

Statement of Appeal

The appeal is for the removal of the last part of condition 6 which states 'and the location and alignment of the required second connection for vehicle, pedestrian and cycle users to be provided between the site (as approved for a commercial estate under formal decision notice 09/01477/OUT dated 23/02/11 and conditions 8 and 9 in their entirety from the consent. These refer to the former requirement for a second access and provide details of the 'trigger' when this was to be built. These conditions stem from condition 9 c) of the outline consent 09/01477/OUT for the larger site at the same address which this road will serve. This condition 9 c) within the outline consent has already been deleted via the appeal decision for appeal reference: PPA-300-2012 on 26th July 2011 by Mr Roger Wilson Reporter. Copy attached

These conditions and partial conditions are therefore no longer necessary or relevant to the development and are therefore unreasonable and unjustified. The conditions fail at least three of the tests from Circular 4/1998: and should therefore be deleted

The Reporter confirmed that the Moray Council accept that there are no capacity requirements for a secondary access and this means that there is no capacity trigger and therefore condition 9 is unreasonable

The detailed reasoning is the same as the reasons provided by the Reporter for the appeal reference PPA-300-2012