



Education, Communities & Organisational Development

Democratic Services
Moray Council

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Our Reference: LR/LR234
Your Reference:

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8 January 2020

Dear Mr and Mrs Murray,

Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 [‘the Regulations’]

Notice of Review: Planning Application 19/01014/APP - Renovation, under strict commercial budgetary limitations, of a significantly deteriorating hotel building with the objective of re-energising a rapidly failing business, in order to provide a social amenity on the side of the Speyside Valley that has absolutely no other alternative facility available to the community

I acknowledge receipt of the Notice of Review (NOR) dated 5 January 2020 in respect of the above application.

The NOR and associated documents can be viewed at http://www.moray.gov.uk/moray_standard/page_65978.html. A copy of the documents can also be made available for inspection, on request, at the Access Point, Council Offices, Elgin.

In terms of the Regulations, interested parties will be notified of the NOR and given 14 days to respond.

Should any further representations be received, these will be forwarded to you with a further 14 days to respond.

In due course, you will be notified of the dates, times and venue of the site inspection and review meeting.

I note that you have indicated on your NOR form that you would like the MLRB to conduct a site inspection so that a meeting can take place between yourselves and the MLRB. A site visit will be arranged prior to consideration of the case but it will not be possible to hold a meeting. The sole purpose of the site visit is to enable members of the MLRB to see the site. The merits of the case cannot be discussed by the MLRB until the meeting itself.

I should also say that, when it comes to the meeting, most cases are determined having regard to paper submissions only. It is highly unusual for the parties to be given the opportunity to address members of the MLRB directly. The main reason for this is that all information you wish to present must be clearly set out in advance.

In light of your stated desire to address the MLRB, I should point out that there is a box on the NOR that allows you to seek a full hearing with oral, as well as paper, submissions. You have not ticked that box but I can give you this opportunity to immediately confirm to me, please, if you wish to amend your form and tick that box. I would stress that ticking the box only constitutes a request for a full hearing. Any actual decision to call for further information and/or hold a full hearing rests with the MLRB only.

I also note that you have stated on your NOR form that you have raised matters which were not before the appointed officer at the time your application was determined. Section 43b of the Town and Country Planning (Scotland) Act 1997 states that no matter which was not before the Appointed Officer at the time of determination should be raised unless the Applicant can demonstrate:

- (a) That the matter could not have been raised before that time; or*
- (b) That its not being raised before that time was a consequence of exceptional circumstances.*

It is for the MLRB to decide whether the new matter falls into either of the 2 categories above and, if not, it may be not be eligible for consideration. Equally, if new information is to be considered then the MLRB may further decide, in the interests of openness and fairness, that the planning service should have the opportunity to comment upon any new information.

Therefore, you should be aware that any request for a full hearing and/or any request to consider additional materials may necessitate the case being deferred to a later meeting. Meetings are held once a month.

If you have any queries, please do not hesitate to contact me on the above details.

Yours sincerely,

Lissa Rowan
Committee Services Officer
Clerk to the Moray Local Review Body