



**Roderick D Burns**

Chief Legal Officer  
Committee Services

The Moray Council  
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*Contact:* Mr Ritchie  
*Our Ref:* RR/LRB  
*Your Ref:*  
*Date:* 8 March 2010

*Direct Dial:* 563015  
*E-mail:* [ritchir@chief.moray.gov.uk](mailto:ritchir@chief.moray.gov.uk)

The Appointed Officer  
Environmental Services Department  
Moray Council  
Council Office  
High Street  
Elgin  
IV30 1BX

Dear Sir

**Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008**

**Request for Review : Planning Application 09/00963/OUT : Walkers Crescent, Lhanbryde.**

**Procedure Notice relative to New Evidence**

At the meeting of the Moray Council Local Review Body (LRB) on 25 February 2010 it was agreed, on the advice of the LRB's Legal and Planning Advisors, that the Transport Assessment submitted in support of the grounds for review be treated as 'New Evidence' in terms of Regulation 17 of the 2008 Regulations. It was also agreed to deal with this new evidence under Regulation 15 by using the 'Written Submissions' procedure.

Accordingly, in terms of regulation 15 (2) (a), the LRB seek your views on both the substance of the document, a copy of which is attached, and also on whether you are aware of any facts or circumstances which you believe would preclude the applicant from meeting the statutory test for the consideration of new evidence ie 'new material will only be permitted where the party can demonstrate that it could not have been introduced earlier in the process, or that it arises as a consequence of exceptional circumstances'.

I would also advise you that, in terms of Regulation 15 (b), you are required to send your response to the LRB within 7 days of the above date (Monday 15 March 2010). In terms of Regulation 15 (3) you are also required to forward a copy of your response to the LRB to the applicant and interested parties specified by the LRB, details of which are set out in the Schedule appended to this Notice.

This notice has also been served on the applicant and interested parties to the review. On receipt of a copy of a response to the LRB to this notice from the applicant or any of the interested parties you have, in terms of regulation 15 (4), 14 days in which to respond thereon to the LRB. The expiry date for such responses will be Wednesday 31 March 2010. Should you submit such a response you are also required to send a copy to the applicant and the interested parties specified in this Notice.

Should you require any clarification in regard to the terms of this notice please contact Mr Ritchie on 01343 563015 or by email at [ritchir@moray.gov.uk](mailto:ritchir@moray.gov.uk).

Yours faithfully

Clerk to the Local Review Body

## SCHEDULE OF DETAILS OF APPLICANT & INTERESTED PARTIES

Applicant/ : CMDesign  
 Agent 1-5 Pinetree House  
 Pinefield Crescent  
 Elgin  
 IV30 6HZ

Interested Parties :

Environmental Health Manager Environmental Services Department Moray Council High Street Elgin IV30 1BX	Transportation Manager Per Mr R Gerring Direct Services Environmental Services Department Moray Council High Street Elgin IV30 1BX
Scottish Water Per Erin Linton Planning and Development Services 419 Balmore Road Glasgow G22 6NU	Environmental Protection Manager per Mr Garry Morrison Environmental Protection Moray Council High Street Elgin IV30 1BX
W Taylor Kirkhillhead Walkers Crescent Lhanbryde Elgin IV30 8PB	G & M Russell Shangri-la Walker's Crescent Lhanbryde Elgin IV30 8PB
Ian A Noble 84 Woodlands Drive Lhanbryde Elgin IV30 8JU	Ian Ord 88 Woodlands Drive Lhanbryde Elgin IV30 8JU <b>** Moved away</b>
Moira Gillespie Brylach Walkers Crescent Lhanbryde Elgin IV30 8PB	S & D Brown Balnakyle Walkers Crescent Lhanbryde Elgin IV30 8PB

Catriona Murray & Craig Pattison Gormond Walker's Crescent Lhanbryde Elgin IV30 8PB	
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