



## Transportation Service

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Our Ref: RJG/  
Your Ref: RR/LRB/Case 019



04 November 2010

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

Dear Sir

**MORAY LOCAL REVIEW BODY  
REQUEST FOR REVIEW: PLANNING APPLICATION 08/01369/FUL  
TOMNAGLIEN COTTAGE, BALLINDALLOCH**

I refer to your letter dated 25 October 2010.

I enclose a Statement of Observation in respect of the new evidence.

Please do not hesitate to contact me if you have any questions regarding this Statement of Observation.

Yours faithfully

**Richard Gerring  
SENIOR ENGINEER (TRANSPORT DEVELOPMENT)**



ISO 9001 : 2008  
FS 33734

LRB 0019 08/01369/FUL Tomnaglein Cottage, Ballindalloch

Statement of Observations by Richard Gerring  
Moray Council Transportation

## 1. INTRODUCTION

- 1.1. Transportation Officers do not normally comment on the aspect of access with the trunk road when dealing with planning application consultations. However, in the interests of road safety for the future users of the U126H local road this statement is respectfully submitted to the Moray Council Local Review Body (MLRB).
- 1.2. It is noted from discussions at previous MLRB meetings that examples and case studies relating to similar circumstances are useful for the MRLB members. A couple of case studies are referred to below.

## 2. POLICY & ROAD DESIGN STANDARD

- 2.1. Scottish Planning Policy (published February 2010)
- 2.2. Paragraph 174 states, the strategic transport network, which includes the trunk road, motorway and rail networks, is critical in supporting a level of national connectivity that facilitates sustainable economic growth. The primary purpose of the strategic transport network is to provide for the safe and efficient movement of strategic long distance traffic between major centres, although in rural areas it also performs important local functions. Development proposals that have the potential to affect the performance or safety of the strategic transport network need to be appraised to determine their effects. If required, mitigation measures should be agreed with Transport Scotland that would, where practicable, achieve no net detriment to safety or in overall performance, including journey times and connections, emissions reduction and accessibility.
- 2.3. Moray Local Plan (published December 2008)
- 2.4. Policy T2: Provision of Road Access  
The Council will require that a suitable and safe road access from the public highway is provided to serve new development and where appropriate any necessary modifications to the existing road network to mitigate the impact of development traffic, and the provision of appropriate facilities for public transport, cycling, and pedestrians. Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused. Justification: It is important to ensure that new

development is served by appropriate infrastructure. The road access arrangements should be suitable to the proposed development and ensure that there are adequate safety provisions and provision for public transport, cycling and pedestrians.

2.5. DMRB Part 7 TD41/95 (published March 1995)

- 2.6. Accident records for all roads, as set out in "The Casualty Report" (Road Accidents in Great Britain 1992) show that in urban areas 70% of accidents now occur at junctions and accesses, and about 38% of accidents in rural areas. In 1980, when TA 4/80 (DMRB 6.2) was published, the figures in Road Accidents in Great Britain 1980 for accidents at junctions and accesses showed 66% in urban areas and 33% in rural areas. In the intervening 12 years, accidents away from junctions have fallen 14% to just under 90,000 in the year. Accidents at junctions and accesses remain almost constant having reduced by only 2% to 143,000. But on trunk roads in rural areas in 1991 there was a higher proportion of accidents at junctions and accesses, 47% of accidents on dual carriageways and 51% on single carriageway occurring there. N

Normally, an 'X' distance of 4.5m shall be provided for a direct access. The 4.5m covers the situation where two light vehicles may want to accept the same gap in the trunk road traffic.

2.7. Transport Requirements for Small Developments in the Countryside  
(Approved by Economic Development & Infrastructure Committee 20 April 2010)

- 2.8. Due to the higher traffic speeds on unrestricted rural roads a significant factor to consider is the provision of adequate visibility. For safety, drivers both on the major road and on the direct access shall be able to see any potential hazard in time to slow down or stop comfortably before reaching it. Visibility splays are required to enable emerging drivers using the direct access to have adequate visibility in each direction to see oncoming traffic in sufficient time to make their manoeuvre safely without influencing the major road traffic.

- 2.9. Drivers emerging from the property, about to join the public road, must have an unobstructed view to the left and right, across the verge and land adjacent to the road, to see if there is any approaching traffic.

- 2.10. The visibility splay also enables traffic on the public road to see all road users leaving the property. The size of the visibility splay depends on the speed limit or observed vehicle speeds on the public road. It is necessary to consider the driver's line of vision, in both the horizontal and vertical planes, and the stopping distance of the vehicle.

- 2.11. The distance along the public road, Y distance, is the distance the driver needs to see along the road edge. This is measured, at the height of the driver's eye line, from the centre line of the access to the location on the road of the approaching vehicle, which varies depending on the speed of approaching traffic. The faster the approaching vehicles, the longer the distance required to see and be seen.
- 2.12. The distance back from the public road, X distance, varies according to the number of dwellings and traffic movements. The distance is taken from the edge of the carriageway back along the centre line of the road/private access. The driver's eye line is 1.05 metres above the road.
- 2.13. A development of more than one dwelling will have a significantly increased likelihood of larger delivery vehicles, or 2 or more vehicles joining the public road at the same time. The X distance required in these circumstances is 4.5 metres.

### 3. Case Studies

- 3.1. Moray Council 09/00921/FUL Site at Chapelton, Ballindalloch
- 3.2. A number of planning applications have been received for sites along the U118H. Transport Scotland has responded to planning application consultations with recommendations for refusal on the grounds that the visibility from the U118H onto the A95 is restricted.
- 3.3. Planning application 09/00921/FUL was approved but had the following planning condition applied in relation to improvements at the A95/U118H junction:
- 3.4. *"Condition 17 - The visibility splays shall be provided and maintained on each side of the access of the U118h public road onto the A95 trunk road to the satisfaction of the local Planning Authority. These splays are the triangles of ground bounded on 2 sides by the first 4.5m of the centreline of the access (the set back dimension) and the nearside trunk road carriageway measured 160m (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05m and 2.00m positioned at the set back dimension to an object height of between 0.26m and 1.05m anywhere along the y dimension*  
*Reason: 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".*
- 3.5. The agent for application 09/00921/FUL was CM Design.

- 3.6. Argyll & Bute Council LRB 10/0003/LRB (09/01424/PPP)
- 3.7. Transport Scotland identified a requirement for a visibility splay of 4.5 x 120 metres for this application for a dwelling served by a private access with the A83 trunk road.
- 3.8. The application was recommended for refusal to the Argyll & Bute Local Review Panel on a number of grounds including the lack of provision of the visibility splay.

#### 4. Conclusion

- 4.1. There is evidence that shows that there are a significant number of accidents at junctions across the UK. The provision of a visibility splay based on the level/type of traffic and vehicle speeds is a critical mechanism to reduce the likelihood of accidents.
- 4.2. New development proposals bring about additional traffic. It is essential that the future construction workers, residents and visitors of the new development have a safe access. Mitigation measures should be agreed with Transport Scotland that would, where practicable, achieve no net detriment to safety.
- 4.3. In paragraphs 3.15 and 3.16 of the original appeal submission document it states that the appellant owns agricultural fields bounding the trunk road and could provide the full splay. The agent states that "this improvement would create a junction which conforms to the required standard, which would be to the benefit to all road users". This appears to indicate that the 4.5 x 215 metre visibility splay can be delivered by the appellant.
- 4.4. Despite the above statement there is a challenge to the 4.5 metre X distance. The additional traffic from the development increases the likelihood of two light vehicles attempting to use the same gap in the trunk road traffic. The visibility splay at the northern junction of the A95/U126H is acceptable (X distance 4.5 metres). It should be noted that the U126H is not a private access. The X distance used in condition 17 for planning application 09/00921/FUL is 4.5 metres.
- 4.5. The specific response to questions raised in the letter dated 25 October are as follows:  
  
Y distance should be 215 metres  
X distance should be 4.5 metres  
The appellant should be obligated to provide and maintain the visibility splay (beyond the public roads) as shown on a plan approved by the Local Planning Authority.
- 4.6. Taking account of the above it is respectively requested that the appeal be refused, unless a visibility splay of 4.5 x 215 metres can be "provided and maintained" by the appellant at the A95/U126H southern junction.