



## ENVIRONMENTAL SERVICES

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**Gordon Holland**  
Transportation Manager

Your Reference: RR/LRB/Case 35

Our Reference: RJG/LB - 997636

2 September 2011

Dear Mr Ritchie

**TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008  
REQUEST FOR REVIEW: PLANNING APPLICATION 10/00524/APP - FORMATION OF ROAD AND FOOTPATHS TO SERVE PROPOSED COMMERCIAL ESTATE OFF LINKWOOD ROUNDABOUT, EAST ROAD, ELGIN, MORAY**

I refer to your letter dated 22 August in connection with the above matter.

I attach a response document that I understand will be forwarded to the applicant.

Yours sincerely



**Richard Gerring**  
**SENIOR ENGINEER**



ISO 9001:2008  
FS 33734

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**Local Review**

**LRB Ref 35**

**Planning Application Reference 10/00524/APP**

**Proposal Description: Formation of road and footpaths to serve proposed commercial estate off Linkwood Roundabout East Road Elgin Moray**

**Response from Transportation, Moray Council**

**1 Background**

**1.1 Planning History Consideration**

05/00055/FUL

Erect car showroom (including workshop and body shop valet bay and associated display parking on site at Linkwood Place - approved 4th August 2005.

The approved layout indicates "a future extension to Linkwood Place (applied for by others)" which is located outwith the application site boundary for this development.

08/00077/EIA

Construct Elgin Flood Alleviation Scheme (between Glen Moray Distillery and Pitgaveny) - approved 27th October 2009.

09/01477/OUT

Outline application for formation of commercial estate on site on East Road

The proposal, and in particular the matter of the second access was presented to the Planning & Regulatory Services Committee on a number of occasions: 22 February 2011, 14 December 2010, and 30 November 2010. A series of Transportation consultation responses were submitted to Planning. The applicant withdrew his objection to the required second access connection in order to expedite a decision on the application. The application was approved on 23 February 2011. An extract from the Committee reports is copied below.

30 November 2010

**Transport Assessment (TA) (June/September 2010)** - The TA is based on a development which includes a 279 sq m drive through restaurant (which is subject to a separate application), a 375 sq m sit-in restaurant, a 50-bed hotel, a 0.61 ha car showroom, a 0.61 ha business park, 0.79 ha industrial units and 0.31 ha trade counter with vehicular access to/from the site being provided off the existing roundabout at the A96/Reiket Lane junction.

In relation to the local road network, the Transportation Manager has not objected to the development subject to conditions as recommended. These include proposals to provide connections to existing bus stops and lay-bys and a pedestrian/cycle connection from the eastern end of the site to the A96 and a second point of access i.e. a connection (for vehicles pedestrians and cyclists) between the site and Linkwood Industrial Estate/Linkwood Place. The TA states that "whilst there is no capacity requirement to provide an additional point of access to the development, the applicant acknowledges the request of Moray Council that a link should be provided to connect the development with Linkwood Place in the future". The Transportation

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Manager considers that on the basis of the development being proposed and from evidence provided by the TA, including the scale of the development, the requirement for a connection to Linkwood Place would be necessary to satisfy current roads design standards and achieve objectives of the policy document, Designing Streets.

The Transportation Manager has identified timescales for provision of the required foot/cycle links and the access connection to Linkwood Place based upon the proposed phasing details for the road layout which form part of the separate application (10/00524/APP refers). For the purposes of this application it would be appropriate to identify the relevant transport requirements but reserve the details about their timescale for provision along with other details of their design and location, etc as part of the matters to be determined within any subsequent detailed application.

**Transportation Manager** - Approve subject to conditions and informatives as recommended. Although acknowledging Designing Streets, there is limited reference to this policy document in the development. The TA is based on an indicative range of uses and floor areas. The development will be phased and from application 10/00524/APP, the internal access road serving the development will be built in two phases. The results of junction capacity testing indicate that for the proposed land-use types, the Reiket Lane roundabout should still operate within capacity. The TA states that there is no capacity requirement to provide an additional access to the existing development yet a link to connect with Linkwood Place in the future is acknowledged by the applicant. On the basis of the proposed development including the TA, a connection would be necessary to satisfy current road design standards and achieve objectives of Designing Streets, including access and connectivity. No end users and individual plot uses have been provided hence parking provision for each plot needs to be confirmed within future individual applications in accordance with relevant standards. There are no footways adjacent to the A96 along the site boundary. The 2m footway adjacent to the access road through the site should provide a route and ultimately connect back to the A96 towards the south-east corner of the site by a 3m foot/cycle way, to be provided as part of the phase 2 road works. Improvements to the existing island and crossing points at the existing roundabout entrance to the site are required (with design details to be agreed with Transport Scotland). Existing bus stops will serve the development and requirements for improvements at crossing points will provide for visitors to the site arriving by public transport. Appropriate infrastructure may be required to meet objectives of PAN75 regarding provision of high quality public transport infrastructure to encourage sustainable travel to the site.



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09/01696/APP

Erect single storey drive through restaurant and car park on site at Linkwood Roundabout, East Road – currently under consideration.

PPA-300-2012 (Appeal)

The condition appealed against was 9c) (i): In respect of the arrangements for means of access, the requirements shall include details of the location, design and layout and time-scale for the provision of the following: a second point of access providing a connection for vehicles, pedestrians and cyclists between the site and Linkwood Place.

The Reporter confirms that his decision in this case is considered separately on its own merits. The Reporter allowed the appeal and deleted condition 9(c) (i) for application 09/01477/OUT.

## 2 Development Plan Considerations

- 2.1 Policy ED2 requires layout proposals to provide for pedestrian and cycle links and roads to be constructed to Moray Council standards for adoption.
- 2.2 Policy T2 requires a safe and suitable access to be provided to the development, including provision for all transport modes.
- 2.3 Policy IMP1 c) also requires that adequate provision of transport infrastructure must be available at an appropriate level to serve the development.
- 2.4 Policy IMP2 b) requires a Transport Assessment for developments that raise significant transport implications. The Transport Assessment was based on 'indicative' levels of mixed development.
- 2.5 Moray Council Urban Design Guide sets out the requirements for development in the towns and villages identified in the Moray Local Plan. Some of the key principles include:
  - The connections should reflect the surrounding street pattern where appropriate and aim to spread traffic throughout the site and surroundings, reducing congestion.
  - Connected streets provide people with a choice of routes.
  - Development must be based on a permeable movement framework, which accommodates desire lines and is connected with adjacent street networks and allows for future connections.



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- 2.6 The requirement for a second access connection is regarded as fulfilling these policy requirements. There are three stages associated with realising the infrastructure: safeguarding or reserving the corridor; approval of a detailed design; and provision.
- 3 10/00524/APP Considerations
- 3.1 Application 10/00524/APP is to form roads, foot and cycle ways to serve a commercial estate, to be progressed in several phases (based on flood risk and implementation of Elgin Flood Alleviation Scheme). The approved drawing Ramsay & Chalmers B5179 100 Rev E shows part of the proposed infrastructure is in the areas constrained by flood risk, the road layout in these areas includes a section of road in the eastern area ending in a 'banjo'-shaped turning hammerhead and a cycle way to be provided between the turning head and the south-eastern corner of the site onto the A96 trunk road and an access to plots 6 and 7. An indicative second access connection with Linkwood Place is shown on the approved drawing.
- 3.2 Phase 1 of the infrastructure includes the road, foot and cycle connections to/from the A96/Reiket Lane roundabout, including pedestrian and cycle crossing to the east side of the A96 roundabout. There is approximately 110m of new road (7.3m wide with 2m and 2.5m wide foot and cycleway arrangements heading north into the site, off which is an access into the existing car showroom on Linkwood Place. At the northern end of this road, providing possible access to plots 6 and 7, a junction is shown, albeit indicatively, with the road to be extended westwards to/from Linkwood Place. There is a junction with the main access road that heads eastwards for approximately 95 m with access/turning arrangements shown into Plot 1 and 2 (to the south of this section of road) and indicatively into Plot 6 to the north.
- 3.3 Phase 2 of the infrastructure extends the road further eastwards for approximately 135m, with access into Plots 3, 4, and 5 to the south of the road. A 'banjo'-shaped turning facility is located in the north-western corner of Plot 5. A 3m foot/cycle way extends off the turning hammerhead along the northern and eastern sides of Plot 5 to connect with the A96.
- 3.4 Both Phase 1 and Phase 2 of the transport infrastructure do not provide a connection between the new access road and Linkwood Place for any road users (pedestrians, cyclists or vehicles). The connection is indicative only and it is through the relevant planning conditions that the connection for all road users is safeguarded, detailed design is required to be submitted for approval, and then the connection is ultimately provided.
- 3.5 Given the 'speculative' nature of the development, where a range of possible uses are proposed and the actual mix has yet to be determined it is considered appropriate to promote good access and connectivity to existing and surrounding development for all modes of transport. Whilst it is recognised that this application is for roads only within the development, it should be noted that the proposed road network is intended to serve future development and has therefore been considered



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against the potential development identified in the supporting Transport Assessment (09/01477/OUT) and also the most likely development scenarios.

3.6 The reasons for requiring the second access have been presented to the Planning & Regulatory Services Committee in reports and supplementary consultation responses.

### 4 Local Review Considerations

4.1 The applicant is seeking to remove part of condition 6 and the whole of conditions 8 and 9 that relate to the second access.

4.2 Section 25 of the 1997 Act as amended requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The policy aspects have already been highlighted above.

4.3 It is acknowledged that the outcome of the appeal (PPA-300-2012) for the application for planning permission in principle (09/01477/OUT) is a relevant consideration, however, each application must be considered on merit. The decision of the Reporter should not be transposed to this application.

4.4 Transportation advised the applicant of the requirement for a second access from an early stage in the planning process. A drawing was submitted and approved showing an indicative second access. The applicant withdrew his objection to the second access in order to expedite a positive decision on the application. At one stage the applicant tabled an offer to connect the new road with Linkwood Place for pedestrians and cyclists only, on condition that the requirement for a vehicular connection was dropped.

4.5 As previously stated there is a 'speculative' approach to this development and strictly speaking there is no consented development yet that creates additional traffic movements. Therefore, when considered alone, this application does not necessarily create the requirement for the second access. However, Transportation has considered this application against policies and the potential development scenarios and responded to the planning consultation. The following matters are covered in the planning conditions:

- a) Clarification of the status of the indicative second access shown on the approved drawing (part of condition 6);
- b) The second access should be safeguarded (condition 8c);
- c) Details of the second access should be submitted for approval (condition 8a);
- d) The second access should be provided at an appropriate trigger (condition 9 and 8b)

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- 4.6 Transportation considers that items a) and b) above should be sustained, reflecting the approved drawing, in order to ensure flexibility to deal with the access requirements of the development approved through subsequent planning consents.
- 4.7 Planning conditions 8 and 9 are similar as they are intended to ensure an acceptable form of development in the interests of road safety and provision for access movement and connectivity for all modes of transport. It should be noted that Moray Council has demonstrated commitment to ensure that a safe and suitable access can be provided by acquiring the area of ground, not in the applicant's ownership, between Linkwood Place and the site.
- 4.8 The removal of the planning conditions under review would have significant consequences:
- No pedestrian and cycle connection between the new and existing road network (Linkwood Place) – alternative route involves the A96;
  - Future development on the site may be constrained – only indicative land uses have been assessed at this stage;
  - Reliance on a single access route for users of the commercial estate, emergency and service vehicles – potential impact on public safety

A series of informatives from Transportation have already been included in the decision notice issued to the applicant. This includes the requirement for a completed TA1 form to Moray Council Transportation as part of any planning applications for plots within the development. This will provide clarification on the transportation aspects of each detailed application.

- 4.9 Transportation considers that it may be possible to review items c) and d) and prepare a series of informatives that clarify the requirements that will be associated with subsequent detailed planning applications.
- 4.10 This is an initial response to the notice of review (14 day deadline). Transportation will provide more information, as required, to assist the Moray Council Local Review Body with the ongoing review process.

Transportation  
01 September 2011