

## **Hearing Procedure**

Regulation 13 of the Town & Country Planning (Schemes of Delegation) and Local Review Procedure)(Scotland) Regulations provides discretionary powers for a Local Review Body to hold Hearings to determine reviews submitted under Section 43A of the Town & 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 Person or an application where the Appointed Person has failed to make a determination within the prescribed period:

The Clerk to the Local Review Body, in consultation with members of the Local Review Body, will identify a suitable date, time and venue for the Hearing.

The Clerk to the Local Review Body 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 that the Local Review Body wishes to inform.

Any party wishing to appear at the Hearing must give written notice to the Clerk 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, submit a Hearing Statement outlining their case and a copy of any documents they intend to refer to or rely on when presenting their case. The Hearing Statement must be available for inspection and copying until the review is determined.

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 per specified matter 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 only be permitted at the discretion of the Chair.

### **Meeting Procedure:-**

- (i) The applicant will speak first outlining the application and addressing the issues, which they consider required to be reviewed.
- (ii) Councillors will then have the opportunity to question the applicant in order to clarify points raised.
- (iii) Those submitting representations on the application will then be given the opportunity to address the meeting to speak to their stated objections/representations.
- (iv) Councillors will have the opportunity to question each speaker in turn in order clarify points raised.

- (v) All parties will then be given the opportunity to summarise their respective cases in light of the submissions to the LRB(maximum of 3 minutes each).
- (vi) The LRB Adviser will then be afforded the opportunity to make any additional comments and/or points of clarification in light of the submissions.
- (vii) The LRB will then proceed to consider and, if so disposed, determine the review.