



Clerk to the Moray Local Review Body  
The Moray Council  
Council Office, High Street, Elgin IV30 1BX  
Tel: (01343) 543451 Fax: (01343) 540183  
DX No 520666 Elgin  
[www.moray.org](http://www.moray.org)

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](mailto:ritchir@chief.moray.gov.uk)

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

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 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 Town & Country Planning (Scotland) Act 1997, as amended. In this particular case the MLRB also requests your 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 of Regulation 15 (2) (a) of the Regulations, the MLRB requests that you provide it with the information requested. 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 applicant 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 and/or the Notice to the applicant and interested parties seeking their views on whether 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, 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.

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](mailto: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  
  
[northernpdev@aol.com](mailto:northernpdev@aol.com)

Appointed Officer The Appointed Officer  
Environmental Services Department  
Moray Council  
Council Office  
High Street  
Elgin  
IV30 1BX  
  
[development.control@moray.gov.uk](mailto:development.control@moray.gov.uk)

### Interested Parties :

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

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| <p>BEAR Scotland Limited<br/>         BEAR House<br/>         North East Primary Depot<br/>         Inveralmond Road<br/>         Perth</p> <p><a href="mailto:NEPlanningapplications@bearsotland.co.uk">NEPlanningapplications@bearsotland.co.uk</a></p> | <p>Mr Steven Milne<br/>         4 Linkwood Place<br/>         Elgin<br/>         IV30 1HZ</p> <p><a href="mailto:s.milne@alanmilne.co.uk">s.milne@alanmilne.co.uk</a></p> |
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