



Roderick D Burns
Clerk to the Local Review Body
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 019 *E-mail:* ritchir@chief.moray.gov.uk
Your Ref:
Date: 30 September 2010

CMDesign
1-5 Pinetree House
Pinefield Crescent
Elgin
IV30 6HZ

Dear Sir/Madam

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

Request for Review: Planning Application 08/01369/FUL – Demolish the remains of an existing cottage and replace with a traditionally designed one and a half storey dwellinghouse at Tomnaglien Cottage, Ballindalloch

At the meeting of the Moray Council Local Review Body (MLRB) on 22 September 2010 it was agreed, on the advice of the MLRB's Legal Advisor, that the additional information in regard to the provision of an amended 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 that the applicant be requested to clarify, by means of a written narrative and scale plans, the manner in which they propose the 4.5m setback/215m visibility splay to the north of the southern junction could be provided and clarify why they consider that they meet the test for the submission of new evidence as set out in Section 43(B)(1)(b) of the Town & Country Planning (Scotland) Act 1997, as amended. This information should be forwarded to me as soon as practicable in order that the request for review can be progressed.

On receipt of this information the views of from the Appointed Officer and Interested Parties, which includes Transport Scotland, will be sought 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.

As well as seeking the views of the Appointed Officer and Interested Parties on the proposed amended visibility splay the MLRB will also seek their views, in terms of Regulation 15, on whether they are aware of any facts or circumstances which they 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'

Should you require any clarification in regard to the terms of this letter please contact Mr Ritchie on 01343 563015 or by email at ritchir@moray.gov.uk.

Yours faithfully

Clerk to the Local Review Body
