



# Strathdee Properties Ltd

**Property Developing, Farming, Forestry and Quarrying**

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Our ref - SP / 9304

Your ref - LR / LR197

27<sup>th</sup> February 2018

Ms L Rowan  
Committee Services,  
The Moray Council,  
High Street,  
Elgin,  
IV30 1BX

Dear Lissa,

**Notice of Review : Planning Application 17 / 01522 / APP -  
Proposed erection of dwelling-house with detached garage At Upper Birnie View, Wardend, Birnie**

I refer to your letter dated 26<sup>th</sup> February 2018.

I would like to respond to the representation Transportation have raised in regard to the above NOR.

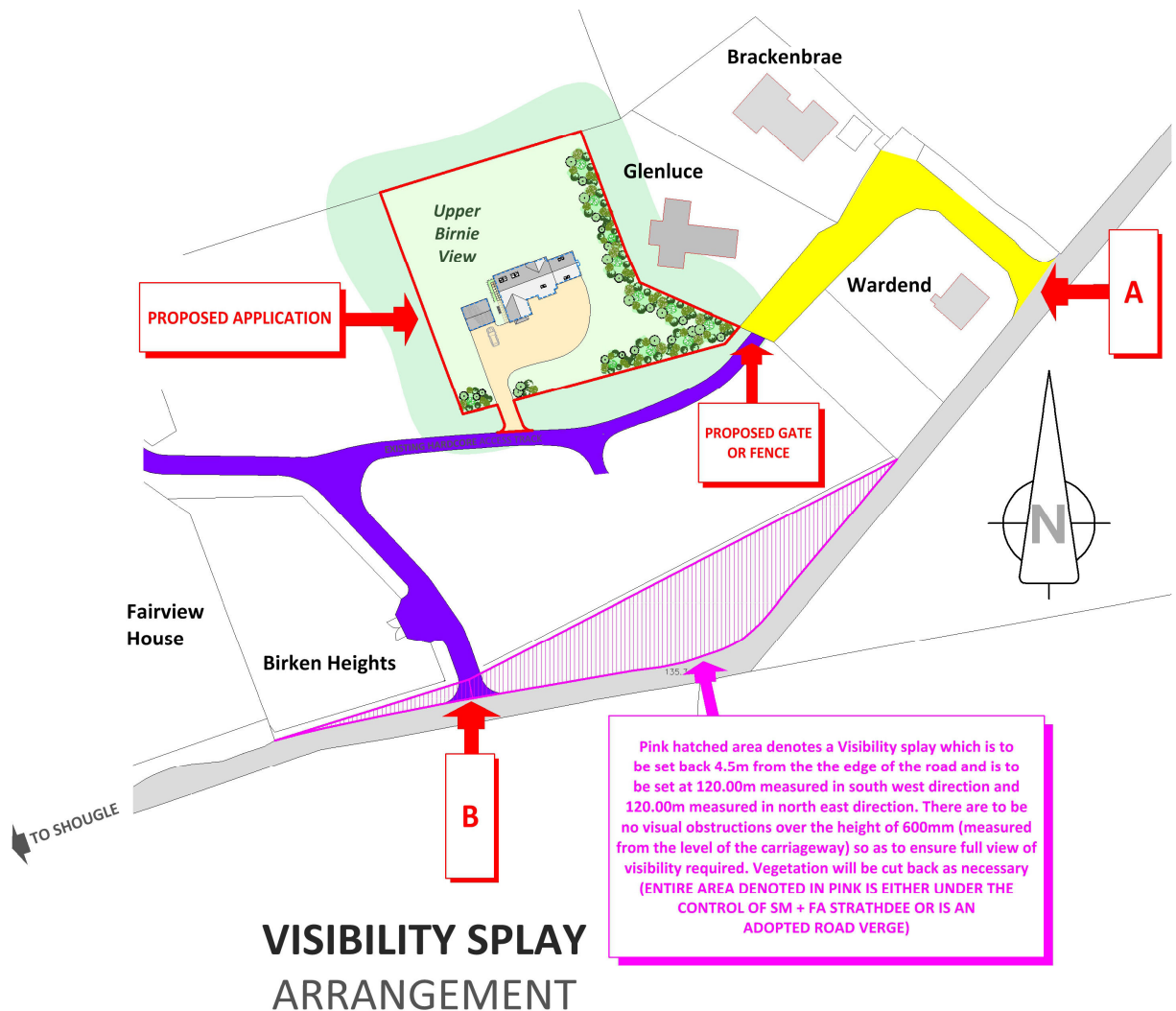
Transportation originally asked for further information on our proposal in terms of the access to the site, information regarding the existing accesses of nearby properties and also further details showing ***the closure of the existing track at a location just to the north of the proposed site.***

In response to this we proposed by e-mail on the 12<sup>th</sup> October 2017 that a lockable gate be erected across the private access track at the boundary between the site and the property "Glenluce" to restrict the use of the track as a through route to farm related vehicles only. After further correspondence we also suggested we would erect a permanent fence across the track if required.

Transportation now consider these proposals to be unenforceable for legal reasons but we cannot see why this is the case. Please see the site plan below. ----

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**“Wardend”, “Brackenbrae” and “Glenluce”** are and have been for many years legally bound to use the existing access point at the east (point **A**) which means they have no legal right to use the access at point **B** therefore the proposed gate or fence barrier would have no detrimental effect on these properties.

**“Birken Heights” and “Fairview House”** are and have been for many years legally bound to use the existing access point at the south (point **B**). This access point has excellent visibility (120 x 4.5m in both directions). We propose that the **new dwelling-house**, if approved, would also use this access point. There is no requirement for **“Birken Heights”, “Fairview House”** or the new proposal to use the access at point **A** and therefore, once again, the proposed gate or fence barrier would have no detrimental effect on these properties.

**Given that the track is privately owned and a proposed gate or fence would have no effect on any of the properties we cannot see why this objection is in place.**

yours sincerely,

Stewart Reid