRB to commence consideration of written submissions, or the Chair invites an attendee to make the first submissions at a hearing or the LRB enters onto a property with the intention of carrying out a site visit. If a Member arrives after the start of any Review, they may not participate in either the debate or any vote relative to that Review.
17. If, ten minutes after the time set for the start of a meeting of the LRB, a quorum is not present, the meeting will be abandoned and it will be recorded that no business was considered because there was no quorum. In those circumstances, the meeting will be adjourned to another time on the same day, or to another date and time at the Chair's discretion.

Conflicts of Interest

18. In accordance with the Park Authority Board Standing Orders if any Member should advise that they have any interest in any item on the agenda, another Member will be asked to take the conflicted Member's place in discussing that item. For the avoidance of doubt, the conflicted Member should take no part in the discussions or decisions of the LRB in relation to that item. Further guidance on conflicts of interest is provided in the Authority Member's Code of Conduct.

Review Procedures – Hearings

19. If the LRB decides that a hearing is the appropriate procedure for the Review it will proceed in accordance with the Hearing Session Rules that are set out in Schedule 1 of the Regulations. There is no right for any person to be heard at a hearing. The LRB

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will determine the procedure to be adopted at the hearing. LRB will hear verbal representations from relevant parties as they feel appropriate. Representations to the

LRB can only be made by parties who have participated in the original planning process – i.e. the applicant, statutory consultees, formal representatives and objectors or supporters. The LRB will not hear from any other party including parties who have signed a petition other than the clear instigator of that petition or their nominated representative.

20. In accordance with the Regulations the LRB will decide what matters are to be considered at the hearing. These are referred to as specified matters. The LRB will not hear from parties on any matters other than specified matters.
21. Parties may only address the LRB on relevant planning issues. Parties will not be heard on other matters. The LRB will decide the relevance of oral submissions to the application that is the subject of the Review.
22. Subject to the requirements of a fair hearing the Chair shall determine the duration of oral representations made by any interested party. In the event that there are a large number of parties wishing to make oral representations, the Chair will be entitled to specify that parties wishing to make identical or similar representations must nominate one spokesperson to speak on the behalf of all parties. This is to ensure the efficiency of the hearing process.
23. Other than in exceptional circumstances (which will be a matter for the LRB to determine) only interested parties who arrive before the Review has started will be allowed to make an oral representation.
24. If any party has requested to make an oral representation and does not attend the meeting or does not arrive before the Review has started, the LRB will proceed to determine the Review.
25. Requests from interested parties to continue any Review to another date to allow them to attend will not normally be considered other than in exceptional circumstances (which will be a matter for the LRB to determine)
26. After each submission, the LRB may put any relevant questions to the speaker. There will be no opportunity for any speakers to question other speakers, planning officers or Members except where a party is invited by the Chair to do so. In this instance, the Chair is entitled to direct the specific issue to which the questioning is to be restricted.
27. If, in the opinion of the Chair, the behaviour of any individual(s) attending any meeting of the LRB is unacceptable, the Chair may halt consideration of the matters before the LRB and call an adjournment. The Chair is entitled to ask an individual to leave the meeting.

Review Procedures – Written Submissions

28. Where the LRB has indicated that the Review will be carried out wholly or in part by reference to written submissions made by the relevant parties it will proceed in accordance with the Regulations. The LRB will give written notice to the applicant or to

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any other body or person from whom it requires further representations or information.

29. Such a written notice must contain:
 - 29.1 Details of the information required of that party;
 - 29.2 The date by which the written submissions must be sent to the LRB; and
 - 29.3 The names and addresses of any other body or person to whom a written notice requesting further information has been served.
30. A copy of any written submissions supplied must be sent to the applicant and any other party to whom the LRB has sent a written notice by the date specified in the written notice.
31. The recipient of further submissions is entitled to submit comments to the LRB in response, and when doing so must also submit a copy of their comments to the applicant and any other party named in the written notice. The further submissions must be sent to the LRB within 14 days of the receipt of the written notice.

Review Procedures – Site Inspections

32. Where it is considered necessary to carry out a site visit the LRB will proceed in accordance with the Regulations. When a suitable time for the site visit has been arranged officers will formally notify all Members and interested parties in writing. Further consideration of the Review may then be made at a hearing after the site visit, unless the Chair otherwise directs.
33. A site visit may be carried out by the LRB alone or accompanied by any party invited by the Chair, normally the applicant, the relevant planning officer and/or any other interested party. The decision on whether to carry out an accompanied or unaccompanied site inspection shall be made by the Chair who will consult with the other members of the LRB. Only Members who attended the site visit may participate in the determination of the Review.
34. No oral representation as to the merits of the case will be permitted at a site visit. Members of the public may observe a site visit, but may not participate other than if invited by the Chair to provide clarification.
35. If, in the opinion of the members of the LRB, any person attending the site visit is acting inappropriately the Chair may halt the site visit and direct that the person leaves the site. Only when the Chair is satisfied that there will be no further inappropriate behaviour will the site visit continue.
36. Subject to the requirements of a fair hearing, if any interested party fails to attend a site visit, the LRB is not bound to defer the site visit.
37. The Review shall not be determined at the site visit, but shall be continued to a future meeting of the LRB for determination.

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Miscellaneous Procedural Information

38. Where, following any written submissions, hearing and/or site inspection, new evidence or information is proposed by any interested party and has been accepted by the LRB (subject to that evidence being supplied to all interested parties within a set timescale), the LRB will not conclude the Review without affording all other relevant parties the opportunity to make representations on that evidence or information. Depending on the circumstances, the Chair may direct that it is appropriate to adjourn the meeting of the LRB or postpone it until a later time/date.
39. At any time until a Review is concluded, the LRB may request that any interested party provides as many additional copies of any relevant documents as they may specify to the LRB and/or to any other interested party.
40. In accordance with the Regulations, the LRB may appoint an assessor to attend a Review and provide a report on such matters as are specified to that assessor in advance of the Review. If it intends to do so, the LRB must notify all interested parties of its intention to appoint an assessor, identify that assessor, and indicate the matters upon which the assessor will be reporting. Copies of the Assessor's Report are to be made available to all interested parties as soon as is reasonably practicable (but for the avoidance of doubt no less than one clear day) in advance of the consideration of that case. Publication on the Park Authority's web site of the report will be considered an acceptable means of dissemination.

LRB Decisions

41. The LRB must give a Decision Notice to the Applicant, and notify any party who has made a representation to the LRB in relation to the Review that a decision has been made and where a copy of the Decision Notice may be viewed.
42. The Decision Notice must contain the following information:
 - 42.1 The outcome of the Review;
 - 42.2 The reason(s) for reaching that outcome;
 - 42.3 The planning application reference number;
 - 42.4 A description of the location of the proposed development (including postal address where possible);
 - 42.5 A description of the proposed development (including identification of all current plans and drawings);
 - 42.6 A description of any variation made to the application in terms of s32A of the Act;
 - 42.7 Any conditions to which the decision is subject;
 - 42.8 Any direction that a planning permission is to expire after any period other than three years, or that a planning permission in principle is to expire after any period other than two years;
 - 42.9 Where the terms of any section 75 Agreement to be entered into in terms of the application may be viewed; and
 - 42.10 Details of the relevant Development Plan and any other material considerations to which the LRB had regard in determining the application.

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43. For the avoidance of doubt, the LRB may uphold, reverse or vary the determination of an application.
44. The Chair of the LRB has the right to move approval of the minute of that LRB.
45. Any decision of the LRB is to be made by oral vote (acclamation). Each Member will provide a justification for his/her decision and that rationale shall be minuted fully. After the Members have given their views the Chair will summarise their positions and make his/her own view known. In the event that the Members' decisions are in opposition to one another, the Chair's decision will be the decision of the LRB.

Procedural Motions – Adjourning a Meeting

46. The Chair may adjourn any meeting for a reasonable interval if she/he decides there is a good reason to do so.
47. The LRB may adjourn any meeting for a reasonable interval or to another date as they may agree then, or failing that, the Chair may decide then or afterwards.

Scheme of Delegation

48. The approved Scheme of Officer Delegation for the purposes of discharging the Planning functions of the Authority will form part of these Standing Orders attached as Appendix 1.