

Network Operations
Trunk Road and Bus Operations

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CÒMHDHAIL
ALBA



Clerk of the Local Review Body
The Moray Council
Council Office
High Street
Elgin
IV30 1BX

Your ref:
RR/LRB/Case 019

Our ref:
NE/79/2010

Date:
5 November 2010

Dear Sir

LOCAL REVIEW BODY REFERENCE: RR/LRB/Case 019

PLANNING APPLICATION REFERENCE: 08/01369/FUL

**DÉMOLISH THE REMAINS OF AN EXISTING COTTAGE AND REPLACE WITH A
TRADITIONALLY DESIGNED ONE AND A HALF STOREY DWELLINGHOUSE AT
TOMNAGLIEN COTTAGE, BALLINDALLOCH**

I refer to your e-mail of the 25 October 2010 regarding the above Local Review Body, with attached letter from the Council and letter and attachments from the applicant's agent which provides additional evidence.

I have reviewed the additional evidence and enclose a revised Statement of Observation in respect to the above application outlining Transport Scotland's revised position.

Please do not hesitate to contact me if you require any clarification on these points or have any further questions.

Yours faithfully


Ken Aitken
Transport Scotland

cc by e-mail
Mathew Hilton, C M Design
Garry Morrison, Environmental Protection, Moray Council
Richard Gerring, Direct Services, Moray Council
Contaminated Land, Environmental Services Department, Moray Council
Environmental Health, Environmental Services Department, Moray Council
Colin Watson, BEAR Scotland

TOWN & COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW
PROCEDURE) (SCOTLAND) REGULATION 2008

DEMOLISH THE REMAINS OF AN EXISTING COTTAGE AND REPLACE WITH A
TRADITIONALLY DESIGNED ONE AND A HALF STOREY DWELLINGHOUSE AT
TOMNAGLIEN COTTAGE, BALLINDALLOCH

REVISED STATEMENT OF OBSERVATIONS
KEN AITKEN
TRANSPORT SCOTLAND - TRUNK ROAD AND BUS OPERATIONS :
NETWORK OPERATIONS – DEVELOPMENT MANAGEMENT

Review Ref : RR/LRB/Case 019
LA Ref: 08/01369/FUL
TRNMD Ref: NE/79/2010

1 Details of Application

- 1.1 The application for planning permission by the Trustees of Ballindalloch to Moray Council on 26 June 2008.
- 1.2 The application refers to planning permission to demolish the remains of an existing cottage and replace with a traditionally designed one and half storey dwellinghouse located at Tomnaglien Cottage, Ballindalloch

2 Response

- 2.1 This planning application was referred to the Transport Scotland - Trunk Road Network Management (TRNM) by Moray Council, on the 24 April 2010, on the basis the proposed development having a material impact on turning movements at the junctions on the A95 Trunk Road.
- 2.2 Transport Scotland -TRNM responded to Moray Council in the form of a TR/NPA/2, dated 30 April 2010, recommending refusal of permission.

"The proposed development would result in increasing the number and type of vehicles using the southerly access entering and leaving the traffic stream at a point where visibility is restricted thus creating interference with the safety and free flow of the traffic on the trunk road."

3 Key Issues

- 3.1 The proposal was checked against the requirements of PAN 66 (Best Practice in Handling Planning Applications Affecting Trunk Roads) and in particular Annex A (Advice on Minor Developments Affecting Trunk Roads).
- 3.2 Pan 66 Annex A: Advice on minor Application affecting Trunk Roads, details in paragraph 8.

"Traffic generation is the main impact a development has on the trunk road. Increased traffic can affect the capacity and more importantly, in the case of minor developments, the safety of the trunk road. Even a small increase in traffic using a substandard access

can have a significant impact."

- 3.3 The existing accesses onto the Trunk Road were checked against the appropriate design standards defined by the Design Manual for Roads and Bridges (DMRB) Chapter 2, Volume 6, Section 2, Part 7 TD 41/95 (Vehicular Access to All Purpose Trunk Roads).
- 3.4 The site is accessed by the U126h road which forms a loop, and serves 13 houses and the Glenfarclas Distillery, and connects to the Trunk Road at two priority junctions. The southern junction is to the south of Balleheiglash and the northern junction is to the west of Derrylane.
- 3.5 The visibility required for both junctions is defined in DMRB (TD 41/95) as requiring a setback from the trunk road on the side road of 4.5m and the requirement is to see a distance of 215m along the nearside edge of the trunk road.
- 3.6 The visibility at the northern junction meets the appropriate standards. However, at the southern access the visibility measured at the 4.5m set back from the edge of the trunk road carriageway meets the 215m requirement to the south (subject to the clearance of some vegetation) but only 88m can be achieved to the north.
- 3.7 This lack of visibility is significant as traffic approaching the southern access from the north is not constrained by the trunk road alignment and travel at speeds close to the national speed limit. Consequently vehicles exiting the U126h cannot see traffic on the trunk road at an adequate distance to exit safely thus making this manoeuvre difficult and potentially dangerous.
- 3.8 Examining the possible trip distribution from this location there is no predominant destination and both accesses could be used equally. In addition, there is no way in which the additional traffic from the development could be forced to utilise the safer north access.
- 3.9 At the time of the application there was no indication that this restriction to visibility could be resolved in satisfactory manner to meet the appropriate standards.
- 3.10 Consequently, Transport Scotland in responding to the application could not support a proposal which could increase traffic movements at a junction where there are difficult and potentially dangerous manoeuvres.

4 New Evidence

- 4.1 As a consequence of the application being refused by the Council, the applicant submitted an appeal to the Local Review Board, which was notified to Transport Scotland on the 13 August. Transport Scotland prepared a Statement which was submitted on the 26 August.
- 4.2 The appellant subsequently submitted a letter on the 21 October which detailed some additional information that the appellant states would have been submitted prior to the application being determined had more time been made available.
- 4.3 Transport Scotland have assessed this new evidence and would respond to the points raised as follows.
- 4.4 As stated in Paragraph 3.8, of the appellant's statement, the north access has adequate visibility which meets the appropriate standards and as such Transport Scotland has no issues with this access.

- 4.5 Paragraph 3.9, of the appellant's statement, states that the north access is the nearest and is also closest to shops at Aberlour and then continues that by default most vehicles would use this access. Transport Scotland would not agree that most vehicles would use this access as the south access is the quickest route to the A9, Grantown, Aviemore, Inverness and the south. Consequently, while there may be slightly more using the north access there is no doubt that the south access would be used extensively.
- 4.6 As stated in Paragraph 3.12 and 3.13, of the appellant's statement, the applicant has examined the south access and states that the visibility which can be obtained is 215 metres to the left but Transport Scotland site observations indicate that some vegetation may require to be cleared to achieve this. The appellant's statement also makes no reference to what visibility can be obtained to the right. Transport Scotland's site measurements indicate that, as stated before, only 88 metres can be achieved. However, the applicant goes on to state that if the vegetation was cleared to the right of the access then a visibility of 187 metres could be achieved.
- 4.7 DMRB (TD41/95) specifies, in Paragraph 2.22, that relaxations are not permitted to the "y" distance within the required visibility splay. (See Document CMD010 as supplied by the appellant). Notwithstanding this statement, on occasions where the trunk road alignment is particularly severe and it can be proven by a speed survey, carried out by recognised survey company, that the actual vehicle speeds are lower than the signposted speed Transport Scotland have permitted a reduction in the "y" distance to meet the requirements of the measured speed. This has occurred at a number of sites throughout Scotland including Moray. However, at this location, as detailed in Paragraph 3.7, of this statement, the alignment of the trunk road is such that the speed of approaching vehicles would not be reduced and accordingly a reduction in visibility would not be permissible.
- 4.8 Therefore, Transport Scotland could not support any reduction in this visibility splay. However, the appellant in Paragraph 3.15 of their statement goes on to state that if the 215 metres are required then *"the appellant would be content to realign the existing fence and regrade the existing ground to ensure that the full 215 metres splay can be provided"*
- 4.9 However, it should be noted that the appellant's covering letter with the submitted statement indicates in the third last paragraph that this is based on a set back distance of 2.4 metres. They go on to state that this is based on the fact that the road only serves 3 houses. This is not the case as the road actually serves 13 houses as well as the distillery and consequently, Transport Scotland would not accept a reduction on safety grounds. Transport Scotland would therefore maintain that the visibility splay should be provided with a 4.5 metre set back.
- 4.10 It should be noted that after examination of the plan submitted by the appellant (CDM005) it is clear that the appellant owns the land required to create the required visibility splay from a 4.5 metre set back. Transport Scotland would consider that the additional work to achieve this visibility splay would not be significantly more than that required to achieve the visibility splay at a set back of 2.4 metres.

5 Recommendations

- 5.1 Transport Scotland requires to ensure that the efficient and safe operation of the Trunk Road Network is maintained. Consequently, the

effect of any development should not compromise the operational efficiency or future network management of the Trunk Road Network or the safety of drivers, pedestrians or other Trunk Road users

- 5.2 Therefore Transport Scotland would be prepared to amend the previous recommendation and accept that the development could proceed based on the following condition

No part of the development shall proceed until a visibility splay is provided (and subsequently maintained) on each side of the junction to the satisfaction of the local Planning Authority. These splays are the triangles of ground bounded on 2 sides by the first 4.5 metres of the centreline of the U126h (the set back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the junction with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension

Ken Aitken
Transport Scotland – TRBO Network Operations
Buchanan House
5 November 2010