

Item No. 4

City of Edinburgh Planning Local Review Body (the LRB)

General

1. Each meeting of the LRB shall appoint a Convener. A quorum of a meeting of the LRB will be three members.
2. The Clerk will introduce and deal with statutory items (Order of Business and Declarations of Interest) and will introduce each request for review.
3. The LRB will normally invite the planning adviser to highlight the issues raised in the review.
4. The LRB may at any time ask questions of the planning adviser, the Clerk, or the legal adviser, if present.
5. Having considered the applicant's preference for the procedure to be used, and other information before it, the LRB shall decide how to proceed with the review.
6. If the LRB decides that it has sufficient information before it, it may proceed to consider the review using only the information circulated to it.
7. If the LRB decides that it does not have sufficient information before it, it will decide which one of, or combination of, the following procedures will be used: -
 - further written submissions;
 - the holding of one or more hearing sessions; and/or
 - an accompanied or unaccompanied inspection of the land to which the review relates.

Whichever option the LRB selects, it shall comply with any associated requirements given in Part 4 of The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 (The "regulations".)

The LRB may hold a pre-examination meeting to decide upon the manner in which the review, or any part of it, is to be conducted.

If the LRB decides to seek further information, it will specify what further information is required in a written notice to be issued to the applicant, Head of Planning and any interested parties. The content of any further submissions must be restricted to the matters specified in the written notice.

In determining the outcome of the review, the LRB will have regard to the requirements of paragraphs 9 and 10 below.

8. The LRB may adjourn any meeting to such time and date as it may then or later decide.

Considering the Request for Review

9. Unless material considerations indicate otherwise, the LRB's determination must be made in accordance with the development plan that is legally in force. Any unadopted development plan does not have the same weight but will be a material consideration.
10. The LRB will: -
 - consider the development plan and interpret any provisions relating to the proposal, for and against, and decide whether the proposal accords with the development plan;
 - identify all other material considerations relevant to the proposal and assess the weight to be given to these, for and against, and whether there are considerations of such weight as to indicate that the development plan should not be given priority; and
 - take into account only those issues which are relevant planning considerations.
11. The LRB will then determine the review. It may: -
 - uphold the officer's determination;
 - uphold the officer's determination subject to amendments or additions to the reasons for refusal;
 - grant planning permission, in full or in part,
 - impose conditions, or vary conditions imposed in the original determination;
 - ask the planning adviser for clarification of any conditions to be imposed

Procedure after determination

12. The Clerk will record the LRB's decision.
13. In every case, the LRB must give notice of the decision ("a decision notice") to the applicant. Every person who has made, and has not withdrawn, representations in respect of the review, will be notified of the location where a copy of the decision notice is available for inspection. Depending on the decision, the planning adviser may provide assistance with the framing of conditions of consent or with amended reasons for refusal.
14. The Decision Notice will comply with the requirements of regulation 21(2).
15. The decision of the LRB is final, subject to the right of the applicant to question the validity of the decision by making an application to the Court of Session. Such application must be made within 6 weeks of the date of the decision. The applicant will be advised of these and other rights by means of a Notice as specified in Schedule 2 to the regulations.