



Roderick D Burns

Chief Legal Officer
Committee Services

The Moray Council
Council Office, High Street, Elgin IV30 1BX
Tel: (01343) 543451 Fax: (01343) 540183
DX No 520666 Elgin
www.moray.org

Contact: Mr Ritchie *Direct Dial:* 563015
Our Ref: RR/LRB/Case 004 *E-mail:* ritchir@chief.moray.gov.uk
Your Ref:
Date: 8 March 2010

Dear

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

**Request for Review: Planning Application 09/01611/PPP : Planning permission in principle
for the erection of a dwellinghouse on a site adjacent to Roadside Croft, Grange, Keith
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 information relating to the new Scottish Planning Policy, implemented in February 2010, 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.

Yours faithfully

Clerk to the Local Review Body