

Appendix 1

Application 17/00834/PPP

DIRECTION under Section 59(5) of the Town & Country Planning (Scotland) Act 1997 as amended

That subsection (2)(a)(i) of Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) shall apply as respects the permission with the substitution for the period of 3 years referred to in that subsection of 5 years, as is considered appropriate by the Planning Authority in this instance taking into account potential material changes in development plan policy including supplementary guidance, address housing needs and allow the development to contribute to an effective housing land supply for Moray and encourage, promote and accelerate the delivery of development upon this major land allocation at Findrassie.

The provisions of Section 59(2) (a) (i) shall therefore be read as follows:

That in the case of any matter specified in conditions attached to the planning permission in principle, application for approval of all matters specified in conditions must be made before:-
(i) that expiration of 5 years from the date of the grant of planning permission in principle; or
(ii) the expiration of 6 months from the date on which an earlier application for such approval for the same matters was refused; or
(iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed; whichever is the latest, and

The planning permission shall lapse on the expiration of 2 years from the final approval of the matters specified in conditions or in the case of approval on different dates the final approval of the last such matter to be approved unless the development to which the permission relates has begun.

For information only (not for inclusion as part of the Direction above)

Condition 2 as currently included in the agreed schedule of Conditions for application 17/00834/PPP shall be omitted i.e.

- "2. *That in the case of any matter specified in conditions attached to the planning permission in principle,*
- (a) application for approval of matters specified in conditions must be made before: -*
 - (i) that expiration of 5 years from the date of the grant of planning permission in principle; or*
 - (ii) the expiration of 6 months from the date on which an earlier application for such approval for the same matters was refused; or*
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed; whichever is the latest, and*
 - (b) That the development to which the permission relates must be begun not later than whichever is the later of the following dates: -*
 - (i) the expiration of 2 years from the date of the grant of planning permission in principle; or*
 - (ii) the expiration of 2 years from the final approval of the matters specified in conditions or in the case of approval on different dates the final approval of the last such matter to be approved.*

Reason: *In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended and to facilitate the delivery of development within this proposed new neighbourhood at Findrassie."*