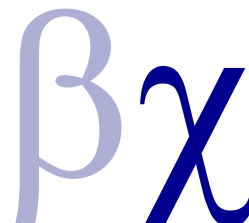


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Clerk of the Local Review Body
The Moray Council
Council Office
High Street
Elgin
IV30 1BX

Your ref:
RR/LRB/Case 025

Our ref:
NE/146/2010

Date:
24 January 2011

Dear Sir

LOCAL REVIEW BODY REFERENCE: RR/LRB/Case 025
PLANNING APPLICATION REFERENCE: 10/00943/APP
FULL PLANNING PERMISSION TO STORE CARAVANS MOBILE HOMES AND FARM
MACHINERY IN BUILDINGS ON AGRICULTURAL LAND AT COWFORDS FARM,
MOSSTODLOCH, FOCHABERS

I refer to your e-mail of the 18 January 2011, with attached letter, regarding the above Local Review Body, with references to associated on-line documents regarding the reasons for review.

I have reviewed the applicant's statement and enclose a Statement of Observation in respect to the above application outlining Transport Scotland's 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

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

FULL PLANNING PERMISSION TO STORE CARAVANS MOBILE HOMES AND
FARM MACHINERY IN BUILDINGS ON AGRICULTURAL LAND AT COWFORDS
FARM, MOSSTODLOCH, FOCHABERS

STATEMENT OF OBSERVATIONS

KEN AITKEN

TRANSPORT SCOTLAND - TRUNK ROAD AND BUS OPERATIONS :
NETWORK OPERATIONS – DEVELOPMENT MANAGEMENT

Review Ref : RR/LRB/Case 025

LA Ref: 10/00943/APP

TRNMD Ref: NE/146/2010

1 Details of Application

- 1.1 The application for planning permission by Mr William Marwick to Moray Council on 21 July 2010.
- 1.2 The application refers to planning permission to store caravans mobile homes and farm machinery in buildings on agricultural land at Cowfords Farm, Mosstodloch, Fochabers

2 Response

- 2.1 This planning application was referred to the Transport Scotland - Trunk Road Network Management (TRNM) by Moray Council, on the 16 August 2010, on the basis the proposed development having a material impact on turning movements at the junction on the A96 Trunk Road.
- 2.2 Transport Scotland -TRNM responded to Moray Council in the form of a TR/NPA/2, dated 24 August 2010, recommending refusal of permission.

"The proposed development could result in an increase in the number of vehicles entering and leaving the traffic stream at a location where visibility is limited."
- 2.3 A further note was added that
"It is the opinion of Transport Scotland that this application is considered premature. There are currently works ongoing for the A96 Fochaber and Mosstodloch Bypass and whilst this is the current position of Transport Scotland the application may be considered more favourably once these works are complete. "

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 impact of traffic on an existing road and/or junction is dependant on a number of issues including the layout, the volume of trunk road traffic and the traffic generated by the proposed development.
- 3.4 At the time of this application there was no indication of the level of proposed development and the number of caravans or agricultural equipment which were to be stored. Examining the areas referred to in the planning application an area of approximately 7500 m² was proposed for caravan storage and approximately 500m² for agricultural storage. Without any further information it was estimated that this could have lead to extensive traffic movements to cater for this level of storage.
- 3.5 With limited knowledge of the level of the expected generated traffic; the disruption in the area due to the construction of the Fochabers / Mosstodloch Bypass and the fact that all traffic associated with the storage of caravans and agricultural equipment is slow moving while towing in and out of the site, it was considered that the adverse impact on trunk road would be excessive and there would be a significant increase in the safety risk for trunk road users.
- 3.6 Consequently, Transport Scotland in responding to the application could not support a proposal which could significantly increase traffic movements at a junction especially at this time where there are difficult and potentially dangerous manoeuvres. This situation is exacerbated by the on-going construction of the bypass

4 Details of Appeal

- 4.1 Following refusal of the application by Moray Council on the 18 October 2010 the applicant subsequently appealed this decision on the 17 January 2011.
- 4.2 The appellant states in the Grounds of Appeal that
“I feel that the traffic issue, which was the only objection , may have been over played through the possible misunderstanding regarding the amount of vehicles coming and going at the farm. With the new access of the farm road onto the new bypass our entry/exit could not be better”
- 4.3 The appellant adds in the Statement of Appeal that
“The increase in the number of vehicles at the farm would be minimal. Most of the farm machinery is for irrigation, it leaves the farm in May and returns in Oct. The caravans are only used by their owners two or three times a year for their holidays so it is a different situation from a caravan site. Our farm road is due to be connected directly onto the new Mosstodloch bypass in the next couple of months so the access in and out of the farm could not be better.”
- 4.4 The appellant in support of the appeal also indicates that
“I was unaware that the access to the farm would be a problem. Morrison Construction, who are building the bypass, had planned to have our new access opened before Christmas but due to the hold up with BT and then the snow in December that has been set back by about two months.”

- 4.5 At the time of the application this additional information, provided with the appeal, regarding the level of storage was not provided to Transport Scotland to allow any accurate assessment of the impact of the likely generated traffic to be undertaken. However, even allowing for this additional information there is still insufficient information to allow the application to be fully assessed.
- 4.6 Until full details of the extent of the storage and likely levels of generated traffic is provided, Transport Scotland will be unable to assess the impact on the trunk road and assess the implications for road safety. This situation applies to both the original layout and the proposed layout and is especially true during the construction of the bypass.
- 4.7 As noted in the original response it was considered that the application was premature until such time as the bypass was completed. It may have been possible to consider a suspensive condition for the proposed development if sufficient information had been provided to allow a full assessment of the impact of the development on the trunk road to be carried out. However, until this information is provided this will not be possible.

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 Without comprehensive information regarding the proposed storage and details of the likely generated traffic to allow an assessment to be undertaken, then Transport Scotland must uphold the current position and maintain the objection to this proposal proceeding.
- 5.3 However, if the applicant supplies sufficient information to allow this appraisal to proceed then subject to the assessment being acceptable, Transport Scotland would be prepared to amend the previous recommendation and accept that the development could proceed based on a suspensive condition, such that the development did not proceed until the bypass is completed.

Ken Aitken
Transport Scotland – TRBO Network Operations
Buchanan House
27 January 2011