

## **FALKIRK COUNCIL**

### **LOCAL REVIEW BODY PROCEDURES**

#### **PROCEDURES FOR PLANNING REVIEW COMMITTEE MEETINGS**

##### **1. General**

- 1.1 All meetings of the Review Committee will be held in public. All decisions taken by the Review Committee, and the giving of advice to it, will take place in public.
- 1.2 To comply with the requirement that the Review Committee acts freely and openly, Review Committee members will not be able to engage in conversation or correspondence about any case before them with any of the parties. Other than when the Review Committee is in session, there will not be an opportunity for them to engage with members of the Review Committee in conversation or in writing.
- 1.3 The Review Committee at any meeting will be drawn from the Planning Committee. A quorum of the same Members will be requested to attend second and subsequent meetings dealing with a particular case.
- 1.4 Meetings of the Review Committee will normally be arranged to follow each meeting of the Planning Committee. Additional meetings may be scheduled as required.
- 1.5 The Review Committee will be advised by a solicitor from the Council's Law and Administration Service.
- 1.6 The Review Committee will also be advised by a Chartered Planner. This Adviser will have had no direct involvement in the application which is the subject of a review.

##### **2. Initial Procedure**

- 2.1 On receipt of a notice of review compliant with regulation 9, the notification procedure referred to in regulation 10 will take place after which time the relevant papers will be issued for the next available meeting of the Review Committee. The papers will also be published in terms of regulation 11.
- 2.2 In line with regulation 12, the Review Committee may determine at the first meeting that the review documents provide sufficient information to enable them to determine the review, whereupon they may determine the review without further procedure.
- 2.3 In the event that the Review Committee decide that they require further procedure, then they will consider at the first meeting what further procedure is required.

### **3. Subsequent Procedure**

- 3.1 Where further procedure is required, the Review Committee may decide to hold a pre-examination meeting in terms of regulation 14, or to seek further representations or further information by means of the procedures set out in regulation 13.
- 3.2 Accordingly, the Review Committee may decide to seek further representations or further information by one or more of the following methods:
- by means of written submissions;
  - by the holding of one or more hearing sessions; and
  - by means of an inspection of the land which the review relates.
- 3.3 Further procedures will be carried out in terms of the regulations and as set out in the following procedural notes.

### **4. Written Submissions**

- 4.1 Where the Review Committee decide that the review should proceed by means of written submissions, written notice will be sent to the relevant parties requesting further representations or information. Parties will normally be given fourteen days to respond with the written submissions.
- 4.2 In the event that the written submissions are not received or are received outwith the relevant time limit, the Review Committee may decide to determine the review without the representations or information or otherwise as it deems fit. Persons who have good reason for not complying with the time limit are asked to communicate with the clerk to the Review Committee in advance.
- 4.3 Persons submitting written submissions will be required in terms of the written notice to serve copies on the other parties as specified in that notice. Proof of posting or electronic transmission will be required in advance of the next meeting.
- (a) 4.4 Other parties will be deemed to have received the written submissions within two working days (if by post) or within twelve hours (if by electronic transmission). They will then require to s copies of all Reports and Minutes (including Minutes of any site visits) relating to the original application which had been granted by the Planning Committee in February 2009;
  - (b) submit any further comments in terms of regulation 15(4) within a further period of fourteen days, to the Review Committee.
- 4.5 The Review Committee shall at its next available meeting either determine the review or decide that further procedure is needed.

## **5. Hearings**

- 5.1 Where the Review Committee decide that they wish to hold a hearing session, this will be fixed for as early a date is practicable.
- 5.2 The procedure for hearing sessions shall be as set out in the Hearing Session Rules in Schedule 1 to the regulations.
- 5.3 Each person appearing at the hearing session shall be afforded an appropriate amount of time in which to present their case. In the interests of efficient dispatch of business, the Convener may limit the time available to each person appearing to five minutes or such other time as he or she considers appropriate. Thereafter members of the Review Committee shall, through the Convener, ask such questions of any parties as they deem appropriate in relation to the review.
- 5.4 Cross-examination or further statements or contributions by parties will not normally be permitted except (a) where new evidence has been introduced in terms of regulation 17 or (b) in exceptional circumstances as deemed appropriate by the Review Committee.
- 5.5 On conclusion of hearing all parties, the Review Committee shall either determine the review or decide that further procedure is needed.

## **6. Site Inspections**

- 6.1 If appropriate, in the interests of efficient dispatch of the review, a site inspection will normally be held in advance of the meeting at which the review is to be considered for the first time. The site inspection shall normally be attended by the review Members and a planning officer familiar with the site and normally arranged for the same day as site visits by the Planning Committee. The purpose of the site visit will be to inspect the site and its surroundings. The provisions of regulation 16 will apply.
- 6.2 The Review Committee may at any other time determine that a site inspection is necessary.

## **7. Post Determination Procedures**

- 7.1 Following determination of the review, the Review Committee shall issue a decision notice compliant with regulation 21. The detail of the notice shall normally be delegated to the appropriate officers acting in consultation with the Convener.
- 7.2 The decision notice will be issued as soon as is practicable following the determination of the review, and normally within 21 days. In complex cases or those which involve the parties entering into a legal agreement, a longer time period may be required. Where there is a legal agreement, the decision notice will indicate that the Review Committee is minded to grant planning permission. The detail of the legal agreement shall normally be delegated to the appropriate officer acting in consultation with the Convener.

- 7.3 All decisions of the Review Committee will be reported to the Planning Committee, for information purposes. Decisions will also be made available on the Falkirk Council website ([www.falkirk.org.uk](http://www.falkirk.org.uk)) as soon as practicable.