



DEVELOPMENT MANAGEMENT

Jim Grant

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Your Reference:

Our Reference: 10/02055/APP JG/GW

21st March 2012

Dear Sir

10/02055/APP

Erection of hotel at Easter Coltfeld Farm Alves Moray

I refer to the above application which is currently pending consideration and your meeting on Thursday 15 March with Beverly Smith, Manager for Development Management whereby you requested that the Council should pursue the use of compulsory purchase powers to help provide the required passing places in order to facilitate the development. These powers are available to the Council to resolve existing road safety issues in the public interest, or to assist in achieving a scheme being promoted by the Council in the wider public interest, such as the Western Distributor Road and not to facilitate individual planning applications. It would not therefore be appropriate to use these powers in this situation.

In addition to the above the Transportation Section have carried out a further survey of the locations of the required passing places and have identified that 1 passing place can be achieved within the limits of the road boundary; 1 passing place is likely to be achieved within the apparent limits of the road boundary; 8 passing places require land beyond the limits of the road boundary (3rd party land) and in some cases involve removal/relocation of walls, utilities, and trees. On this basis it is requested that you provide the following,

- A detailed scheme (including ownership of land) showing evidence of how these passing places can be provided by you prior to commencement of construction of the hotel and in the timeframe of any grant of consent. It is requested that this information be submitted in full within two weeks from the date of this letter.

For the avoidance of doubt and in the interests of clarification a developer contribution secured via a section 75 agreement towards the provision of the passing places cannot be accepted in this situation either given the high number of passing places required and the short timescale for delivery of the places to make the single track roads safe prior to commencement of the development. Accepting a contribution and entering into a section 75 agreement for the Council to provide the passing places would place an unreasonable burden on the Council with the corresponding risk that some passing places may not be provided prior to the expiry of the planning permission. In fact the Council may not be able to

acquire land for many of the passing places at all. It is for this reason that this option is not considered to be competent or viable.

Given the length of time that the application has now been pending consideration, if the information requested above is not provided within the next two weeks the application will be determined on the basis of the information submitted to date. I can also advise you that the recommendation based on the current information received would be one of refusal as the proposal would be contrary to the Moray Local Plan policy T2 and IMP1, on the basis that the intensification of the existing road network serving the site, as a result of the development, would lead to an unacceptable detrimental impact on road safety.

In the event of the application being refused, the developer contributions identified by the Planning Gain unit, which you have already paid will be returned to you in full.

Please note that information associated with the application will be published on the Council's website at <http://public.moray.gov.uk/eplanning>.

If you have included an email address in your letter, the Council would prefer to forward any further communications about the proposal using that address, unless you indicate otherwise.

Yours faithfully

Jim Grant
Head of Development Services