



Briefing for the Public Petitions Committee

Petition Number: [PE1560](#)

Main Petitioner: John Buston

Subject: Calling on the Scottish Parliament to urge the Scottish Government to eliminate or amend the Notice of Review period of 3 months in order that the Council Complaint Procedure can be concluded prior to a request for a Local Body Review.

Background

Every application for planning permission falls within one of the following three categories of development:

- i. National developments:** Developments designated as of national significance in the National Planning Framework for Scotland
- ii. Major developments:** Nine classes of large scale development are defined as major developments in The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009
- iii. Local Developments:** Any development which is not a national or major development is automatically categorised as a local development.

Decisions on national and major developments are normally made by Councillors of the relevant planning authority while local developments are generally determined by planning officers, under a scheme of delegation. A “scheme of delegation” is a local authority document which sets out a list of local developments that can be determined by an appointed person, normally a planning officer, rather than Councillors at a committee.

How an appeal against a decision on an application for planning permission is handled depends on who took the original decision. If the decision was taken by Councillors then the appeal is to Scottish Ministers. If the decision was taken by a planning officer under a scheme of delegation then the appeal is to the council’s Local Review Body, which is made up of at least three elected members who were not involved in the original decision. There is no further right of appeal to Scottish Ministers if an applicant is unhappy with the decision of the Local Review Body.

The local review body system operates under the provisions of Section 43A of the Town and Country Planning (Scotland) Act 1997, with detailed provisions set out in The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

Planning appeals and reviews must be made by the applicant within three months of the date the original decision was made, as required by Regulations.

The planning system operates independently of any local authority complaints procedure.

Scottish Government Action

The Scottish Government reduced the time limit for submitting an appeal from six to three months through the Planning etc. (Scotland) Act 2006. Local reviews were introduced by this Act. The deadline for submitting a review request has always been three months.

Scottish Parliament Action

The Scottish Parliament has not considered a change in the time limit for submitting a planning appeal or review request since its consideration of the Planning etc. (Scotland) Bill in 2006.

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