

Planning & Economic Development DEVELOPMENT MANAGEMENT

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Our Ref: *09/01618/PPP RKS/LH*
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7th June 2010

Mr R Ritchie
Clerk to the Moray Local Review Body
The Moray Council
Council Office
High Street
Elgin IV30 1BX

Dear Mr Ritchie

**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 24 May 2010 seeking views from interested parties on the applicant's grounds for seeking a review of the planning authority's decision to refuse the above planning application.

The applicant has submitted new information within his 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 introduction of this material into the review proceedings, which was not before me at the time of determination, does not accord with Section 43B of the Act.

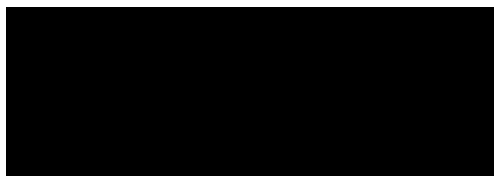
Para 38 of Circular 7/2009 states that "new material will only be permitted where the party can demonstrate that it could not have been introduced earlier in the process, or that it arises as a consequence of exceptional circumstances." The submissions contained within the Notice of Review have failed to satisfactorily demonstrate that either exception applies in this case.

With regard to your request for my views on the new information in relation to the visibility splay, this would be a matter for the Transportation Engineer to comment upon and I note that he has already done so in his letter to you dated 11 May.

In light of the foregoing, the correct procedure would be to submit a further application that seeks to address the reasons for refusal, which would then be considered on its individual merits.

Finally I can confirm that I have distributed this response to the other parties listed in the schedule attached to your letter, as directed by Regulation 15(3).

Yours sincerely



Richard Smith
Appointed Officer

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
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 High Street
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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>

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