

From 6<sup>th</sup> April 2009, all applications for planning permission in Scotland have been divided into 3 categories.

- **National** – contained in the National Planning Framework **Major** – more than 50 houses and retail exceeding 5,000 square metres.
- **Local** – all smaller developments which are neither major nor national i.e. developments of up to 49 houses.

Planning authorities are required to put in place a scheme of delegation which allows officers to determine planning applications relating to local developments. There will be very few exceptions to this. Major and national developments will always be determined by a Committee.

From 3<sup>rd</sup> August 2009, Fife Council has had a Fife Planning Review Body (FPRB) to deal with requests by applicants, to review decisions taken by officers under delegated powers on local development applications. The person making a representation about a planning application cannot request a Review.

An applicant may ask for a review of an application for planning permission, falling within the scheme of delegation, which may have been:

- Refused by an appointed officer.
- Granted subject to conditions.
- Undetermined after 2 months or longer period if agreed (deemed refusal).

## What is the Fife Planning Review Body like?

The Review Body is a committee of the Council and this means that the usual requirements about sending out agendas, notice of meetings etc, will apply. All the meetings of the FPRB will be held in public. The meetings are scheduled on a monthly cycle.

The Regulations say that Review Bodies should comprise no less than 3 members. The Fife Planning Review Body consists of a pool of 16 Councillors with 4 Chairs and the FPRB will normally consist of 5 members.

Fife Council's specific rules do not permit any Local Member for the ward in which the application site is located to take part in the Review.

It is important to recognise that Review Bodies will only be reviewing decisions of planning officers. They will not be reviewing their own, or another Committee's decision. The first time a member will normally have seen an application before a Review Body will be at the review meeting.

All meetings of the FPRB will be advised by senior staff on legal, procedural and planning matters. It is expected that decisions will be issued within 3 months of receipt of reviews for non-determination of the application, and in other cases as soon as practicable.

## Review Process

Many review decisions will be taken at the first review meeting but in, some cases, where no immediate determination can be made there can be:

- **A Pre-Examination meeting** to consider the manner in which the review is to be handled. This will only be necessary in the more complex cases.
- **Written submissions** which is a straightforward procedure for requiring additional information from parties in writing within 14 days;
- **Hearings** when a Review Body feels it would be beneficial to hear information from the applicant or another third party and ask questions of that person, a hearing is arranged. It is in the form of a discussion led by the Chair and will be focussed on specific issues rather than encompassing the whole proposal. It is envisaged that cross-examination of witnesses would be on an exceptional basis, to provide a thorough examination of a particular issue.
- **A Site Inspection** so that the Review Body can inspect the land which is the subject of the review. This may be a site visit which is unaccompanied or accompanied by the applicant.

In some complex cases there may be a need for a mixture of processes.

*Reviewed January 2021*

*Updated January 2021*

## Decision

The FPRB must give a decision notice to the applicant including a statement of the terms in which the Planning Authority has decided the case. The decision notice must also include a statement of the reasons on which the Council based that decision. The Council aims to issue these written decision notices within 21 days of the meeting.

All parties who made representations at the review are informed of the review decision.