



## **ENVIRONMENTAL SERVICES**

**Diane Anderson**  
**Senior Engineer**

PO Box 6760  
Elgin, Moray IV30 9BX

Telephone: 01343 563782

Fax: 01343 563990

email: [diane.anderson@moray.gov.uk](mailto:diane.anderson@moray.gov.uk)

Website: [www.moray.gov.uk](http://www.moray.gov.uk)

Our reference: LR/LRB262

Your reference: LR262

Chief Legal Officer  
Per Ms L Rowan  
Committee Services  
The Moray Council  
High Street  
ELGIN  
IV30 1BX

21 July 2021

Dear Madam

**TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL  
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008**

**REQUEST FOR REVIEW: PLANNING APPLICATION 20/00075/APP CHANGE OF USE OF GARDEN  
GROUND TO OPERATORS LORRY AND TRAILER PARKING AREA MORVEN VIEW CLOCHAN BUCKIE**

I refer to your letter dated 14<sup>th</sup> July 2021.

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**

---

## Local Review

LRB Ref 262

**Planning Application Reference 21/00075/APP Change of use of garden ground to operators lorry and trailer parking area Morven View Clochan Buckie**

### **Response from Transportation, Moray Council**

1. This document is in response to the Notice of Review and the Statement of Case submitted by Mr Mark Stevenson and sets out observations by Transportation on the application and the grounds for seeking a review.
2. This review concerns planning application 20/00075/APP for a change of use of garden ground to lorry and trailer parking area associated with an Operators Licence at Morven View Clochan Buckie .
3. Transportation received the consultation for planning application 20/00075/APP on 26<sup>th</sup> January 2021. A copy of Transportations consultation response dated 18<sup>th</sup> February 2021 is attached (TMC 01).
4. Site photos are attached (TMC 02)
5. The location of the site in relation to the primary road network is shown on the attached map (TMC 03)
6. The applicant has stated that their reasoning for the application *“is to allow the parking of the vehicle and trailer and the land he owns rather than having to buy/rent ground and put financial pressure on a business that he is currently trying to save money for long term but investing in this vehicle to remove the need to hire transportation for his Plant machinery.”*
7. The applicants home is located approximately 3.5km from the nearest ‘A’ or ‘B’ (two lane) classified roads, and can only be accessed via a number of ‘minor’ roads, each of which are extensively single track with limited passing opportunities.
8. In common with many rural roads within Moray these ‘minor’ roads are subject to a number vertical and horizontal alignment changes (bends and crests) and also pass through existing road junctions which, due to the narrow width of the roads themselves, can be of limited manoeuvring/turning space.
9. Again the rural nature of the site location means that it is commonplace for larger farm related vehicles to be using the nearby roads. However, legitimate agricultural activity when operating within the bounds of an agricultural holding is considered to be ‘permitted development’ and as such does not require planning permission. This proposal however is for a change of use which does trigger the requirement for planning permission.
10. It is also accepted that refuse/ waste collection services are undertaken within these ‘minor’ roads; However Councils have a statutory duty to make arrangements to provide a waste collection service to properties throughout the Public Road network.

---

## Local Review

LRB Ref 262

### Planning Application Reference 21/00075/APP Change of use of garden ground to operators lorry and trailer parking area Morven View Clochan Buckie

11. Whilst it is accepted that this proposal may have only a minimal number of daily trips associated (as described); a limit on the number of trips could not in fact be enforceable, and therefore no such restrictions could be applied as conditions to any associated Planning permission.
12. Similarly the route/ direction of travel could not in fact be enforceable and again no such restrictions could be applied as conditions to any associated Planning permission.
13. Formal passing opportunities are required on single track 'minor' roads to enable vehicles to pass each other safely. Passing places should be inter-visible and ideally no greater than 150m apart. This is to ensure that vehicles do not have to undertake a reversing manoeuvre upon meeting another vehicle coming towards them, and to prevent damage to the verge (and utilities within the verge) caused by vehicles trying to pass other, particularly at a bend or where vehicles meet at a crest.
14. Larger vehicles (particularly with a trailer attached) should be able to safely turn in one continuous manoeuvre at junctions without having to reverse, and without any part of the vehicle or trailer 'overrunning' and potentially damaging the verge.
15. It is considered that the mitigation works which would be required by the applicant within the 'minor' roads serving the site (such as the provision of additional passing opportunities or improvements to junctions) would not be a feasible option, primarily due to the associated costs but also due to land ownership constraints.
16. Additionally no mechanism could be reasonably put in place to attribute responsibility for any damage to the carriageway or verge to a particular vehicle or party, and therefore the cost of any repairs associated with vehicle overrunning at junctions or by vehicles trying to pass each other is a cost that would be borne by the Council.
17. Transportation considers that this proposal would result in an intensification of use of the single track roads serving the site, resulting in an increased risk of vehicles having to reverse out of the HGV's oncoming path, and due to the vehicle size would be likely to result in an increased likelihood of vehicle verge overrunning, and would give rise to conditions which would be to the detriment of road user safety.
18. Due to the length of the overall route with limited passing opportunities it is considered that the proposal cannot be adequately mitigated against (via road improvements), or be subject to any enforceable conditions which would restrict the movements of the vehicle to any particular route or limit the number of trips even if mitigation works could be provided.

---

**Local Review**

**LRB Ref 262**

**Planning Application Reference 21/00075/APP Change of use of garden ground to operators lorry and trailer parking area Morven View Clochan Buckie**

19. On this basis Transportation, respectfully, requests the MLRB to uphold the decision by the appointed officer. In particular on the grounds that policy DP1 'Development Principles' section (ii)- 'Transportation', part 'a)' (safe entry and exit) is not satisfied.

Transportation

21 July 2021

**Documents**

TMC01 Transportation Consultation Response dated 18<sup>th</sup> February 2021

TMC02 Site photographs

TMC03 Location Map

## Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	9th February 2021
<b>Planning Authority Reference</b>	21/00075/APP
<b>Nature of Proposal (Description)</b>	Change of use of garden ground to operators lorry and trailer parking area
<b>Site</b>	Morven View Clochan Buckie Moray AB56 5HX
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133059059
<b>Proposal Location Easting</b>	342227
<b>Proposal Location Northing</b>	860200
<b>Area of application site (M<sup>2</sup>)</b>	707
<b>Additional Comment</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QN9VJDBGFS700">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QN9VJDBGFS700</a>
<b>Previous Application</b>	17/01017/APP 10/01005/APP
<b>Date of Consultation</b>	26th January 2021
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Mr Mark Stevenson
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	Morven View Clochan Buckie Moray AB56 5HX
<b>Agent Name</b>	George Hadden Architectural Agent
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	Fremont Little Newton Old Rayne Insch AB52 6SE
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Shona Strachan
<b>Case Officer Phone number</b>	01343 563303
<b>Case Officer email address</b>	shona.strachan@moray.gov.uk

<b>PA Response To</b>	consultation.planning@moray.gov.uk
-----------------------	------------------------------------

**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.

Data Protection - Moray Council is the data controller for this process. Information collected about you on this form will be used to process your Planning Application, and the Council has a duty to process your information fairly. Information we hold must be accurate, up to date, is kept only for as long as is necessary and is otherwise shared only where we are legally obliged to do so. You have a legal right to obtain details of the information that we hold about you.

For full terms please visit [http://www.moray.gov.uk/moray\\_standard/page\\_121513.html](http://www.moray.gov.uk/moray_standard/page_121513.html)

For full Data Protection policy, information and rights please see [http://www.moray.gov.uk/moray\\_standard/page\\_119859.html](http://www.moray.gov.uk/moray_standard/page_119859.html)

You can contact our Data Protection Officer at [info@moray.gov.uk](mailto:info@moray.gov.uk) or 01343 562633 for more information.

Please respond using the attached form:-

## MORAY COUNCIL

### PLANNING CONSULTATION RESPONSE

**From:** Transportation Manager

**Planning Application Ref. No: 21/00075/APP**

**Change of use of garden ground to operators lorry and trailer parking area Morven View Clochan Buckie Moray for Mr Mark Stevenson**

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   | <input checked="" type="checkbox"/> |
| (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"/>            |

*This proposal is for the change of use of garden ground of a residential property to site a Heavy Goods Vehicle (HGV) and trailer associated with an Operator's licence application.*

*The site is located approximately 3.5km from the nearest 'A' or 'B' classified roads, and can be accessed via a number of routes, each of which are for the most part single track with limited passing opportunities and each subject to a number of changes in the vertical and horizontal planes (with crests and bends). The various routes also pass through existing road junctions which would be likely to be subject to verge overrunning by the manoeuvres associated with larger vehicle such as Articulated Lorries (and with trailers).*

*Formal passing opportunities are required on single track roads to enable vehicles to pass each other safely. Passing places should be inter-visible and ideally no greater than 150m apart. This is to ensure that vehicles do not have to undertake a reversing manoeuvre upon meeting another vehicle coming towards them, and to prevent damage to the verge (and utilities within the verge) caused by vehicles trying to pass other, particularly at a bend or where vehicles meet at a crest.*

*The provision of additional 'formal' passing places, and improvements to the geometry of junctions generally requires land considered to be outwith the public verge and therefore under private ownership, and in reality the longer the route the more likelihood there is that the associated land (which may be identified as locations for new passing opportunities or junction improvements) would not only be under private ownership, but likely to be under the ownership of different parties.*

*Transportation considers that this proposal would result in an intensification of use of the single track roads serving the site, resulting in considerable increased risk of vehicles*

*having to reverse out of the HGV's oncoming path, and due to the vehicle size would be likely to result in an increased likelihood of vehicle verge overrunning. This would be likely to lead to conditions detrimental to the road safety of road users which would not be acceptable.*

*Whilst there may be some scope for the applicant to potentially provide a new passing place or provide limited additional surfacing at a junction, given the length of route between the site and the nearest two lane road(s) it is considered that any agreed carriageway improvement works would not in isolation be sufficient to ensure that the additional risk of a vehicle having to potentially undertake an unsafe reversing manoeuvre could be sufficiently mitigated against. Additionally given the various routes serving the site there would in reality be no way of enforcing a condition which ensured that access was solely via a particular (agreed) route.*

### **Reason(s) for objection**

This proposal would result in an intensification of use of the single track roads serving the site, by large articulated vehicle and would be likely to result in approaching vehicle's having to undertake potentially unsafe reversing manoeuvres out of the path of the oncoming Heavy Goods Vehicle, as well as resulting in damage to the carriageway/verge due to vehicle verge overrunning.

Due to the length of the overall route which has limited passing opportunities it is considered that the proposal cannot be adequately mitigated against, and additionally that any agreed route could not be enforceable even with mitigation works provided.

Transportation considers that his proposal if permitted would be likely to result in conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policies DP1 'Development Principles' section (ii)- 'Transportation', part 'a'.

**Contact: AG**  
**email address: [Transport.develop@moray.gov.uk](mailto:Transport.develop@moray.gov.uk)**  
**Consultee: TRANSPORTATION**

**Date: 18 February 2021**

<b>Return response to</b>	<b><a href="mailto:consultation.planning@moray.gov.uk">consultation.planning@moray.gov.uk</a></b>
---------------------------	---

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://publicaccess.moray.gov.uk/eplanning/>. (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using "redaction" software to avoid (or mask) the display of such information. Where appropriate other "sensitive" information within documents will also be removed prior to publication online.