

Notice of Review

Dumfries and Galloway Council Local Review Body

Under Section 43(A)(8) of the Town and Country Planning (Scotland) Act 1997 in respect of decisions on "local" developments delegated to an appointed officer for determination under the planning authority's Scheme of Delegation

Town and Country Planning (Schemes of Delegation and Local Review Procedures) (Scotland) Regulations 2013

Town and Country Planning (Appeals) (Scotland) Regulations 2013

This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application

(Important: Please read and follow the accompanying notes which have been prepared to help you complete this form – failure to supply all relevant information could invalidate your Notice of Review)

1 Applicant's Details Name Address Postcode Tel Email	2 Agent's Details <i>(If form completed by agent)</i> Name Address Postcode Tel Email						
3 Processing Details Please tick the box if you wish all correspondence in connection with the review to be sent to your agent <input type="checkbox"/> Please tick the box if you wish all correspondence regarding your review to be sent by e-mail. <input type="checkbox"/>							
4 Application Details Site Address <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; border-bottom: 1px solid black; padding: 5px;">Date of Validation of Planning Application by the Council</td> <td style="width: 33%; border-bottom: 1px solid black; padding: 5px;">Date of Decision by the Council (If any)</td> <td style="width: 33%; border-bottom: 1px solid black; padding: 5px;">Reference Number of the Planning Application</td> </tr> <tr> <td style="border: 1px solid black; height: 20px;"></td> <td style="border: 1px solid black; height: 20px;"></td> <td style="border: 1px solid black; height: 20px;"></td> </tr> </table>		Date of Validation of Planning Application by the Council	Date of Decision by the Council (If any)	Reference Number of the Planning Application			
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5 Nature of Application <i>(Please tick box to which review provisions relate)</i> <input type="checkbox"/> Planning permission (including householder application) <input type="checkbox"/> Planning permission in principle <input type="checkbox"/> Further application (development which has not yet commenced and where a time limit has been imposed; renewal of planning permission; modification, variation or removal of a planning condition) <input type="checkbox"/> Approval of matters specified by conditions							
6 Reasons for Requiring Review <i>(Please tick one box)</i> <input type="checkbox"/> Refused under delegated powers by an appointed officer <input type="checkbox"/> Granted subject to conditions, which you do not find acceptable and wish to challenge, by an appointed officer <input type="checkbox"/> Not determined by the planning authority within the prescribed period (normally 2 months)							

7 Review Procedure (Please tick at least one box to specify requested method of determination)

The Dumfries and Galloway Local Review Body is a committee of the planning authority comprising at least 3 and up to 5 elected Members drawn on a rota basis from the 21 members of the Planning Applications Committee. The review will be held in public and consideration will be based on the information available when the original decision was made.

The Local Review Body will decide if it has sufficient information to determine the review without further representation or procedure on the day of the committee meeting. No representations will be heard at this meeting. The committee may decide to continue the case for further written submissions, a site visit, a hearing session or a combination of these before reaching a decision. It is expected that the majority of cases will be determined with no further procedure. The planning adviser to the Local Review Body will be independent of the planning application determination process to ensure impartiality.

The Local Review Body may wish to hold a pre-examination meeting, perhaps for a complex case where there are a wide range of issues to be examined and/or interested parties, to consider the manner in which the review or any stage of the review is to be handled.

If a hearing session is held, those entitled to appear are expected to provide an outline of the case they intend to put forward. Any hearing will take the form of a discussion led by the Local Review Body, which will set out in writing the matters to be considered at the hearing. The Local Review Body can appoint an assessor to advise the committee on specialist or technical matters.

Please indicate what procedure or combination of procedures you think is most appropriate for handling your review. **You should note that the requested method of determination is not binding on the Local Review Body. N.B. – If option 1 (no further procedure) is selected, no other options should be ticked.**

I wish the review to be dealt with:

1. On the basis of an assessment of the review documents only, with no further procedure
2. On the basis of further written submissions
3. On the basis of one or more hearing sessions
4. By means of an inspection of the land which is subject of the review

If you have ticked either box 2 or 3 above, please justify in the box below which matters you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary.

Site Inspections (Please complete boxes below as appropriate)

The Local Review Body may at any time decide to make an inspection of the land subject of the review. This may be unaccompanied or accompanied. Where accompanied, reasonable notice will be given to the applicant and any interested party. In your opinion:

Can the site be clearly seen from a road or public land? Yes No

Can the site be accessed safely and without barriers to entry? Yes No

If there are any reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

The Local Review Body is not required to defer a site inspection if any person to whom notice was given is not present at the appointed time.

8 Statement Setting Out Reasons for Review

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review.

You will only be able to raise additional matters where the review body request further written evidence or where requested as part of the hearing session. These requirements are intended to ensure fairness and openness in that key items of information are provided efficiently at the start of the review process rather than varying points throughout the process.

State clearly and concisely in the box below the reasons for your notice of review and all matters you wish the Local Review Body to consider. This can be continued or provided in full in a separate document as necessary. **It is important that you make your full case at the outset.**

9 New Matters

Please tick box to side if you have raised any matters which were not before the appointed officer at the time the determination on your application was made (or at the time of expiry of the period of determination). If this is the case you should explain in the box below why new material could not have been raised with the appointed officer before that time; or why you consider (e.g. exceptional circumstances) it should now be considered with your review.

10 Supporting Documents – Checklist

All documents, material and evidence you intend to rely on must accompany your Notice of Review. You will only be able to submit additional documents, where the Local Review Body so request.

The following documents must either be enclosed or completed as part of the review form otherwise your review will be delayed.

Please tick the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- A copy of the application to the planning authority (including the certificate relating to notification of land owners etc. which accompanied it)
- A copy of all drawings, documents and any other illustrative material which form the subject of this review (please list these on a separate sheet)
- A copy of the planning authority's decision, if any

If the review relates to a further application e.g. renewal of planning permission or modification variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions:

- A copy of the original application, approved plans and decision notice from the earlier consent

Note: A copy of the Notice of Review and any related documents will be made available for inspection at the area office that processed the planning application, until such time as the review is determined.

11 Declaration

I, the applicant*/agent* (delete as appropriate*) hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents

Signature:

Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act

12 Additional Guidance Notes

This form and supporting documents should be lodged to:

Local Review Body Administration, Kirkbank, English Street, Dumfries, DG1 2HS

A review can be lodged by electronic communication *e-mail*: planning@dumgal.gov.uk providing it is complete, including all supporting documents, legible in all material respects and sufficiently permanent to be used for subsequent reference.

On receipt, your review will be checked for completeness and you will be advised whether or not it has been found to be valid, and where the related documents can be inspected. Further notification will follow when the date, time and venue for the meeting of the Local Review Body, to which your case will be presented, is known and where the agenda papers can be inspected. Any third party or statutory consultee who made and has not withdrawn representations will be given 14 days to make further representations and you will be given 14 days in which to comment on any additional matter raised by that person or body.

The Local Review Body may uphold, reverse or vary a determination. The decision notice will include a statement of the terms in which the planning authority decided the case reviewed and the reasons on which the authority based that decision. Upon the outcome of the review, the applicant or a third party could appeal to the Court of Session, but only on a point of law.

If a review relating to a non-determination is not conducted within 3 months, it is deemed to have been refused. In this case, you have the right of appeal to Scottish Ministers under section 47(1) of the Act.