

Thursday, 13 October 2016

**Our Ref: 160073/NELMES/cjasm**

Your Ref: MLRB0161/ACK

**Mr Darren Westmacott**

Clerk to the Local Review Board  
The Moray Council  
Council Offices  
High Street  
Elgin  
IV30 1BX

**HEARING STATEMENT - PLANNING APPEAL FOR NEW OFFICE PREMISES – Ref No  
16/00344/APP  
AT DAMHEAD, KINLOSS, MORAY, IV36 3UA**

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**Dear Darren**

I refer to the above subject and the forthcoming Hearing Session to be held on Thursday 27<sup>th</sup> October 2016.

In terms of Schedule 1, Regulation 4, I hereby submit our formal Hearing Statement as follows.

### **1. HEARING STATEMENT**

This case relates to the appellant's need to expand his existing local business operations within the village of Kinloss with new premises.

The initial application by another agent (not CM Design) was refused principally on the grounds of Policy E9 and also due to issues regarding junction visibility and the appellant thereafter invited CM Design to lodge an Appeal on his behalf.

The initial Statement of Review from the appellant was lodged on **7 July 2016** suggesting compliance with Policy ED7 (rural business) and requesting that the need for a visibility splay be dealt with by suspensive condition, should members be minded to approve.

This Review submission resulted in a further objection from The Transportation department – **DOC 001** in which several issues were raised with regard to the visibility splay including the lack of proof that the necessary permissions had been obtained from landowners

The appellant lodged a formal response to the Transportation Departments objection – **DOC 002** enclosing letters from immediate neighbouring landowners confirming that the necessary lands could be controlled by the appellant to form the required splay



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The subsequent Local Review Board Appeal on **25<sup>th</sup> August 2016** found some support for the appellant's suggestion of compliance with ED7 and the application site in principle, but encountered difficulties in relation to issues surrounding the visibility splay requirements.

The initial Review Board members decided that **"new evidence"** had been introduced in the Appeal paperwork and in relation to the visibility splay issue.

The Board was advised that a decision could not therefore be made by members, with regard to this information, without it being first presented to statutory consultees for comment.

Whilst members of the Board noted that the new evidence did indeed suggest that the splay could be achieved, the legal adviser to the Board recommended that this information must be presented to the Transportation Department for further comment.

The legal advisor also raised a further helpful observation that some of the terms of the accompanying documents from Bowlts and Forest Enterprise required to refer more specifically to the appellant and not simply the landowner and should also be less general in terminology.

The initial LRB case was therefore deferred to the next meeting in September, pending further comment from the Transportation Department.

**On 12<sup>th</sup> September 2016**, Diane Anderson of the Transportation Department formally responded to the new evidence and documents and raised three additional issues of concern - **DOC 003**

The principle concerns of Ms Anderson at this point were:

- 1) That whilst accepting the terms of the splay consent given to the appellant by the owner of Jhelum, there was a concern that the required visibility splay also crossed land owned by the occupants of "Le Nid" further to the West and asking for evidence that this was acceptable to the owners there.
- 2) That the terms of the Forest Enterprise consent was "in principle" and not sufficient as formal permission or Deed of Servitude.
- 3) Raising continued concern about the Intensification of vehicular use at this location and the lack of sufficient pedestrian access.

**This response by the Transportation Department was not forwarded to the appellant prior to the second LRB meeting schedule for 29<sup>th</sup> September 2016.**

**The appellant was not invited to respond to the comments made by the Transportation Department.**

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The appellant requested the opportunity to respond to the queries raised by Ms Anderson but was advised that current procedure did not allow for this.

The appellant, concerned that the required level of information would not be available to the Board, decided to submit a response directly to the Board and members for information purposes only and to allow a more informed decision to be made at the meeting itself – **DOC 004**

That response took each of Ms Andersons comments in turn, and commented as follows:

- 1) A formal visibility splay drawing was submitted to the subsequent hearing and which was signed by the occupants of Le Nid as being acceptable. – **DOC 005**
- 2) A revised letter from Forest Enterprise was obtained which removed the term in principle and set – **DOC 006**
- 3) Continuing to ask for the matter to be dealt with by suspensive condition allowing any further issues to be resolved outwith the LRB process.

On the meeting of **29 September 2016**, the Board took further legal advice on this information and decided that it again could not accept the additional “new evidence” and moved to a Formal Hearing session to allow all parties to present their case comprehensively and avoid further delay.

## 2. LIST OF DOCS

Doc 001 – Transportation Departments initial objections to Review Statement  
Doc 002 – CM Letter responding to Transportation Departments objections  
Doc 003 – Transportation Department response to “new evidence”  
Doc 004 – CMD Letter enclosing response to Transportation Dept objections prior to 2<sup>nd</sup> LRB hearing  
Doc 005 – CMD drawing showing compliant visibility splay and signed by Le Nid  
Doc 006 – Revised letter from Forest Enterprise

## 3. CASE REPRESENTATIVES (witnesses)

**David Nelmes**, Appellant – to present on issues relating to his business needs and the providence of the various permissions from adjacent landowners to form the required visibility splay

**Craig Mackay**, Planning Consultant at CM Design – to present on the detail of the Vizibility Splay drawing and contents of the original Appeal Statement.



## ENVIRONMENTAL SERVICES

**Diane Anderson**  
Senior Engineer

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Chief Legal Officer  
Per Mr D Westmacott  
Committee Services  
The Moray Council  
High Street  
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IV30 1BX

Our reference: DA/AG/LRB161

Your reference: MLRB0161/ACK

21 July 2016

Dear Sir

**TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008  
REQUEST FOR REVIEW: PLANNING APPLICATION 16/00344/APP ERECT A SINGLE STOREY OFFICE BUILDING ON LAND 170M NORTHWEST OF DAMHEAD FARM KINLOSS**

I refer to your letter dated 07 July 2016.

I respond on behalf of the Transportation Manager with respect to our observations on the applicant's grounds for seeking a review of the planning authority's decision to refuse the above planning application.

Transportation has reviewed the appellant's grounds for review and the associated documents, and submits the attached representation with associated documents in response.

Yours faithfully

**Diane Anderson**  
Senior Engineer

Enclosures :

LRB # 161

TMC01 Transportation Consultation Response dated 29 March 2016

TMC02 Site photographs of access onto the Public road

Nicola Moss – Transportation Manager



Certificate GB13/89299

## Consultation Request Notification

Planning Authority Name	<b>The Moray Council</b>
Response Date	<b>25th March 2016</b>
Planning Authority Reference	<b>16/00344/APP</b>
Nature of Proposal (Description)	<b>Erect a single storey office building</b>
Site	<b>Land 170M Northwest Of Damhead Farm Kinloss Moray</b>
Site Postcode	<b>N/A</b>
Site Gazetteer UPRN	<b>000133069430</b>
Proposal Location Easting	<b>308226</b>
Proposal Location Northing	<b>862507</b>
Area of application site (Ha)	<b>892 m<sup>2</sup></b>
Additional Comment	
Development Hierarchy Level	<b>LOCAL</b>
Supporting Documentation URL	<a href="http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=O3CM8ABGMSQ00">http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=O3CM8ABGMSQ00</a>
Previous Application	
Date of Consultation	<b>11th March 2016</b>
Is this a re-consultation of an existing application?	<b>No</b>
Applicant Name	<b>Winterburn Media Ltd</b>
Applicant Organisation Name	
Applicant Address	
Agent Name	<b>PM Designs</b>
Agent Organisation Name	
Agent Address	<b>Sonas Todholes Dallas Forres United Kingdom IV36 2RW</b>
Agent Phone Number	
Agent Email Address	<b>N/A</b>
Case Officer	<b>Richard Smith</b>
Case Officer Phone number	<b>01343 563256</b>
Case Officer email address	<b>richard.smith@moray.gov.uk</b>
PA Response To	<b>consultation.planning@moray.gov.uk</b>

**NOTE:**

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

Please respond using the attached form:-

**MORAY COUNCIL**

**PLANNING CONSULTATION RESPONSE**

**From:** Transportation Manager

**Planning Application Ref. No: 16/00344/APP**

**Erect a single storey office building Land 170M Northwest Of Damhead Farm Kinloss Moray for Winterburn Media Ltd**

I have the following comments to make on the application:-

- |   | <b>Please</b>            |
|---|--------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below   | <b>x</b><br><b>X</b>     |
| (b) I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal            | <input type="checkbox"/> |
| (c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below | <input type="checkbox"/> |
| (d) Further information is required in order to consider the application as set out below                                 | <input type="checkbox"/> |

**Reason(s) for objection**

The proposed development, if permitted, would involve the intensification of use an access onto B9011 Kinloss-Burghead Road where visibility is restricted by the alignment of the road, hedges/trees/vegetation and an adjacent boundary fence, and would be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policies T2 Provision of Access and IMP1 Development Requirements.

Further Information

The required visibility splay at this access onto the public road is 4.5 metres by 120 metres to the west and 4.5 metres by 160 metres to the east, clear of any obstruction above 0.26 metres. All vegetation would need to be removed and boundary fences set back to the position behind the visibility splay.

**Contact: DA**  
**email address:**  
**transport.develop@moray.gov.uk**  
**Consultee: TRANSPORTATION**

**Date 29 March 2016**

<b>Return response to</b>	<b>consultation.planning@moray.gov.uk</b>
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Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://public.moray.gov.uk/eplanning/> (

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**Local Review**

**LRB Ref 161**

**Planning Application Reference 16/00344/APP Erect a single storey Office building on land 170m northwest of Damhead farm, Kinloss**

**Response from Transportation, Moray Council**

1. This document is in response to the Notice of Review and the Statement of Case submitted on behalf of Mr David Nelmes and sets out observations by Transportation on the application and the grounds for seeking a review.
2. This review concerns planning application 16/00344/APP for the erection of a single storey Office building on a site served by a private access off the B9089 Kinloss – Burghead Road.
3. Transportation received the consultation for planning application 16/00344/APP on 11 March 2016. A copy of the consultation response is attached (**TMC01**).
4. The B9089 is part of the strategic road network in Moray, providing an important link from Elgin and Burghead and onwards to the west. The B9089 at this location is subject to a de-restricted speed limit.
5. The proposed development would utilise an existing private access. However the existing access has restricted visibility in both directions. This is due to the alignment of the road, hedges/trees/ vegetation and the position of an adjacent boundary fence. Photographs of the view from the access onto the public road are attached (**TMC02**) ✓
6. A visibility splay of 4.5 metres x 120 metres to the west, and 4.5 metres x 160 metres to the east, clear of any obstruction above 0.26 metres would be required at this existing access. Formation of the visibility splay would require removal of all vegetation within the splay and the setting back of fencelines to a position outwith the splay. Signage present at the access would also need to be positioned such that it was not an obstruction.
7. The Appellant's statement of appeal acknowledges the requirement to improve the visibility at the access onto the public road and states in paragraph 4.4.1 b) that '*The Appellant has the permission of the local landowner to control and maintain the visibility splay required.*' However there has been no written evidence of any agreement with the local landowner submitted as part of the planning application or to the Local Review Board.
8. The Appellant's statement goes on to suggest that the issues relating to visibility can be '*suitably mitigated and dealt with suspensive condition*'. The use of suspensive planning conditions is only suitable when there is a reasonable prospect that the condition can be achieved. In this case there has been no evidence submitted of an agreement with the landowner.
9. There have been a number of recent planning applications and enquiries relating to housing development which would be served by the same access onto the Public road and which would be subject to the same requirements to improve the visibility splay. To date there has been no evidence submitted to indicate that the applicants for the housing developments were able to provide the required visibility splays.



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## Local Review

LRB Ref 161

### Planning Application Reference 16/00344/APP Erect a single storey Office building on land 170m northwest of Damhead farm, Kinloss

10. Transportation is aware that the landowner to the east of the access onto the public road has been unwilling to enter into an agreement with the promoters of the housing development sites. Transportation therefore considers that without written evidence of an agreement there is no reasonable prospect of the visibility splay being provided for the proposed Office development.
11. The location of the proposed office is remote from the main settlement area of Kinloss. Paragraph 4.5.2 of the Appellant's statement states that '*The Appellant would argue that this proposal also satisfies some of the more intrinsic aims of this Policy in terms of sustainability, pedestrian access, cycle access, etc.*'. However the footway from the majority of housing in Kinloss, which is on the northern side of the B9089, terminates some 320 metres to the west of the private access onto the public road. Pedestrians wishing to access the site from Kinloss would need to cross the B9089 and then walk along a grass verge, which in places is restricted in width. Transportation does not consider this to be an acceptable level of provision for pedestrians to access the proposed development.
12. It is noted that within the Appellant's statement the number of staff expected to be working at the proposed office is eight. The number of parking spaces shown on the submitted layout drawing is also eight. This level of parking provision exceeds the Moray Council Parking Standards. Transportation considers that staff would be highly likely to be travelling to work by private car, particularly as the site is remote from the main settlement area of Kinloss and a safe access to the site for pedestrians is not available.
13. The existence of the access at this location is a matter of fact. However this proposed office would result in the intensification of the use of this access which (without the provision of the required sightlines) in turn would be detrimental to road safety.
14. Transportation, respectfully, requests the MLRB to uphold the decision by the appointed officer. In particular on the grounds that Moray Local Plan Policy T2: Provision of Road Access is not satisfied.

Transportation  
21 July 2016

#### Documents

TMC01 Transportation Consultation Response dated 29 March 2016  
TMC02 Site photographs of access onto the public road

## TMC02 Site photographs of access onto Public road



PHOTO SHOWING AVAILABLE VISIBILITY AT 4.5M BACK EASTBOUND



PHOTO SHOWING AVAILABLE VISIBILITY AT 4.5M BACK WESTBOUND

Monday, 08 August 2016

**Our Ref: 160073/NELMES/AM**

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**Mr Darren Westmacott**

Clerk to the Local Review Board  
The Moray Council  
Council Offices  
High Street  
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IV30 1BX

**PLANNING APPEAL FOR NEW OFFICE PREMISES  
AT DAMHEAD, KINLOSS, MORAY, IV36 3UA**

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Dear Darren

I refer to the above subject and the recent representation received from Senior Roads Engineer, Diane Anderson.

The reason for objection was stated to be as follows.

*"the proposed development, if permitted would involve intensification of use of an access onto B9011 Kinloss-Burghead Road where visibility is restricted by the alignment of the road, hedges/trees/vegetation and an adjacent boundary fence and would be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policies T2 Provision of Access and IMP1 Development requirements"*

I can confirm that **safety of road users has now been assured** as we have secured written consents from all landowners to form and manage the required visibility splays.

Copies of the written approval from Bowlt, on behalf of Mr Rhind (land to East) and The Forestry Commission (land to West) are attached to this response.

Given that we have proven that the visibility splays can be achieved, we request that this requirement be addressed by means of suspensive condition, as also suggested by point no.8 of Ms Andersons report.

Point no.11 of Ms Andersons response raises a new issue of pedestrian access to the site which was not highlighted as being a requirement in the initial application or advice.

Our client wishes to point out that it is highly unlikely that pedestrians will wish to reach the new business location and that there will be **no intensification of pedestrian traffic** that would give rise to a need for footpath improvements.

Nevertheless, our client believes that an adequate informal rural footway exists linking the final point of the public footpath to the woodland walks that are accessed from the private road to Damhead.



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Monday, 08 August 2016

This track is maintained at all times and can be improved with a further wearing course, in a manner suiting its rural location, if deemed necessary.

Point no.12 of Ms Andersons report requires clarification before we can adequately respond. It appears to state that the parking provision is adequate and in fact in excess of what is required. This we would assume would be a positive point. Ms Anderson then goes onto state that "Transportation considers that staff would be highly likely to be travelling to work by private car, particularly as the site is remote from the main settlement area of Kinloss and a safe access to the site for pedestrians is not available"

**Our client would contend that the existing commonly used roadside track has been perfectly adequate for local use for decades and will be made all the more safe as a result of visibility splays being proposed by this development.**

We therefor contend that

1. Sufficient pedestrian access exists, and moreover such use would not be increased by this development.
2. Existing pedestrian access to the nearby woodland walks would be made safer by the visibility splay proposals of this application
3. The matter of road safety is no longer an issue due to our ability to prove the ability to form and control all required visibility splays.

I trust this response meets with your approval and ask that you do not hesitate to contact me should further queries arise.

**Sincerely yours,**

**C.J.S MACKAY**  
**PRINCIPAL DESIGNER AND PLANNING CONSULTANT**  
**CRAIG@CMDESIGN.BIZ**



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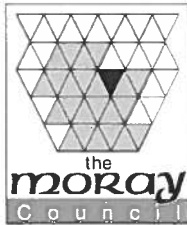
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Our reference: DA/LRB161

Your reference: MLRB0161/ACK

Chief Legal Officer  
Per Mr D Westmacott  
Committee Services  
The Moray Council  
High Street  
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12 September 2016

Dear Sir

**TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008  
REQUEST FOR REVIEW: PLANNING APPLICATION 16/00344/APP ERECT A SINGLE STOREY OFFICE BUILDING ON LAND 170M NORTHWEST OF DAMHEAD FARM KINLOSS**

I refer to your letter dated 29 August 2016 which relates to new evidence submitted to the Moray Local Review Body (MLRB) on 8 August 2016.

I respond on behalf of the Transportation Manager with respect to our observations on the new evidence.

The new evidence appears to have been submitted to enable the consideration of the use of a suspensive planning condition with regard to the provision of visibility splays at the access onto the public road of 4.5 metres by 160 metres to the east and 4.5 metres by 120 metres to the west, clear of any obstruction above 0.26 metres measured from the level of the public carriageway. It is noted that the appellant has not submitted any drawings to demonstrate the areas of land required to form and maintain the visibility splay.

Our observations are as follows:

1. Bowlts Chartered Surveyors letter dated 8 August 2016 and supporting Deed of Servitude date stamped 7 February 2104.

The attached Deed of Servitude is accepted as evidence that the required visibility splay of 4.5 metres by 120 metres to the west of the Damhead access road can be provided for the first 35 metres (approximately) of the visibility splay to the west. The Deed of Servitude relates to the property 'Jhelum' which is immediately adjacent to the Damhead access road. The area of ground indicated for the provision of the visibility splay and the setting back of the boundary fences is acceptable.

Nicola Moss – Transportation Manager



Certificate GB13/89299

However the required visibility splay of 4.5 metres by 120 metres extends beyond the boundary of the property 'Jhelum' and over land to the rear of the boundary fence for the property 'Le Nid'. There is no evidence that the remainder of the visibility splay, which falls out with the road verge, can be provided and maintained over the garden ground of 'Le Nid'.

## 2. Forest Enterprise Scotland letter dated 5 August 2016

This letter states that *'Forest Enterprise Scotland has no 'in principle' objection to the clearance of vegetation from within the required vision splay and the maintenance of this vegetation below 2.6m above ground level.'*

The required visibility splay is 4.5 metres by 160 metres to the east, clear of any obstruction above 0.26 metres in height (measured from the level of the public carriageway).

The Forest Enterprise Scotland letter is not accepted as evidence as it refers to a height of 2.6 metres as opposed to the required 0.26 metres. It is also a letter which states that it has no 'in principle' objection to the formation and maintenance of the visibility splay as opposed to a formal Deed of Servitude or permission.

## 3. CM Design letter dated 8 August 2016

As indicated above Transportation does not consider the evidence submitted to fully demonstrate that the appellant has the agreement of all third party landowners to provide and maintain the required visibility splay.

In response to the request for clarification of Point 11 of Transportations response to the LRB dated 21 July 2016, this paragraph was written in response to the Appellant's statement that the proposal also satisfies Moray Local Development Policy T2 in terms of *'sustainability, pedestrian access, cycle access, etc'*. Transportation does not support this statement. The information provided in Point 11 with regard to pedestrian facilities is a rebuttal of the Appellant's statement and not a request for provision.

Transportation considers that due to the remote location of the site from the main settlement of Kinloss it is not readily accessible for pedestrians and that therefore employees and visitors would access the proposed development by car. This view is further borne out by the proposed provision of eight parking spaces (1 parking space for each member of staff). The Moray Council Parking Standards for office buildings of this size and at locations out with the larger settlements are a maximum of 4 spaces per 100 sqm GFA. The proposed office building is 98 sqm GFA which equates to a maximum requirement of 4 parking spaces.

The case presented through Points 11 to 13 of Transportation response to the MLRB is that the proposed office is in a location which is not readily accessible for pedestrians and therefore all staff and visitors would be likely to be accessing the development by private car, which would be an intensification of use of the existing access onto the public road. We trust that this provides the clarification sought by the appellant's agent.

Wednesday, 28 September 2016

**Our Ref: 160073/NELMES/AM**

Your Ref: MLRB0161/ACK

**Mr Darren Westmacott**

Clerk to the Local Review Board  
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**PLANNING APPEAL FOR NEW OFFICE PREMISES  
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Dear Darren

I refer to the above subject and the most recent response from The Roads Department to the issue of "new evidence" that the Board have been dealing with in advance of tomorrow's hearing.

We continue to ask that the requirement for a compliant visibility splay be dealt with by **suspensive condition** and note that Diane Anderson continues to doubt that the visibility can be achieved and has also questioned the terminology of the letter previously issued by Forest Enterprise.

We therefore enclose a drawing of the splay which has been signed by the householder at "Le-Nid" to confirm that control of the splay will be granted and including the relocation of fencing.

We also enclose an amended letter from Forest Enterprise with removed the previous "in principle" nature of their comments and makes clear their approval of what is proposed.

I trust that this information can be made available to the Board members to enable them to remove all doubt that the splay can be achieved and, if necessary, provided more assurances that might allow for a suspensive condition to be used in this case.

I trust this meets with your approval and ask that you do not hesitate to contact me should further information be required.

**Sincerely yours,**

**C.J.S MACKAY**

**PRINCIPAL DESIGNER AND PLANNING CONSULTANT**

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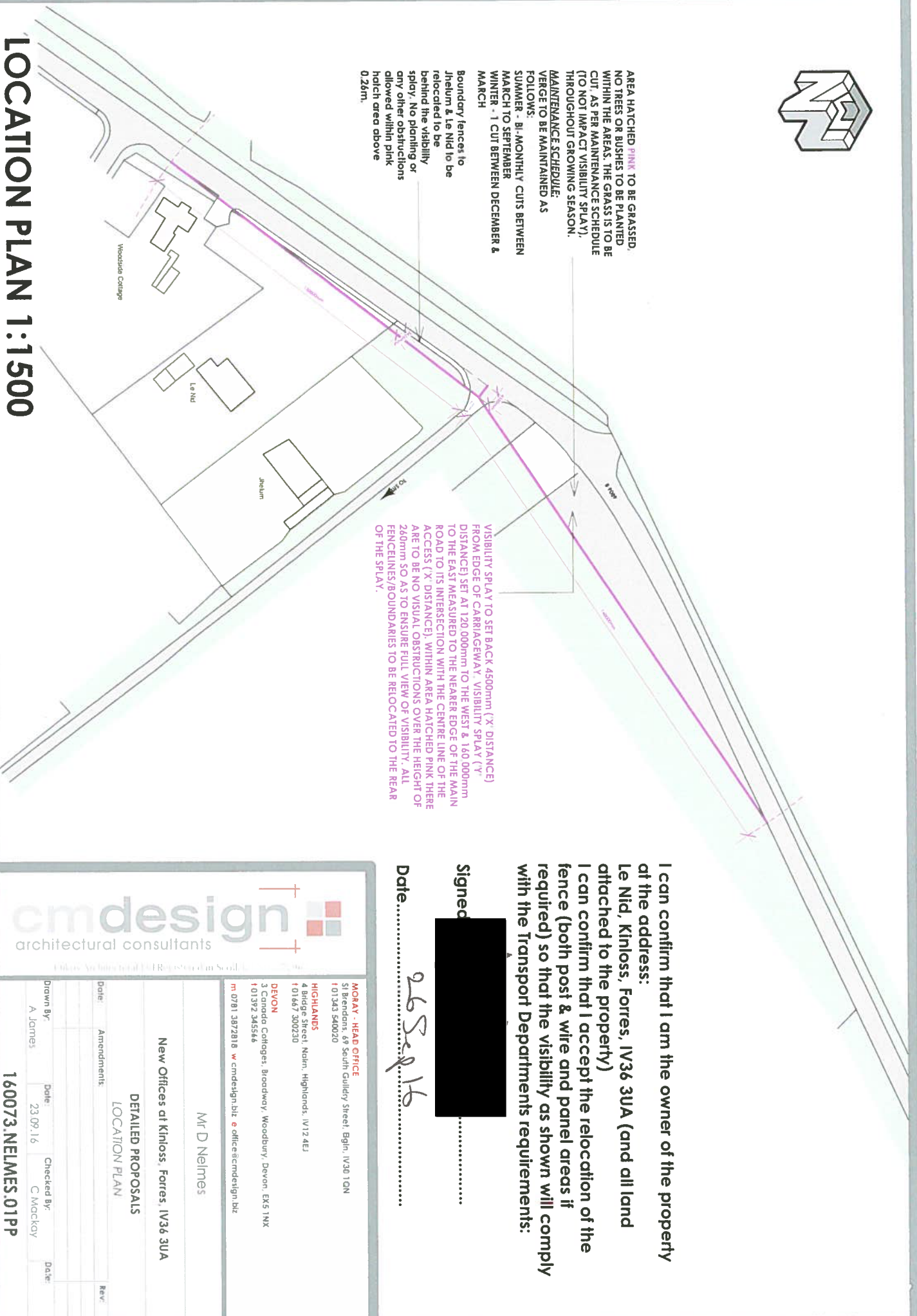
AREA HATCHED PINK TO BE GRASSED. NO TREES OR BUSHES TO BE PLANTED WITHIN THE AREAS. THE GRASS IS TO BE CUT AS PER MAINTENANCE SCHEDULE (TO NOT IMPACT VISIBILITY SPLAY), THROUGHOUT GROWING SEASON.

**MAINTENANCE SCHEDULE:**  
VERGE TO BE MAINTAINED AS FOLLOWS:  
SUMMER - BI-MONTHLY CUTS BETWEEN MARCH TO SEPTEMBER  
WINTER - 1 CUT BETWEEN DECEMBER & MARCH

Boundary fences to Jhelum & Le Nid to be relocated to be behind the visibility splay. No planting or any other obstructions allowed within pink hatched area above 0.26m.

VISIBILITY SPLAY TO SET BACK 4500mm ('X' DISTANCE) FROM EDGE OF CARRIAGEWAY. VISIBILITY SPLAY ('Y' DISTANCE) SET AT 120 000mm TO THE WEST & 160 000mm TO THE EAST MEASURED TO THE NEARER EDGE OF THE MAIN ROAD TO ITS INTERSECTION WITH THE CENTRE LINE OF THE ACCESS ('X' DISTANCE). WITHIN AREA HATCHED PINK THERE ARE TO BE NO VISUAL OBSTRUCTIONS OVER THE HEIGHT OF 260mm SO AS TO ENSURE FULL VIEW OF VISIBILITY. ALL FENCELINES/BOUNDARIES TO BE RELOCATED TO THE REAR OF THE SPLAY.

# LOCATION PLAN 1:1500



I can confirm that I am the owner of the property at the address:  
**Le Nid, Kinloss, Forres, IV36 3UA (and all land attached to the property)**  
 I can confirm that I accept the relocation of the fence (both post & wire and panel areas if required) so that the visibility as shown will comply with the Transport Departments requirements:

Signed



Date: 26 Sept 16



City of Aberdeen Planning & Design Services

<b>MORAY - HEAD OFFICE</b> 51 Breidans, 49 South Gully Street, Bgin, IV30 1QN t 01343 540020	
<b>HIGHLANDS</b> 4 Bridge Street, Nain, Highlands, IV12 4EJ t 01467 200230	
<b>DEVON</b> 3 Canada Cottages, Broadway, Woodbury, Devon, EX5 1NX t 01392 345546 m 0781 3872818 w cmdesign.biz e office@cmdesign.biz	
Mr D Nelmes New Offices at Kinloss, Forres, IV36 3UA	
<b>DETAILED PROPOSALS</b> LOCATION PLAN	
Date	Rev
Amendments	
Drawn By: A James	Date: 23 09 16
Checked By: C Mackay	Date:
<b>160073.NELMES.01PP</b>	



## Moray and Aberdeenshire Forest District

Portsoy Road  
Huntly  
Aberdeenshire  
AB54 4SJ

David Nelmes  
Winterburn Media Limited



Tel: 0300 067 6246

Mob: 07795 127 623

brian.stacey@forestry.gsi.gov.uk

Estates Forester

Brian Stacey

26<sup>th</sup> September 2016

Dear David,

### Re: Vision Splay East of the Damhead Steading Road Junction with B9089 at Kinloss

Thank you for meeting me on 3<sup>rd</sup> August 2016 to look at the vision splay on the east side of the junction of Damhead Steading Road with the B9089 at Kinloss.

You are applying for permission from the local planning authority (Moray Council) to construct a new office on Damhead Steading Road, Kinloss to enable your business, Winterburn Media Limited, to grow. You have been advised that the vision splay at the north end of Damhead Steading Road will need to be increased before any additional development is permitted along this road and that before your application can be considered you require " *...the permission of the local landowner to control and maintain the visibility splay required.*" Some of the land on the east side of Damhead Steading Road affected by the enlarged vision splay is part of the National Forest Estate managed by Forest Enterprise Scotland on behalf of Scottish Ministers.

The require vision splay is "*... 4.5 metres x 160 metres to the east, clear of any obstruction above 0.26 metres ...*" and "*...Formation of the visibility splay would require removal of all vegetation within the splay and the setting back of fence lines to a position out with the splay.*" At present there is no fence line within the desired vision splay on the National Forest Estate and the vegetation greater than 0.26m tall is predominately self-set birch and a maximum of 4 mature pine crop trees.

Forest Enterprise Scotland is prepared to give permission for the current vision splay to be increased to the dimensions described above. Any permission is subject to the vegetation clearance works being undertaken by a suitably qualified and insured person/organisation. Vegetation within the vision splay will be cut to a height of less 0.26m above ground level. Any costs incurred in creating and maintaining the vision splay would be borne by you and not by Forest Enterprise Scotland.

Yours sincerely,



Brian Stacey  
Estates Forester