



DPEA Guidance Note 3

2013 Regulations: Receipt of case

Each case is unique and must be considered on its merits. It is for the person appointed to determine the case to satisfy themselves that the application of the practice contained in this note is appropriate to the circumstances of the case. A reporter who intends to depart from the guidance should advise the Duty Principal Reporter so issues emerging can be considered for future case work.

Guidance note for:	Reporters
Relating to:	<p>This note relates to cases progressed under the Town and Country Planning (Appeals) (Scotland) Regulations 2013. These are:</p> <ul style="list-style-type: none"> Planning Permission appeals (PPA) Enforcement Notice appeals (ENA) Certificate of Lawful Use or Development appeals (CLUD) Tree Works Consent appeals (TWCA) Tree Replacement Enforcement Notice appeals (TENA) Amenity Notice appeals (ANA) Planning Obligation appeals (POA) Good Neighbour Agreement appeals (GNAA) Listed Building Appeals (LBA) Conservation Area Consent Appeals (CAC) Listed Building Enforcement Appeals (LBE) Advertisement Consent Appeals (ADA) Advertisement Discontinuance Notice Appeals (ADD) Advertisement Enforcement Notice (ADE) Applications for urgent Crown development
Background/ legislative and policy framework:	<p>The changes to the Town and Country Planning Act 1997 introduced by the Planning Act 2006 together with the consolidated Town and Country Planning (Appeals) (Scotland) Regulations 2013 introduced a significant change to the way that the procedure for determining an appeal is decided. The 'right to be heard' has been removed and regulations 7 and 9 specify that the appointed person may determine the manner in which the appeal is to be conducted.</p> <p>See also Circular 4/2013; Planning Appeals.</p>

DPEA practice:	<p>Ministerial targets for determining at least 80% of cases are:</p> <table border="1" data-bbox="384 241 1337 640"> <tr> <td data-bbox="384 241 1058 342">Written submissions (no further procedure or site inspection)</td> <td data-bbox="1058 241 1337 342">12 weeks</td> </tr> <tr> <td data-bbox="384 342 1058 443">Further written submissions</td> <td data-bbox="1058 342 1337 443">20 weeks</td> </tr> <tr> <td data-bbox="384 443 1058 544">Hearing session</td> <td data-bbox="1058 443 1337 544">40 weeks</td> </tr> <tr> <td data-bbox="384 544 1058 640">Inquiry session</td> <td data-bbox="1058 544 1337 640">50 weeks</td> </tr> </table>	Written submissions (no further procedure or site inspection)	12 weeks	Further written submissions	20 weeks	Hearing session	40 weeks	Inquiry session	50 weeks
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Process:	<p>On receipt of an Appeals Regulations appeal, the case will be set at 'no further procedure'. The reporter is sent their programme of new cases by the case officer via e-mail. The appointed reporter should:</p> <ul style="list-style-type: none"> ○ Check for any potential conflict of interest/other issue which may preclude them from determining the appeal (as normal); ○ Review the documents on the case file (using the Case Management System (CMS)); ○ Consider the issues raised in the papers available to date and: <ul style="list-style-type: none"> ○ make an initial assessment as to whether a decision can be made on the basis of the information submitted at an early stage. This may or may not include an inspection of the site; ○ as soon as possible email the case officer providing their instruction on the procedure they consider appropriate at that stage for them to consider the case; ○ at ANY time, should further written submissions/ a hearing session/ an inquiry session be required, the reporter should complete an APP/PROC/2 and upload it to CMS. 								