

**THE TOWN AND COUNTRY PLANNING
(HAZARDOUS SUBSTANCES) (SCOTLAND)
REGULATIONS 2015**



**PLANNING AUTHORITY APPEAL RESPONSE FORM
HAZARDOUS SUBSTANCES CONSENT & CONTRAVENTION NOTICE APPEALS**

For completion by the planning authority in connection with appeals under Sections 19 or 23 of the Planning (Hazardous Substances) (Scotland) Act 1997 and Regulations 24 or 43 of the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015

Regulation 25: The planning authority response, copy of documents, and suggested conditions must be provided to DPEA **within 21 days** of being notified of the appeal

Please note that the text boxes throughout this form are limited. Please use additional space on page 6 if required, or attach additional information on a separate word document when submitting by email.

**Address/location
of appeal site:**

Postcode:

**Planning authority
ref:**

DPEA ref:

1. PLANNING AUTHORITY CONTACT

Please provide the following information about the authority official who will be lead contact regarding the appeal:

Name:

Role/Job title:

Postal address:

Telephone no:

Fax no:

E-mail address*:

* In general, DPEA contact with the planning authority will be by **e-mail**.

2. NOTIFICATION REQUIREMENTS OF PLANNING AUTHORITY

Regulation 26 requires the planning authority, not later than 14 days after it receives notification of the appeal, to send a notice to each interested party informing them of the appeal and providing them with the information specified in the regulations.

Consent Appeals

Date of notice to interested parties:

(Please provide one copy of this notice and, where relevant, the newspaper advertisement.)

Please indicate the number of interested parties here (do not include consultees):

(You must provide DPEA the original letter of representation and if more than 50 interested parties, please provide a list of names, addresses on an excel spreadsheet listing the addresses on individual lines)

Contravention Notice Appeals

Date of notice to each person served the notice of appeal

3. CONSULTATION

Consultee

Response? Objection?

4. MATTERS RELEVANT TO THE APPEAL

The planning authority must send DPEA and the appellant a note of the matters it considers should be taken into account in determining the appeal. Please do so here.

5. DOCUMENTS BEFORE THE PLANNING AUTHORITY

Please provide a list and copies of all documents which were before the planning authority and which were taken into account in reaching the authority's decision on the application (or decision to issue the notice) which is the subject of the appeal.

Note: DPEA cannot accept links to any website in place of the formal submission of documents.

6. CONDITIONS (for Consent appeals only)

State any conditions which the planning authority considers should be imposed in the event that consent is granted.

7. APPEAL PROCEDURE

The planning authority and the appellant have a right to be heard, although the reporter can decide which type of oral session is employed, and they may also decide to employ other further procedures if they consider them necessary.

This is your opportunity to indicate what procedure* your authority considers is most appropriate for the handling of this appeal.

- 1** Review of all relevant information provided by yourself and other parties only, with no further procedure
- 2** Inspection of the land subject of the appeal
- 3** Further written submissions on specific matters
- 4** Holding of one or more hearing sessions (i.e. round table discussions) on specific matters
- 5** Holding of one or more formal inquiry sessions on specific matters

* You can suggest a combination involving more than one further procedure, if thought necessary

If you have marked boxes 4 or 5, please specify what matters you wish to be heard on and indicate whether you think a hearing or inquiry session should be used to consider each matter.

In the event that a hearing or inquiry session might be needed, please suggest any suitable venue(s) in the local area.

8. SITE INSPECTION

The person appointed by the Scottish Ministers, may consider it necessary to make an inspection of the appeal site prior to determining the appeal. The following information would be helpful in guiding the appointed person as to the nature of any site inspection.

Can the site be viewed entirely from public land?

Is it possible for the site to be accessed safely, and without barriers to entry?

If there are reasons why the Reporter would be unable to access and view the appeal site alone, please explain here:

9. OTHER MATTERS BEFORE THE SCOTTISH GOVERNMENT OR THE PLANNING AUTHORITY FOR DECISION

Related cases

Are there any other applications or appeals or other planning matters relating to the site or area currently being considered by Scottish Ministers?

Are there any other applications or reviews relating to the site or area currently being considered by the planning authority?

If yes to either of the above, please give details here (including any Scottish Government and/or planning authority reference where appropriate):

Emerging Development Plan

Does the application have significant implications for a policy in a local plan/ local development plan, a structure plan/alteration or a strategic development plan currently before Scottish Ministers for consideration?

If yes, please give details here:

10. NEWSPAPER

Which is the appropriate local newspaper for the purpose of any advertisement that might be required?

11. ADDITIONAL INFORMATION

12. CHECKLIST

Please confirm that this form and the documents attached* comprise the planning authority's full submission on the appeal, as required by regulation 25 of the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015:

- (a) Planning Authority's Response: a note of the matters that the planning authority considers should be taken into account in determining the appeal, procedure (or combination of procedures) the authority thinks should be employed and, if exercising right to be heard, indication of which matters should be heard by which oral process.
- (b) Documents: a copy of the documents (other than those specified in the appellant's list of documents, materials and evidence) which were taken into account by the planning authority in reaching its decision.
- (d) Conditions: where applicable, the conditions which the planning authority considers should be imposed in the event that consent is granted.

* Note: Copies of documents can be submitted to DPEA as electronic attachments, zip files, or on a CD and all documents must be clearly named and referenced. Alternatively we can accept documents in hard copy. DPEA cannot accept links to documents held on any website as part of this submission.

This form and all supporting documents should be sent to:

E-mail: dpea@gov.scot

Post: Planning and Environmental Appeals
Hadrian House
Callendar Business Park
Falkirk
FK1 1XR

You must also send this form and the supporting documents to the appellant (or agent) – contact details are on the front page of the appeal form.

After selecting the "Submit by Email" button, you will have the opportunity to attach additional documents to your email.