



TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006

PROVIDE 17 OUTDOOR STALLS AND 5 INDOOR STALLS FOR WEEKLY (SUNDAY)
CAR BOOT SALE AT TRANSITION TOWN FORRES, BOGTON ROAD, FORRES

WRITTEN STATEMENT BY KEN AITKEN
TRANSPORT SCOTLAND
NETWORK OPERATIONS: TRUNK ROAD AND BUS OPERATIONS
DEVELOPMENT MANAGEMENT

Local Review Ref: LR122
LA Ref: 14/01905/APP
TS Ref: NE/230/2014B

This statement is submitted by Transport Scotland in response to the request for further information following the meeting of the Local Review Body on the 19 June 2015, which was submitted on the 5 August. This statement is submitted following the second request for information on the 27 August.

Transport Scotland were originally consulted on a proposal for 8 Market stalls on this site for a monthly farmers market in 18 September 2009. The works to improve the access were carried out in May and June of 2010.

In March 2013 we were consulted on a pre-application for a larger Farmer's Market or Car Boot Sale which would be held most weeks. This proposed about an approximate increase in size of 50% to the existing and a fourfold increase in use due to the change from monthly to weekly. Given the consequential increase in generated traffic we advised the applicant that the current access was unsuitable and further alterations would be required. However, nothing further was heard from the applicant regarding this proposed increased use, until the Council contacted us on an enforcement matter regarding a possible breach of planning consent as the market was operating weekly. Transport Scotland responded in August 2014 that

action was necessary and advised that this may be resolved by conditions, rather than refusal.

A planning application was subsequently submitted on the 5 December 2014 for 17 outdoor stalls and 5 indoor stalls for a Sunday Car Boot Sale. Transport Scotland made several proposals to the applicant for traffic management options, including the option of a “left in / left out” arrangement. None of these options were taken forward and we confirmed Transport Scotland’s position to Council planning officers in an email on the 17 March 2015.

“Transport Scotland is of the opinion that, if a “left-in / left-out” junction arrangement cannot be implemented we would recommend refusal of the application.

Consequently, Transport Scotland changed the advice to the Council to recommend refusal on the 18 March 2015.

Conclusion

Transport Scotland have proposed the “left in / left out” arrangement for some time to the applicant which has never been taken further. Therefore, it can be seen that Transport Scotland would support the implementation of this arrangement as long as it can be implemented in a suitable manner, which provides a means of safe access to and from the development.

This safe means of access could be supplied through some form of control mechanism. While Transport Scotland’s preferred method would be to introduce a alteration to the junction to prevent right turn manoeuvres taking place, it has been accepted that this is beyond the means of the applicant to provide this.

Transport Scotland would therefore accept that suitable control could be introduced through appropriate signing. However, the necessary signing will require a Traffic Regulation Order to be promoted to provide necessary enforcement to these restricted movements.

Therefore, Transport Scotland would respectfully request that in order to allow the development to proceed in a manner which is safe for trunk road users, the Local Review Board applies the following conditions.

Suggested Conditions

Conditions

- 1 *The use of the site for the increased size of the farmers market and car boot sales should not take place until a Traffic Regulation Order has been implemented to ban right turns in to and out the development site.*
- 2 *Prior to the use of the site for the increased size of the farmers market and car boot sales, detailed traffic sign plans for the development should be submitted and approved by the Planning Authority, in consultation with Transport*

Scotland, as Trunk Road Authority. This plan shall show the traffic sign faces, location and method of erection.

Reasons for Conditions

- 1, 2 *To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road*

Advisory Notes

The applicant should be advised that the cost of promoting the Traffic Regulation Order, the manufacture and erection of the traffic signs shall be carried out at their expense.

In issuing planning permission the applicant should be informed that the consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland.

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31 August 2015