



Transportation Service

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Our Ref: RJG/LB - 754859
Your Ref:



HAPPY TO TRANSLATE

12 March 2010

Chief Legal Officer
Per Mr R Ritchie
Committee Services
Council Offices
High Street
Elgin
IV30 1BX

CENTRAL SERVICES			
12 MAR 2010			
CTTEE	ESTATES	LEGAL	PERSONNEL
COMMENTS			

Dear Sir

LOCAL REVIEW: PLANNING APPLICATION 09/01611/PPP – ROADSIDE CROFT, GRANGE, KEITH

I refer to your letter dated 08 March 2010.

I respond on behalf of the Transportation Manager to the two questions raised in the letter as follows:-

- (1) Circumstances which would preclude the applicant in meeting the statutory test.

I note the following key dates in respect of this Review Case:

20 January 2010	Notice of Review submitted
04 February 2010	SPP (2010) published on Scottish Government web site
22 February 2010	Supplementary letter submitted to LRB Clerk ('new evidence')
25 February 2010	LRB Meeting

I refer to page 3/5 of the Notice of Review and to the Statement of Reasons for Seeking Review section. To the question – “have you raised any matter which were not before the appointed officer at the time of the determination on your application was made” – the agent has declared ‘No’.



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12 March 2010

Chief Legal Officer
Per Mr R Ritchie

The note in this section of the Notice of Review states that "you should not raise any new matter which was not before the planning authority at the time it decided the application".

The supplementary letter and attachment, confirmed as 'new evidence', invalidates the original statement in the Notice of Review.

The submission of the supplementary letter and attachment appears to be at variance to regulation 9 (5) of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

The date of the planning decision should be considered as the end date for the 'process period'. This provides a clear stop date for the Local Review Board and all other parties.

Based on the above I consider that the 'new evidence' should be precluded for two reasons:-

- SPP (2010) was published subsequent to the decision by the planning authority and the submission of the Notice of Review i.e. after the end of the 'process period';
- No exceptional circumstances apply to this review case during the 'process period'

(2) Views on the substance of the document

SPP (2010) consolidates previous Scottish Planning Policies. SPP17 previously set out Planning for Transport policy in 80 paragraphs. Transport is now covered in paragraphs 165 to 181 in SPP (2010). There is no new evidence relating to Transport arising from SPP (2010).

The statements selected by the agent from SPP (2010) should be considered against the fuller context of the sections they are taken from: Sustainable Development and Rural Development.

The Moray Local Plan (2008) policies remain unchanged.

In accordance with regulation 15 (3) we will send a copy of this response to the applicant and the interested parties.

Yours faithfully



Richard Gerring
SENIOR ENGINEER (TRANSPORT DEVELOPMENT)

Cc: Applicant and Interested Parties 09/01611/PPP



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