

# NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

**IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.**

**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>**

1. Applicant's Details		2. Agent's Details (if any)	
Title		Ref No.	14/01905/APP
Forename		Forename	L Chas
Surname		Surname	Rodger
Company Name	Transition Town Forres	Company Name	
Building No./Name		Building No./Name	
Address Line 1	Bogton rd	Address Line 1	
Address Line 2		Address Line 2	
Town/City	Forres	Town/City	
Postcode	IV36 3TW	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
<b>3. Application Details</b>			
Planning authority		Moray Council	
Planning authority's application reference number		14/01905/APP	
Site address			
Transition Town Forres Bogton Rd Forres IV36 3TW			
Description of proposed development			
change of use of site to run a Sunday community car boot sale			

Date of application	3.10.14	Date of decision (if any)	9.4.15
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Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

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#### 4. Nature of Application

Application for planning permission (including householder application)	<input checked="" type="checkbox"/>
Application for planning permission in principle	<input type="checkbox"/>
Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)	<input type="checkbox"/>
Application for approval of matters specified in conditions	<input type="checkbox"/>

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#### 5. Reasons for seeking review

Refusal of application by appointed officer	<input checked="" type="checkbox"/>
Failure by appointed officer to determine the application within the period allowed for determination of the application	<input type="checkbox"/>
Conditions imposed on consent by appointed officer	<input type="checkbox"/>

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#### 6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions	<input type="checkbox"/>
One or more hearing sessions	<input type="checkbox"/>
Site inspection	<input type="checkbox"/>
Assessment of review documents only, with no further procedure	<input checked="" type="checkbox"/>

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

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#### 7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

Can the site be viewed entirely from public land?	<input checked="" type="checkbox"/>
Is it possible for the site to be accessed safely, and without barriers to entry?	<input checked="" type="checkbox"/>

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

The Gates to the site are locked when not in use, the access to the site from the A96 can be viewed unaccompanied at any time

## 8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. **Note:** you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

We seek review of the planning decision because we find the requirement of rebuilding the access from TTF & Forresian firs to the A96 onerous and beyond our capabilities as a small charity. TTF completed a new access junction to the A96 on the 14th May 2010 at a cost to our charity of £15,944.75 as a planning requirement for monthly farmers markets dated 02/02/2010 ref 09/01722/APP. In addition our approved conversion of existing store shed to environmental education centre ref 10/00509/APP which also was conditional on the new junction which was approved on the 07/06/2010. There is no possibility of TTF raising over £20,000 of funding for the same developer contribution for what is virtually the same project 5 years on so imposing this developer contribution does nothing to improve road safety on the A96 Forres bypass.

The community car boot sale is proposed on a Sunday morning when traffic is light on the A96 and is only busy on good days when visibility & road safety are maximised. We use the access junction for much busier events throughout the week in all weathers & have an ever increasing number of public events as permitted by our existing planning permission. Given this we feel that any increase in waiting and turning manoeuvres on this section of trunk road due to the community car boot sale would be negligible. We are very aware of the road safety problem which is at its worst in the dark days & early nights around xmas when Forresian Firs also have a high volume of customers entering and leaving via the access to rent/buy their sustainable xmas trees.

We would comply with any required/permitted road safety improvements which are achievable. The TTF bootsale is a small but valuable community event giving free fundraising spaces to local clubs and charities and building a strong spirit of community.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☐ No ☒

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

## 9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

## 10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form ☒

Statement of your reasons for requesting a review ☒

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ☒

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

## DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:  Name:  Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.