



Transportation Service

Richard Gerring

SENIOR ENGINEER (TRANSPORT DEVELOPMENT)

The Moray Council, Academy Street, Elgin, IV30 1LL

Telephone: 01343 562551

Fax: 01343 545628

Gordon Holland
Transportation Manager

E-mail: richard.gerring@moray.gov.uk

Website: www.moray.gov.uk

Our Ref: RJG/DA/LB - 778580

Your Ref:



11 May 2010

Chief Legal Officer
Per Mr R Ritchie
Committee Services
The Moray Council
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 09/01618/PPP – PLANNING PERMISSION IN PRINCIPLE TO ERECT A HOUSE AT UPPER THORN, DRYBRIDGE, BUCKIE

I refer to your letter dated 28 April 2010.

I respond on behalf of the Transportation Manager with respect to our observations on the applicant's grounds for seeking a review of the planning authority's decision to refuse the above planning application.

The applicant has in our view submitted new information within their Notice of Review in relation to the location of the proposed access and the provision of an appropriate visibility splay, which could have been made available during the consideration of the planning application, but was not.

The information submitted at the time of the application clearly showed an access arrangement with a visibility to the north which crossed third party land. Inspection of the drawings submitted with the planning application showed no scope for an alternative access arrangement which avoided third party land.



ISO 9001 : 2008
FS 33734

11 May 2010

Chief Legal Officer
Per Mr R Ritchie

The agent now acting on behalf of the applicant approached Transportation prior to the submission of their request for review to discuss an alternative access arrangement for the proposed development.

Transportation responded to this approach. However in hindsight it is clear that if it is the intention to pursue a review of a decision to refuse an application, then the agent should not have attempted to resolve the access arrangements through the Local Review Procedures.

If the applicant wished to resolve the issues regarding the access arrangements, it is our view that a new planning application should have been submitted.

I comment on the documents submitted with the Notice of Review. The survey undertaken after the decision upon which the new drawings has been based is more accurate. There is now a single point where the visibility splay to the north can be provided outwith third party land. The applicant has cleared obstructions to visibility from the site which were present when the planning application was assessed. This has enabled on-site confirmation that the splay can now be provided, albeit only at the point shown on the drawings submitted to the Local Review Board,

This should have been processed as a new planning application.

We have no further comments at this stage.

Yours faithfully

Richard Gerring
SENIOR ENGINEER (TRANSPORT DEVELOPMENT)

