



Roderick D Burns

Clerk to the Local Review Body

The Moray Council
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Contact: Mr Ritchie
Our Ref: RR/LRB/Case 011
Your Ref:
Date: 24 May 2010

Direct Dial: 563015
E-mail: ritchir@chief.moray.gov.uk

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

Dear Sir/Madam

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

**Request for Review: Planning Application 09/01618/PPP – Planning permission in principle
to erect a house at Upper Thorn, Drybridge, Buckie
Procedure Notice relative to New Evidence**

At the meeting of the Moray Council Local Review Body (MLRB) on 19 May 2010 it was agreed, on the advice of the MLRB's Legal and Planning Advisors, that the additional information in regard to the provision of a visibility splay submitted in support of the grounds for review be treated as 'New Evidence' in terms of Section 43(B)(1) of the Town & Country Planning (Scotland) Act 1997, as amended. In this regard it was agreed to seek views on from the Applicant, the Appointed Officer and Interested Parties on this matter through the written submissions procedure set out in Regulation 15 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2008.

Accordingly, in terms of Regulation 15 (2) (a), the MLRB seeks your views 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:

- (a) the party can demonstrate that it could not have been introduced earlier in the process, or
- (b) that it arises as a consequence of exceptional circumstances'

In addition the MLRB seeks your views on the new information regarding the provision of a visibility splay as set out in the grounds for review. This can be accessed at <http://public.moray.gov.uk/eplanning/> and entering the planning application reference number, select documents and view grounds for notice of review. A copy of the documents can also be made available for inspection, on request, at the Access Point, Council Office Elgin.

I would also advise you that, in terms of Regulation 15 (b), you are required to send your response to the MLRB within 14 days of the above date (7 June 2010). In terms of Regulation 15 (3) you are also required to forward a copy of your response to the MLRB to the other parties specified in the Schedule appended to this Notice.

On receipt of a copy of a response to the MLRB to this Notice from any of the parties specified in the Schedule appended to this Notice you have, in terms of Regulation 15 (4), 14 days in which to respond thereon to the MLRB. The expiry date for such responses will be Wednesday 23 June 2010. Should you submit such a response you are also required to send a copy to those specified in the Schedule appended to 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

SCHEDULE OF DETAILS OF APPLICANT & INTERESTED PARTIES

Applicant/Agent :

Future Plans
The Barnyard Studios
South Road
Garmouth
Fochabers
IV32 7LX

ask@futureplans.co.uk

Appointed Officer

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

development.control@moray.gov.uk

Interested Parties :

<p>Environmental Health Manager Environmental Services Department Moray Council High Street Elgin IV30 1BX</p> <p>ehplanning.consultations@moray.gov.uk</p>	<p>Transportation Manager Per Mr R Gerring Direct Services Environmental Services Department Moray Council High Street Elgin IV30 1BX</p> <p>roadsdevelopmentcontrol@moray.gov.uk</p>
<p>Contaminated Land Per Helen Barron Environmental Health Environmental Services Department Moray Council High Street Elgin IV30 1BX</p> <p>ehplanning.consultations@moray.gov.uk</p>	<p>Environmental Protection Manager per Mr Garry Morrison Environmental Protection Environmental Services Department Moray Council High Street Elgin IV30 1BX</p> <p>garry.morrison@moray.gov.uk</p>

<p>Scottish Water Per Erin Linton Planning and Development Services 419 Balmore Road Glasgow G22 6NU</p> <p>don.eplanning@scottishwater.co.uk</p>	<p>Private Water Supplies per G Murray Environmental Health Section Environmental Services Department Moray Council High Street Elgin IV30 1BX</p> <p>ehplanning.consultations@moray.gov.uk</p>
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