

Local Review Bodies - Information Note

What are Local Review Bodies (LRBs)?

LRBs will have the express purpose of reviewing officer decisions on planning applications (decisions taken by officers under an approved Scheme of Delegation related to “local developments”) where requested by the applicant. The nature of applications that can fall to the LRB may differ between Planning Authorities based on the terms of their individual Schemes of Delegation.

When will LRBs be introduced?

LRBs will come into effect on 3 August, 2009.

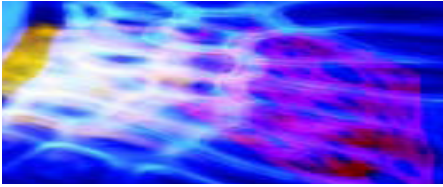
Why are LRBs being introduced?

LRBs are part of the process of modernisation within the planning system presently being led by the Scottish Government which aims to make the system more efficient and fit for purpose. Part of this process involves increased levels of delegation on planning applications for “local developments” to officers and for the LRB to independently review such a decision where requested by the applicant. These changes will allow decisions to be taken at the appropriate level while still allowing an aggrieved party to have their case independently considered. The review process removes the automatic right of appeal to the Scottish Government for planning applications decided under an approved Scheme of Delegation.

What are the key features of LRBs

The LRB will be a Planning Authority Committee. On receiving requests for reviews it will be the sole arbiter on whether additional information is required in order to determine a case and in what form this information should be provided (written submissions, site visit, hearing session, or any mix of the 3 methods). The LRB’s business will be conducted in public and its decision on any case that comes before it is final and can be challenged only on limited grounds through the courts. The only exception to this is where a review is requested following the failure of a planning officer to determine an application under an approved Scheme of Delegation within the statutory time period and where the LRB likewise fails to determine the review within a 2 month period. In such circumstances an





appeal can be made to Scottish Ministers.

The LRB can appoint required support (internal or external), specifically when considering reviews using a Hearing Session, to assist it in its operation.

Who will be on LRBs?

The LRB will comprise at least 3 elected members of the Planning Authority. Membership of the committee will be determined by individual authorities.

What is required of Elected Members participating in LRBs?

Each member of the LRB will be expected to have sufficient knowledge of each review case in order to reach a fully reasoned and justified decision. In each case there will be a requirement for a decision to be issued (in a prescribed form) indicating whether a review has been successful or otherwise and, if successful, on what basis (e.g. what planning conditions apply and/or which legal agreement). In reaching any such decisions, members of the LRB will require to have regard to the terms of the development plan and all other material considerations, and to weight these appropriately in each case.

Heads of Planning and Chief Executives within each authority have been provided with information, by the Improvement Service, on training available to support Elected Members in their role on LRBs.

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