



Each case is unique and must be considered on its merits. It is for the person appointed to determine the case to satisfy him/herself that the application of the practice contained in this note is appropriate to the circumstances of the case. A reporter who intends to depart from the guidance should advise his/her SGL so issues emerging can be considered for future case work.

Guidance note:	Requests to sist.
Relating to:	All types of appeal.
Background / legislative and policy framework:	<p>A sist means the temporary suspension of the processing of a case. When a sist is agreed the case is held in abeyance for a specified period and the clock relating to our timescales to determine a case stops.</p> <p>There is no legislation or specific Scottish Government policy about sisting planning appeals, it is a procedural step in the appeal which involves the exercise of discretion. The Government does, however, support efficient decision making and seeks to remove unnecessary uncertainty for communities which may be affected by development proposals.</p> <p>Note: GN1 relates to sists requested by a party to an appeal and not those promoted by DPEA (for example, to allow conclusion of a legal agreement.)</p>
DPEA practice:	<p>The Scottish Government expects all cases to be determined expeditiously; it is rare for postponement of a case to be in the public interest. A sist should only normally be agreed where all of the following criteria are met:</p> <ul style="list-style-type: none"> • there is a good reason to do so (see below), • it would not prejudice any party, and • it has been agreed by the main parties to the appeal. <p>Acceptable reasons to agree a sist include unexpected events, for example the appellant has died or the appellant company has gone into administration. The consideration of a separate planning application by the planning authority would not generally be an acceptable reason (the appellant can withdraw the appeal.)</p> <p>DPEA will place a case in sist when there is a delay in processing of it caused by a party, or parties, involved e.g. a delay caused by them being unable to agree inquiry session dates or delays in them making submissions.</p> <p>DPEA may also place a case in sist pending the determination of other cases or a decision of the Courts, where the outcome of that case is material to the decision.</p>

Process:	<ul style="list-style-type: none">• Request for assist received by case officer and passed to the appropriate Casework Section Manager.• Initial assessment of reasons and likelihood of success undertaken, and view confirmed with Head of Performance and Administration.• All parties, Reporter (where appointed) and client division (if appropriate) advised of request and DPEA preliminary view and invited to comment, usually within 14 days (or less).• Casework Section Manager to review comments and liaise with Duty Principal or appointed reporter.• Case officer to advise all parties of the outcome.
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