



Clerk to the Moray Local Review Body
The Moray Council
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Contact: Mr Ritchie
Our Ref: RR/LRB/Case 035
Your Ref:
Date: 30 September 2011

Direct Dial: 563015
E-mail: ritchir@chief.moray.gov.uk

Mr Jack Brown
8/1
175 Finnieston Street
Glasgow
G3 8HD

Dear Sir/Madam

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

Request for Review: Planning Application 10/00524/APP - Formation of Road and Footpaths to serve proposed commercial estate off Linkwood

Roundabout, East Road, Elgin, Moray

Procedure Notice relative to Written Submissions

At the meeting of the Moray Council Local Review Body (MLRB) on 22 September 2011 it was noted that there was an issue of new evidence which, whilst not indicated on the Notice of Review form, is in the form of a reference to a Scottish Government Reporter's decision which, it is clear from the case papers, was not before the Appointed Officer at the time of determination of the planning application which takes it into the realms of new evidence.

It is the normal practice of the MLRB that where there has been an issue of new evidence to adopt the written procedures set out in Regulation 15 of the Town & Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 (the Regulations) to canvass the applicant, the Appointed Officer and interested parties on their views on whether the inclusion of the new evidence, in this case the reporter's decision, meets the test for the submission of new evidence, as set out in Section 43B of the Town & Country Planning (Scotland) Act 1997, as amended (the Act). An extract of the relevant section of the Act is attached for ease of reference.

Accordingly, in terms of Regulation 15 (2) (a) of the Regulations, the MLRB requests your views on whether or not the inclusion of the Reporter's decision meets the test for the submission of new evidence, as set out in Sections 43B (1) of the Act. I would also advise you that, in terms of Regulation 15 (b) of the Regulations you are required to send your response to the MLRB within 14 days of the above date (Friday 14 October 2011). In terms of Regulation 15 (3) you are also required to forward a copy of your response to the MLRB to the Appointed Officer and interested parties specified by the MLRB, details of which are set out in the Schedule appended to this Notice.

On receipt of a copy of a response to the MLRB to this Notice from any of the parties specified in the Schedule appended to this Notice you have, in terms of Regulation 15 (4), 14 days in which to respond thereon to the LRB. The expiry date for such responses will be Friday 28 October 2011. Should you submit such a response you are also required to send a copy to those specified in the Schedule appended to this Notice

I would also take this opportunity to advise you that the MLRB also agreed at its meeting on 22 September 2011 that as well as seeking the views of the Appointed Officer on this matter it also requested that he provide, in terms of Regulation 15 (2) (a) of the Regulations, his views on the significance of the Reporter's decision specifically;

- (a) in terms of precedent whether it is binding;
- (b) in terms of planning whether it is a material consideration; and
- (c) the position of the planning authority's approach to enforcing conditions where there is a related Reporter's decision to the contrary.

Accordingly, in terms Regulation 15 (b) of the Regulations the Appointed Officer is required to send his response to the MLRB within 14 days of the above date (Friday 14 October 2011) and, in terms of Regulation 15 (3) he is required to forward a copy of his response to the MLRB to the Applicant and interested parties specified in the Schedule appended to this Notice.

On receipt of a copy of the Appointed Officer's response to the MLRB you have, in terms of Regulation 15 (4) of the Regulations, 14 days in which to respond thereon to the MLRB. The expiry date for such responses will be Friday 28 October 2011. Should you submit such a response you are also required to forward a copy to those specified in the Schedule appended to this Notice.

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

Yours faithfully

Clerk to the Local Review Body

SCHEDULE OF DETAILS OF APPLICANT, APPOINTED OFFICER & INTERESTED PARTIES

Applicant :

Mr Jack Brown
8/1
175 Finnieston Street
Glasgow
G3 8HD



Appointed Officer

The Appointed Officer
Environmental Services Department
Moray Council
Council Office
High Street
Elgin
IV30 1BX

development.control@moray.gov.uk

Interested Parties :

Environmental Health Environmental Services Department Moray Council High Street Elgin IV30 1BX ehplanning.consultations@moray.gov.uk	Transportation Manager Per Mr R Gerring Direct Services Environmental Services Department Moray Council High Street Elgin IV30 1BX roadsdevelopmentcontrol@moray.gov.uk
Scottish Water Per Erin Linton Planning and Development Services 419 Balmore Road Glasgow G22 6NU don.eplanning@scottishwater.co.uk	Contaminated Land Environmental Health Environmental Services Department Moray Council High Street Elgin IV30 1BX contaminated.land@moray.gov.uk
Scottish Environment Protection Agency Per Ms Clare Pritchett Planning Co-ordinator Greyhope House Greyhope Road Aberdeen AB11 9RD planningaberdeen@sepa.org.uk	National Roads Directorate Trunk Roads Network Management Buchanan House 58 Port Dundas Road Glasgow Development_management@transportscotland.gsi.gov.uk

BEAR Scotland Limited BEAR House North East Primary Depot Inveralmond Road Perth NEPlanningapplications@bearsotland.co.uk	Mr Steven Milne 4 Linkwood Place Elgin IV30 1HZ 