

The Moray Council

Elgin Traffic Management Programme

*Elgin Western Link Road
Compulsory Purchase Order (No.1) 2013*

Statement of Reasons

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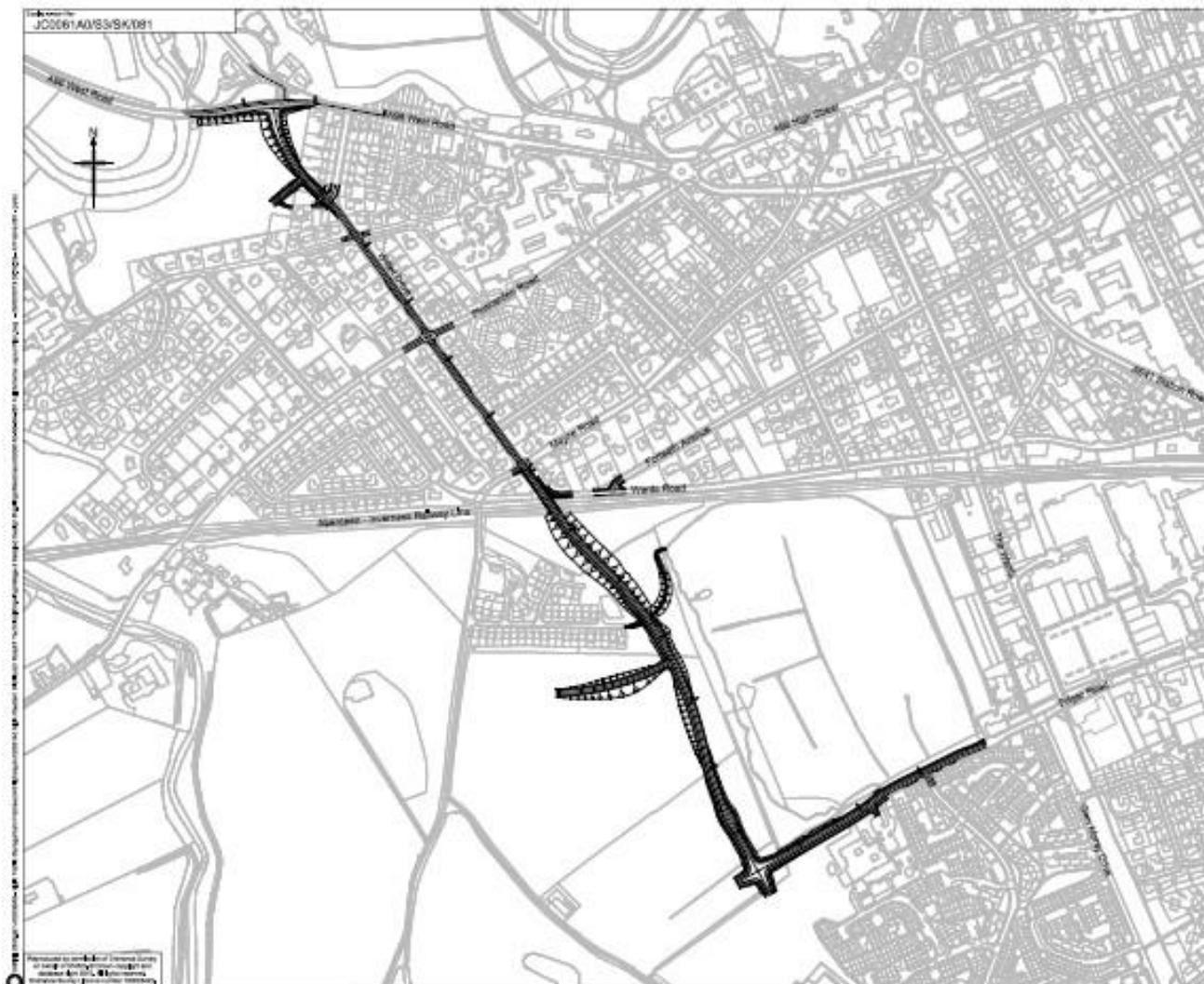
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1. Introduction

- 1.1. This document is the Statement of Reasons of The Moray Council (the "**Authority**") for making the Elgin Western Link Road Compulsory Purchase Order (No. 1) 2013 (the "**Order**"). This document has been prepared in accordance with the Scottish Government Circular 6 / 2011: Compulsory Purchase Orders.
- 1.2. The Order has been promoted by the Authority in terms of sections 103, 104, 105, 106 and 110 Roads (Scotland) Act 1984. The Order provides for the acquisition of land and rights over land for the purpose of constructing the Elgin Western Link Road, in particular the construction of a new road and bridge over the railway line between Edgar Road and Wittet Drive, for road improvements to Wittet Drive and for a new section of road with roundabout linking Wittet Drive to the A96 Trunk Road (the "**Scheme**").
- 1.3. The principle of the Scheme accords with the development plan and is a component of the economic strategy of the Authority.
- 1.4. Previously the Scheme was known as the Elgin "Western Distributor Road" however with the introduction of the Designing Streets policy by the Scottish Government, there has been a change in emphasis of the design and consequently the Scheme has been re-titled as the Elgin Western Link Road. This is why older documents have this previous title.
- 1.5. The Order is justified in the public interest, and the compulsory acquisition of the land and rights over land are considered reasonably necessary and proportionate in the circumstances, having due regard to the interests of the affected parties.

2. The Land

- 2.1. The Scheme will extend from the end of Edgar Road, in a westerly direction before turning north and over the Aberdeen – Inverness railway line. The Scheme will then utilise the existing Wittet Drive until it deviates to join the A96 Aberdeen – Inverness Trunk Road at a point approximately 100m west of its existing junction.



Plan of Scheme

- 2.2. The land required for the Scheme, as detailed in the attached Schedule and shown in the plans has been identified as part of a detailed design process as outlined in Section 10 of this document. The land identified is necessary and sufficient to deliver Scheme and extends to 30,187 sq.m of land subject to acquisition or servitude rights together with 159 sq.m of land subject to temporary rights.
- 2.3. Wherever practicable the design has been developed to minimise the impact on residential property. Whilst most residences impacted directly will have only a small area of land acquired, there are three residences more significantly affected.
- 2.4. Wittet Drive is a residential area of Elgin developed between the 1930s and the

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1950s. The road averages 8.3m wide which is more than that required simply for the movement of traffic. Wittet Drive has been an important route for distributing traffic within Elgin for more than 25 years. Indeed at one time it was signed as a “bypass”.

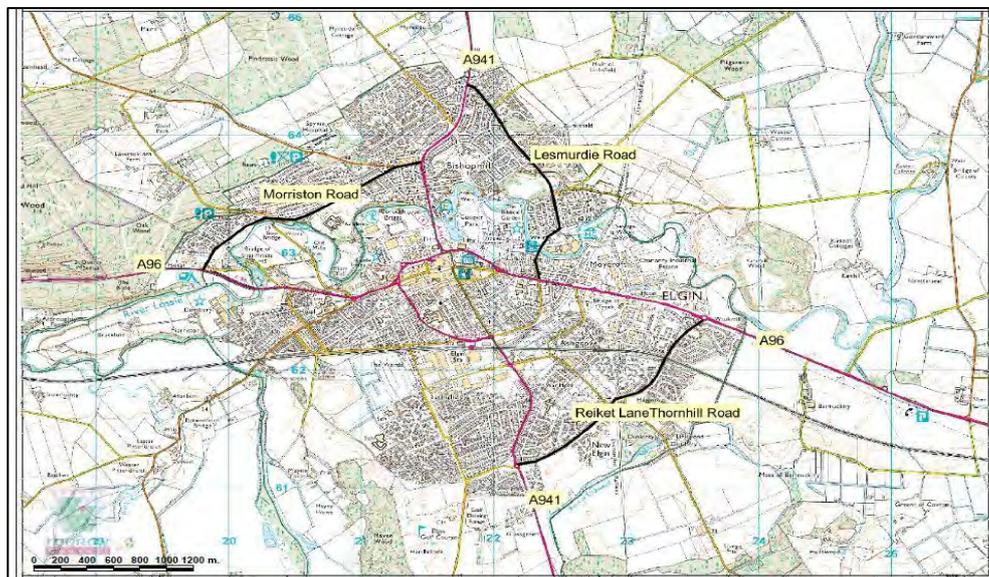
- 2.5. South of the railway line, the new road will pass close to, but clear of, an area of wetlands (Designated as ENV6 – The Wards (Wildlife Site), in the Local Plan). The site carries only a local status and has no formal environmental designation.
- 2.6. The Scheme will require the acquisition of approximately 20 separate property interests and 4 temporary rights. The land required for the new road, included in the Order, comprises:
 - 3 private dwellings (Plots 2, 3 and 4)
 - Nine areas of private garden ground of between 6 sq.m and 148 sq.m
 - Four areas designated for residential development. (Plots 14, 16, 17 and 23)
 - The acquisition of land either side of the Aberdeen to Inverness railway line (Plots 15A and 15C) together with a servitude right of the airspace over the railway, Plot 15B.
 - A number of plots require temporary access for the construction of the works. These include plots 5B, 6B, 7 and 9.
 - It is understood that the Scottish Government holds an unspecified servitude right of access over Plot 17.
 - Plot 23 relates to an area understood to be a former road but is now scrub ground. The owner is unknown.
 - Plot 24 relates to an area below the existing footway necessary for the construction of a retaining wall.
- 2.7. The Authority is currently in detailed negotiations with several property owners and has invited all owners to enter negotiations with a view to reaching an agreement over the necessary land without using CPO powers.
- 2.8. West of its junction with Forteach Avenue, Wards Road will be closed to vehicular traffic and will be used for access only. A turning facility will be provided.
- 2.9. The Authority has written to each of the land owners and carried out a title investigation on each of the properties. The list of Plots is comprehensive.

3. The Authority's purpose in seeking to acquire the land and proposals for use after acquisition

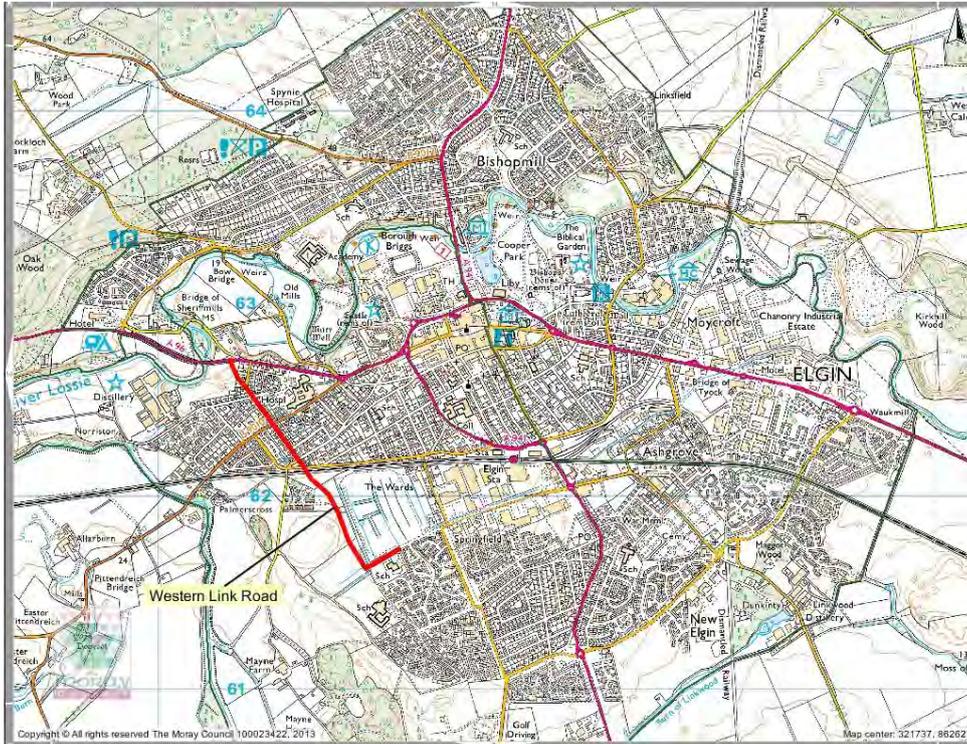
- 3.1. The Scheme will deliver one of the key transport infrastructure improvements identified in the Moray Local Plan since 2000. The Elgin Western Link Road (WLR) will continue the road improvements already built part-way around the south of Elgin in conjunction with the continued residential and retail development in the south of Elgin which has occurred over the last twelve years.
- 3.2. The purpose of the Scheme is to assist with the traffic distribution and cater for economic development within Elgin. The Scheme will meet this aim by providing an additional railway crossing allowing traffic relief to the existing New Elgin railway bridge.
- 3.3. The Local Plan 2000 (document reference C002) included proposals for a number of major developments mainly in the south of Elgin, and this required significant transport infrastructure improvements to be provided to cater for the traffic generated. The adopted Local Plan included a proposed new crossing of the railway at the south end of Wittet Drive and a major improvement scheme for the A96/Wittet Drive junction. In this context, major retail developments on Edgar Road were given planning consent. Many of the developments, including the Elgin South housing development, progressed whilst only some of the road infrastructure improvements were built.
- 3.4. The need for significant transport infrastructure improvements has continued into the current Local Plan (2008) (document reference C003). These significant transport infrastructure improvements are referred to by the Authority as TSPs. The proposed road TSPs are clearly identified in the Local Plan but the delivery of them has not kept pace with the traffic generators. There is now significant additional housing in the south of Elgin and increased development along Edgar Road. The road improvements on the southern edge of the town have been completed, but the essential links with the remainder of the road network, one of which requires property acquisition to proceed, and for which the Authority has collected developer contributions, are now overdue. This is reflected in the level of congestion evident in many parts of the town, despite the slow take-up of completed retail developments, and is now a constraint for developing even those sites which are currently designated in the Local Plan for housing and retail.
- 3.5. Continued development on Edgar Road, and elsewhere on the south side of Elgin, has meant that the existing A941 New Elgin railway bridge takes the majority of the traffic crossing the railway. At peak time traffic flows over this bridge are similar to those on the A96 Trunk Road through Elgin, at over 20,000 vehicles per day.
- 3.6. One of the principal aims of the Scheme is to relieve traffic on this bridge as the junctions on either side have become congested at peak times and there are few other opportunities for improvement.
- 3.7. The TSPs currently completed and identified in the Local Plan 2008 (Page 146 and Elgin Map), include the following:
 - TSP3: Roundabout at A96 junction with Reiket Lane (completed in 2007).

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- TSP4: Reiket Lane railway bridge (completed in 2009).
 - TSP5: Reiket Lane / Linkwood Road / Thornhill Road roundabout (completed in 2007).
 - TSP 6: A941 roundabout junction (completed in 2006).
- 3.8. The Elgin Western Link Road forms an integral part of many of the remaining TSPs including the following:
- TSP10: Edgar Road extension to Wittet Drive
 - TSP11: New railway bridge Wittet Drive – Edgar Road extension
 - TSP12: New roundabout A96 / Wittet Drive
- 3.9. The remaining improvements will follow-on and complete the “South Side Road Improvements” (see Section 4):
- TSP7: Junction improvement Birnie Road / Sandy Road (currently under construction)
 - TSP8: Sandy Road / Glen Moray Drive realignment
 - TSP9: Junction improvement Edgar Road / Glen Moray Drive / The Wards
- 3.10. The A96 Aberdeen - Inverness Trunk Road and the A941 Lossiemouth - Elgin - Rothes Road are the main arterial roads in Elgin and these are supported by a number of "distributor" roads which link the arterial routes. These roads are Morrision Road in the north west of the town, Lesmurdie Road in the north east and Reiket Lane / Thornhill Road in the south east. There is however no equivalent in the south west and this Scheme will provide that link.



Existing Road Network within Elgin



Proposed Link Road

- 3.11. The Scheme will also provide the necessary access to the R5 Bilbohall South site, an area designated in the Local Plan for housing. In the longer term, the Scheme will provide an upgraded access to Elgin High School as well as servicing further residential development designated in the current Local Plan (2008).
- 3.12. In addition, the new road will enable the completion of the housing allocation for the R1 Bilbohall North site. The site is partially constrained by the proposals for the Scheme, however completion of the development is subject to an additional suitable access being available.
- 3.13. The new link road will be adopted by the Authority and be included on the List of Public Roads.
- 3.14. For a number of years there has been a call by the public for an Elgin Bypass. However, surveys undertaken in 2007 identified that only about 25% of the traffic entering / leaving Elgin on the A96 Trunk Road represented through-traffic. Most of the traffic had its origin and/or its destination in Elgin and consequently a bypass would not significantly improve the traffic situation within the town itself. More recent surveys undertaken by Transport Scotland and others have confirmed this.
- 3.15. An Elgin Bypass was not identified in Transport Scotland's Strategic Transport Projects Review (STPR) in December 2008.
- 3.16. Recently, the Scottish Government made a commitment to upgrade the A96 by providing dual carriageway along the entire route between Aberdeen and

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Inverness by 2030. Reference is made to this commitment contained in a letter from Keith brown, MSP, Minister for Transport, dated 14 October 2013 (Document reference C013). It is considered that this will have little effect on the need for improved traffic distribution in Elgin. The dual carriageway will be a strategic road between Aberdeen and Inverness and whilst the line and junction arrangements of this route are to be determined, it may be a significant distance out of Elgin and therefore unattractive as an urban link.

- 3.17. The current Local Plan shows alternative north and south A96 bypass corridors. The Moray Local Development Plan Main Issues Report 2012 (document C011) makes reference to these corridors and notes they have not been endorsed by Transport Scotland nor do they feature in the Strategic Transport Policy Review. The responses to the Main Issues Report Consultation were reported to the Planning and Regulatory Services Committee on 6 June 2013 (document ref A026). This report advised that the Scottish Government had stated that the Proposed Local Plan should not include any land safeguarding or indicative lines in relation to dualling the A96. This recommendation was endorsed by the Authority in June 2013.

4. Description of any new servitude rights being created

- 4.1. The following identify the new rights being created and are in line with the Schedule:
- Plot 11: A servitude right of access to construct and maintain the boundary retaining wall.
 - Plot 13B: A servitude right of access to construct and maintain the boundary retaining wall.
 - Plots 5B, 6B, 7 and 9: Temporary right of access during the construction period to carry out remedial works and to re-level the driveway.

5. Use of enabling Act

- 5.1. The Authority is relying on sections 103,104,106 as read along with section 110 of the Roads (Scotland) Act 1984 in making this Order. In particular:
- Section 104(1) (a) of the act gives the Authority power to acquire land in connection with the construction or improvement of a public road.
 - Section 110(2) provides that any power to acquire land compulsorily conferred by sections 104 to 107 of the 1984 Act shall include power to acquire a servitude or other right in or over land by the creation of a new right.
 - The Schedule to the CPO describes these 3 categories of land interest and the Maps attached to the CPO show them coloured pink (land acquisition), blue (servitude rights) and green (temporary possession) respectively.

6. Communication and engagement with the Public

- 6.1. A Communication and Engagement Plan has been produced for this project (document reference C010). It identified how the Authority was to engage with the community, and other bodies, and communicate the plans to the wider public.

- 6.2. A public exhibition was held in January 2011 on the various route options. This

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was well attended by nearly 500 people with about 180 responses received. Feedback from this event is summarised in the DMRB Stage 2 Public Consultation Report (document reference B006) and was considered in the option appraisal process. The public consultation report identified that the option using Wittet Drive was the least popular. The public consultation process also highlighted a perception among those responding that Elgin required a by-pass. Despite the absence of a justification on traffic grounds for such a bypass (Section 3 of this document), there remained, as at 2013, a public perception that traffic should be taken out of the town.

- 6.3. Following the public exhibition, a report to the ED&IS Committee on 8 March 2011 (document reference A016) explained that a bypass would have only limited connection to the local road network and would not fulfil one of the aims of the Scheme, namely reducing congestion on the New Elgin railway bridge.
- 6.4. As indicated in Section 10, the rural route options represented poor value for money and were accordingly discounted by the Authority.
- 6.5. Following the Authority's approval of the preferred route option in June 2011 (ED&IS report 28 June 2011 - document reference A017), workshops were held with various community representatives and other key stakeholders in both January and June 2012. These are detailed in the Communication and Engagement Plan (document reference C010). This preferred route option has been developed into the Scheme.
- 6.6. A public exhibition was held on 10 and 11 October 2012. This again set out the background to, and the need for, the Scheme and highlighted its relationship within the wider Elgin Traffic Management Programme (see Section 10). The exhibition outlined the process undertaken through the option appraisal and scheme assessment phases and sought views on the various design changes resulting from the stakeholder workshop in June 2012.
- 6.7. Following the exhibition in October 2012, further information has been made available on the Authority's website. A dedicated section for the Western Link Road has been set up including a comprehensive list of Frequently Asked Questions (FAQs). These FAQs have been based on common queries raised during consultation.
- 6.8. The website contains a list of both Committee and technical reports since 2002.
- 6.9. During the decision-making process, the Authority has strived to limit the need for land from residential properties. However, with a road scheme of this nature within an established town, some requirement for land has proven to be inevitable. Elgin is growing and provision needs to be made for the resulting increase in traffic. The Authority considers that it has achieved a reasonable and proportionate balance between the benefits of the Scheme versus the impact on property owners.
- 6.10. The Authority has written to and consulted with land owners at several stages in the Scheme's evolution including meetings where the Authority explained that, while promoting the CPO, the Authority hoped to acquire by agreement. It was confirmed at such meetings it would try to acquire property by agreement in

advance of the Scheme, under the same compensation code as would apply if the acquisition took effect under a CPO.

7. The Authority's justification for making the Order

- 7.1. The CPO has been promoted to acquire the land which is required to allow implementation of the Scheme. The Scheme accords with the development plan as outlined below.
- 7.2. The Scheme will also bring economic benefits to the area as explained in section 8 below.
- 7.3. The Authority has offered to enter into negotiations with land owners however the option of compulsory acquisition is necessary to ensure that the Scheme can be delivered, and that project timescales may be achieved.
- 7.4. In the development of the Scheme by the Authority over the last 10 years, the residents in Wittet Drive have lived with uncertainty over whether the Scheme will proceed, what form it will take, and how they will be affected in terms of increased traffic volume. Such uncertainty can affect property values and market interest in property. A period of uncertainty is inevitable with any major road scheme but it is important that the Authority keep this period of uncertainty to a minimum. It is considered reasonable to promote the Order at this stage in the Scheme development process. It will enable the Authority give residents in Wittet Drive a clear timetable for delivery of the Scheme. The Authority will continue to negotiate with individual owners throughout the CPO process to reach agreement with them on acquisition terms.
- 7.5. The Authority considers that there is a compelling case in the public interest for the Scheme and the Order. Whilst the compulsory acquisition of land necessarily involves an interference with the private rights of affected parties, promotion of the Order is proportionate and reasonable in the circumstances and consistent with the Human Rights Act 1998.
- 7.6. The Scheme is identified, in general terms, in the Moray Local Plan (Local Plan) as part of the Elgin "South-Side Road Improvements" and these are shown on the Elgin Map contained within the Moray Local Plan.
- 7.7. As indicated in Section 3 above, a number of the individual elements of the South-Side Road Improvements have already been built and the Scheme (comprising TSP10, 11 and 12) will allow the remaining TSPs on the South-Side Road Improvements to be concluded.
- 7.8. Initially identified in the 2000 Local Plan, the South Side Road Improvements represent the infrastructure to accommodate the planned release of land for in excess of 1,200 houses and associated development. A number of these have proceeded on the basis that the new road will come to fruition, particularly the eastern segment from A96 to A941. Funding has been obtained from developers as a contribution towards the remainder. Site capacities of residential sites have changed, with the numbers obtaining planning consent generally exceeding the figures proposed in Local Plan designations. This has resulted in more traffic being generated than was allowed for when the road infrastructure improvements were agreed.

- 7.9. If the planned road network is not provided, then there will need to be a fundamental re-think on longer term development, not just in the south of Elgin, but throughout the town. Even residential developments built in the north of the town, where there is currently a land allocation for 465 houses and an additional long-term housing site, will create many new car trips to existing retail outlets south of the railway. Without a new railway crossing as envisaged by the Scheme, further retail development in this area to the south of Elgin will be constrained by traffic capacity.
- 7.10. The principle of the Scheme was the subject of objections at the Local Plan Inquiry in 2007. The Reporter considered that it would be inappropriate to delete these proposals from the Local Plan as they are linked with wider, strategic access considerations and he rejected the objections (document reference C012).
- 7.11. The Scheme passes through a number of areas designated in the 2008 Local Plan (pages 134 to 147). These are identified in the Plan as follows:
- CF2: Edgar Road
The line of the new road west from Edgar Road will allow for access to the R5 Bilbohall South housing site, the proposed redevelopment of Elgin High School and associated playing fields, and to R6 for future potential housing.
 - ENV5: Sports Areas
This includes Greenwards Primary School.
 - R5: Bilbohall South
The part of this site designated for housing was sold by the Authority to Grampian Housing Association for the provision of affordable housing. Development of this site requires the completion of the Western Link Road.
 - R1: Bilbohall North
Development of this site is only partially completed. Full completion is however subject to there being a new access to the site. The Western Link Road will provide the necessary infrastructure to allow an access to be provided. The developer's title for this site includes the reservation of a line for the new road.
 - R8: Hattonhill
The Local Plan states that upon resolution of the road line there is potential for the release of up to 20 houses.
- 7.12. The Scottish Government's "Designing Streets" (document reference C005) policy document is being used to produce a design that is appropriate not just to the aims of the Scheme but also to the community. Designing Streets moves away from a prescriptive standards approach which tended to result in streets with a poor sense of place. The policy promotes an integrated design approach that aims to balance potential conflicts between different users and objectives, without compromising the quality or sense of place.

- 7.13. Designing Streets is applicable to all thoroughfares within an urban setting and within rural boundaries. It is predominantly used for new streets but is also applicable to existing streets subject to redesign. Whilst the technical advice within the Designing Streets document is particularly aimed at residential and lightly trafficked streets, many of the key principles are applicable to other types of street. In the case of busier streets, the movement function may become more significant and any conflicts with other objectives or users should be resolved through an integrated design approach and should not compromise the quality or sense of place.
- 7.14. There is a risk if the Scheme does not proceed that the Moray Local Plan will require to be reviewed. Significant amounts of land have been designated in the current Local Plan for development on the presumption that the new bridge in the Scheme will be available to provide an additional crossing of the railway line. If the Scheme does not proceed then this development, and potential future development will be jeopardised.

8. The Economic Context for the Scheme

- 8.1. The Moray Economic Strategy – Final Draft Report (document reference C008) recognises the importance of good transport links in general to the economy of Moray, both now and in the future. The reliance on good external transport links is acknowledged, but the report also stresses the importance of accessibility within Elgin, as the main centre of economic activity. This includes “an effective method of traffic distribution outside the city centre that enables the urban road network to function efficiently”.
- 8.2. The above was outlined in the report to the Authority’s Economic Development & Infrastructure Services Committee on 28 June 2011 (document reference A017) and gave details of the economic and planning background to the Scheme as well as looking at the planning and development implications. The Committee gave its approval in principle for the preferred route and this has subsequently been developed into the Scheme.
- 8.3. Section 13 of this document outlines the benefits of the Scheme in delivering the Authority’s strategic aims and objectives.

9. The Planning Position

- 9.1. The Scheme has been identified in the following Plans:
- Moray Local Plan 2000 (document reference C002)
 - Moray Local Plan 2008 (document reference C003)
 - Moray Local Development Plan – Main Issues Report 2012 (document reference C011)
- 9.2. The Scheme will require planning approval and the Pre-Application Notification (PAN) was submitted to the Authority on 27 June 2013. A pre-application consultation event was held on 25 and 26 September 2013 in Elgin Library. Feedback from this is being considered and it is expected that the planning application will be submitted in early December 2013.

10. Design and Option appraisal process

- 10.1. The Elgin Western Link road forms a significant part of the Elgin Traffic Management (ETM) Programme. This forms part of the Authority's Service Improvement Plan and considers the wider set of improvements identified within Elgin. Whilst the need for infrastructure improvements was identified in the Local Plan, a strategic approach was needed to consider the options that best delivered the objectives of the ETM programme.

- 10.2. The key objective of the ETM programme is:
"To provide a quicker, safer and more reliable transport system in and around Elgin, while accommodating future development."

10.3. The need for a strategic perspective of the traffic issues in Elgin started with a STAG (Scottish Transport Appraisal Guidance) assessment in 2002/03. The STAG process culminated in two scenarios, each with a number of options, being taken forward in 2009 into the Design Manual for Road and Bridges (DMRB) Option Appraisal process. These considered how best to deliver the required solution and culminated with the current scheme, approved by the Authority in 2011.

10.4. The following outlines the development of the Scheme by way of a timeline

2002

10.4.1. A report to the Authority's Environmental Services Committee on 13 March 2002 (document reference A001) identified the need to discuss, with Scottish Executive representatives, an Elgin bypass and to develop and promote the case for this, or other such traffic management proposals which would reduce congestion on Elgin's road network.

2003

10.4.2. The Babbie Group (consultants) undertook a STAG Part 1 study (document reference B002) into the potential Elgin bypass routes identified in the Local Plan. The outcome of this was reported to the Authority's Environmental Services Committee on 6 August 2003 (document reference A002). The report indicated that a bypass "*would not provide a significant benefit to strategic road users nor to the inhabitants of the town*".

10.4.3. It noted that "*a bypass should be pursued as a long-term objective within a strategy to provide network improvements to support the development of Elgin*" and agreed that support should be sought from the Trunk Road Authority towards studies, assessments and short-term solutions for the trunk road within Elgin.

2004

10.4.4. In 2004 it was agreed (Committee report/minute of 28 April 2004 - document reference A003) that public consultation should be carried out on a proposed link road from Edgar Road to the A96 via Wittet Drive. The responses received from this preliminary consultation were reported to the Environmental Services Committee on 1 September 2004 (document reference A004).

10.4.5. The exercise indicated that there was public confusion over the respective roles of an internal road link over the railway and an A96 bypass. At this September 2004 meeting the Committee recognised the local opposition to the proposal and agreed to "commission a STAG report to evaluate options, other than those proposed for Wittet Drive, in so far as they required the use of compulsory purchase powers and demolition of property".

2005

10.4.6. In November 2005 the Authority approved the commissioning of a traffic model for Elgin and agreed to carry out a "full and proper STAG Report without any pre-conditions" (document reference A005). It was

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considered that the proposed STAG report may be used for any future Local Public Inquiry in connection with the Moray Local Plan.

2006

- 10.4.7. The Elgin STAG Part 1 report was submitted to the Authority in August 2006 (document reference A006). Whilst various “themed groups” of potential solutions were considered, the report advised that the “Traffic Management” and the “Link & Junction Improvements” should be taken forward. This resulted in 18 Options (see the table below) and these were sifted by the Consultants prior to the Final Option Testing.

Group		Option Ref.	Modelling Options
Appraisal Benchmark	Future Do Nothing	1	Committed Development and Forecast Development
Traffic Management		2	Gyratory System
		3	HGV Routing
		4	Traffic Signals
Link & Junction Improvements	Edgar Road to A96	5	Wittet Drive
		6	The Wards
		7	Line of Bypass South (Part)
	A96 Improvements	8	A96
		9	(2 model tests estimated)
		10	Partial dualling of Alexandra Road
	A941 Improvements	11	A941
		12	(2 model tests estimated)
		13	TSP Scheme (Local Plan) test (1 model)
		14	Additional Junction Tests
		15	(2 model tests estimated)
		16	Bypass North
	Bypass	17	Bypass South
		18	Southern Distributor

STAG Part 1 Options

2007

- 10.4.8. The eighteen options identified in STAG Part 1 were subject to initial option testing using the new Elgin Traffic Model, as a result of which seven options were taken forward to full STAG Part 2 appraisal. These were:

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- Option 4: Wittet Drive Link (TSP 10-12 as identified in the Local Plan)
- Option 6: Morriston Road link (part TSP2)
- Option 13: Bypass North (TSP1)
- Option 14: Bypass South (short) (TSP2)
- Option 15: Bypass South (long) (TSP2)
- Option 16: Southern Distributor + Wittet Drive link (TSP10-12)
- Option 17: Southern Distributor + Morriston Road link (part TSP2)

10.4.9. The Elgin STAG Part 2 Report in 2007 considered these seven remaining options and the findings were presented to the Authority's Environmental Services Committee on 30 August 2007. (document reference A007)

10.4.10. At this meeting, the Committee agreed to the development of an Elgin Traffic Management Plan and to consider two options identified in the STAG process in more detail.

These were:

- Option A (Option 4 above): Edgar Road to A96 via Wittet Drive. (Amended to include only an on-line A96/Wittet Drive junction to avoid the need for property demolition.)
- Option B (Option 6 above): Edgar Road to A96 at Morriston Road Junction.

2009

10.4.11. Following further investigation and discussions with Transport Scotland, it was clear that any acceptable junction solution for Option A would require the acquisition and demolition of property. On 3 February 2009, the Environmental Services Committee approved the inclusion of all acceptable options in any consideration of an A96 / Wittet Drive junction. (document reference A008 and A009)

10.4.12. The Design Manual for Roads and Bridges (DMRB) Scheme Assessment process (TD37/93 - document reference C001) was used to develop the two route corridors. This nationally recognised three stage process considers the existing and proposed traffic conditions as well as an assessment of the engineering, environmental, traffic and economic aspects.

2010/2011

10.4.13. The DMRB option assessment considered the two route corridors and investigated a number of solutions for each. Options A and B above, were identified at Stage 1 as the Urban (Inner) and Rural (Outer) routes respectively. These were compared with a "Do-Nothing" and a "Do-Minimum" option of minor improvements to the existing road network. The Stage 1 Main Issues report (document reference B004) was submitted to the Economic Development and Infrastructure Services (ED&IS) Committee on 24 August 2010 (document reference A013). The

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Committee approved the continuation of the option appraisal process.

- 10.4.14. During Stage 2, a value engineering exercise was carried out on the Rural (Outer) route and an amended corridor option was included for assessment and consultation. This was known as the Rural (Inner) option and its inclusion was approved by the ED&IS Committee on 19 October 2010 (document reference A014).
- 10.4.15. In January 2011 a public exhibition was held outlining the options under consideration. These being:
- Existing Network Enhancements (Do-Minimum)
 - Urban (Inner) Route
 - Rural (Outer) Route
 - Rural (Inner) Route
 - Do-Nothing
- 10.4.16. Following the submission of a number of scheme update reports, the ED&IS Committee agreed to drop the rural route options on the basis of their poor value for money. (ED&IS report of 8/3/11- document reference A016). These options cost significantly more and provided less traffic relief for the existing New Elgin railway bridge than the urban options.
- 10.4.17. The Stage 2 DMRB report (document reference B007) was submitted in June 2011 and the ED&IS Committee meeting of 28 June 2011 (document reference A017) approved the selection of the route from Edgar Road to the A96 via Wittet Drive as the line of the "Western Distributor Road". Further reports to the same Committee in September 2011 (document reference A018 and A019) resulted in approval of the option of a roundabout near the junction between the A96 and Sheriffmill Road as the preferred junction solution. The option selected required the demolition of the fewest properties.

2012

- 10.4.18. Prior to detailed design commencing, a design workshop was held in June 2012 and attended by representatives of the various community groups and other key stakeholders. Following this a number of changes were incorporated including the replacement of the roundabout on the A96 with traffic lights at the same location. Likewise, replacing the proposed roundabout near Elgin High School with traffic lights. These changes would improve the facilities for pedestrians and cyclists in line with the Designing Streets policy.
- 10.4.19. The Authority agreed to replacing Elgin High School and work is expected to start in 2014.
- 10.4.20. Following the stakeholder engagement, the outline design of the WLR was approved by the ED&IS Committee on 18 December 2012 (document reference A023). All comments and response received were duly considered by the Authority. As a result, some of the key design changes were:
- A traffic signal junction on the A96 in lieu of a roundabout. This provides benefits for pedestrians and cyclists in addition to requiring less land and

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avoiding the removal of large trees.

- Following consultation with the residents at the north end of Wittet Drive, it is proposed to streetscape the section of Wittet Drive that will become redundant as a through- route. This will help discourage its use by all except residents.
- The road will be designed to advise drivers turning off the A96 onto the new road that they are entering a different type of environment.
- Wittet Drive will be reduced in width from 8.3m to 6.6m to accommodate parking, streetscaping and to help reduce traffic speeds.
- Pedestrian crossing facilities will be provided at various locations including traffic signals at Pluscarden Road junction.
- A single-span bridge over the railway will have a masonry effect finish and be screened where practicable.
- Pedestrian crossings of the road be “at-grade” (road level) rather than by way of an underpass.
- The extension of Edgar Road will allow resident parking and will include a new traffic signal junction allowing access to the proposed High School and future housing sites.
- There is now an opportunity for provision of an off-carriageway parent drop-off / pick-up facility shared between both Greenwards Primary and the new Elgin High School. This will provide parking and safe access for pupils to and from the schools.

10.4.21. The Authority’s ED&IS Committee agreed on 18 December 2012 (document reference A024) that there was justification for making a Compulsory Purchase Order (“CPO”) and recommended to the Authority that it promotes the Order.

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10.4.22. On 22 May 2013, the meeting of the Authority approved the making of a CPO (document reference A025).

10.4.23. The Proposal of Application Notice for the Scheme was published in June 2013 and a pre-application consultation event was held on 25/26 September 2013.

11. Funding

- 11.1. The estimated cost of the Scheme, including compensation costs as assessed by the District Valuer (DV) in consultation with the Authority's valuer, is in the region of £10 million. There are a number of developer contributions (in excess of £750,000) held by the Authority that are conditional on traffic relief in the south of Elgin. This Scheme would meet these conditions and it is proposed that the relevant contributions will be used to reduce the burden on the Capital Plan.
- 11.2. The Authority's Capital Plan provides for this Scheme.

12. Risks and Potential Barriers to Completion

- 12.1. As the Scheme will require the Authority to invest about £10 million over 5 years, it will form the largest road project that the Authority will have undertaken.
- 12.2. One of the largest risks to completion of the Scheme is the acquisition of all the land required for its construction. Ideally, the Authority would acquire all land interests required for the Scheme simultaneously and by agreement with each of the landowners. This would require all the owners being able and willing to transfer title to the property interests required, in exchange for appropriate compensation. There has been local opposition to the Scheme however, and there is a possibility that the Authority will be unable to agree acquisition terms with some owners, or that negotiations will become protracted and ultimately fail. This uncertainty could place the delivery of the Scheme at risk.
- 12.3. Confirmation of the Order will remove this risk and allow the Authority to begin land acquisition at the earliest opportunity, on a case by case basis, in the hope that negotiations for land acquisition will be successful, but in the knowledge it will be able to use powers of compulsory purchase if all else fails.
- 12.4. There is a risk that the planning application for the Scheme is refused. The Scheme has been a material component of Moray Local Plan for over ten years and has been consulted upon as part of the development planning process. (Document Ref C002 and C003). As described at paragraph 9.2 above it is anticipated that the planning application will be submitted December 2013.
- 12.5. The Scheme will require the stopping up of Wards Road, on either side of the proposed new bridge over the railway due to the raised level of new section of road. It is proposed to advertise the stopping up order once planning consent has been obtained.
- 12.6. Failure to obtain the planning consent and stopping up orders detailed at 14.1 could effectively halt the Scheme in its current form. There is a further risk if the Scheme does not proceed, that a number of sites designated in the current Moray Local Plan 2008 (which are dependent upon implementation of the Scheme) will be unable to be developed. The lack of the Scheme would in turn have serious implications for the viability of new sites that have been identified for development (or Elgin's ability to accommodate any further growth) in the emerging Review of

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the Development Plan which is at an advanced state of preparation. The viability of many of these sites depends on an additional crossing of the railway line.

- 12.7. The Authority acknowledges that there is local opposition to the Scheme. This may manifest itself through objections to statutory processes such as CPO, planning and roads orders. Such opposition presents a risk that these processes will be lengthier and more costly than in a scenario where the Scheme had no opposition. It increases the risk of a successful challenge to these statutory consents.
- 12.8. Development costs incurred in designing and tendering the Scheme, property acquisition costs to date and the costs of pursuing planning and other consents, remain at risk of being abortive costs until all the barriers to completion of the Scheme outlined above have been overcome.

13. Link with Authority's strategic priorities

13.1. This Scheme is in line with the following Authority priorities:

- The Scheme will unlock land designated for affordable housing. This complies with National Outcome 10 (We will live in well designed, sustainable places where we are able to access the amenities and services we need). Local Priority 4 (Housing and Homelessness – more people in Moray will have access to affordable housing).
- The Moray Economic Strategy acknowledges the importance of providing an effective road network to distribute traffic across Elgin.
- Single Outcome Agreement – National Outcome 1 and Local Outcome 3: “Moray will benefit from an improved and safer transportation infrastructure”. National outcome 9 “We live in well-designed, sustainable places where we are able to access the amenities and services we need.” Local priority 4 “housing and homelessness – more people in Moray will have access to affordable housing” – completion of the Western Link Road will enable access to land designated for much needed affordable housing in Elgin.
- Service Priority 2 (Elgin Traffic Management Programme) of the Service Improvement Plan.

13.2. The Scheme is important in the context of the proposals in both the Moray Economic Strategy and the Elgin City for the Future reports. The continued development and delivery of the Elgin Traffic Management Programme is identified in the Draft Local Transport Strategy 2010 (document reference C004).

13.3. The Authority has demonstrated that the new road is justified on planning, transportation and economic grounds. It will bring benefit to the wider public by:

- Relieving traffic congestion at certain locations
- Improving driver choice by providing another high quality rail crossing
- Improving traffic distribution within Elgin
- Providing access to existing development
- Allowing future development to proceed
- Improving access to businesses within Edgar road.

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- 13.4. The Authority recognise that the new road will have detrimental effects including:
- The requirement for the acquisition of residential properties and land to construct the road
 - Increased traffic on Wittet Drive and Edgar Road
 - Increased traffic past Greenwards Primary School – currently at the end of a cul-de-sac.
- 13.5. However measures are being included in the design to mitigate these effects. These include
- Minimising the residential land and property required wherever possible.
 - Creating a design that does not encourage speeding and providing safe facilities for non-motorised users.
 - Providing a part-time 20mph speed limit, screening, a dedicated parent drop-off/pick-up facility and safe pedestrian crossings and footway/cycleway.

14. Related Orders

14.1. There will be a number of Orders related to this Scheme and these are indicated below:

Location	Order(s)
A96 Aberdeen – Inverness Trunk Road: New junction.	Speed Limit change and Traffic signals
A96/Wittet Drive Junction (existing)	No entry
Wards Road: Between Forteath Avenue and Fleurs Road.	Stopping-up & Closure
Wittet Drive / Pluscarden Rd Junction	Traffic signals
Wittet Drive to Edgar Rd	Speed limit
Greenwards Primary School	Part-time 20mph limit

15. Unknown owners

15.1. Plot 23 is shown in the Schedule to the CPO as “unknown”. The ground is scrub land and there is no boundary feature separating it from the adjoining scrub land in the ownership of the Elgin Guildry Fund Society, Plot 16. Extensive research has been carried out into historical titles and maps which has uncovered the following:

- A map dating from 1727 shows the land as being part of an access track or road leading from Elgin to Bilbohall. The map shows a parcel of land called St. Catherine’s croft lying to the North of the track.
- The access track appears to have been severed by the construction of the railway around 1861 with a new road being formed to the North of the railway.
- The track no longer appears in a later map dated 1881. This map shows a field boundary and the former access track appears to have been included as part of the southern part of St Catherine’s croft, Plot 16.
- Plot 16, owned by Elgin Guildry Fund Society, forms the Southern part of St Catherine’s Croft. It was acquired by them by Instrument of Sasine in 1727.
- The access track is likely owned by the wider land owner in the area.
- The 1727 Instrument of Sasine does not give any clues as to what the wider land ownership was. Anecdotal evidences suggests it may be the Town Council (now the Authority) or the Earl of Fife.
- The 1727 map shows individual land owners and appears to show wider (feudal) land ownership. This shows “The Town Council” next to the access track.

15.2. It is likely therefore that ownership lies with the Authority but this cannot be proved. The land is not in active use and has historically been fenced off along with Plot 16. The Elgin Guildry Fund Society have been shown in the Order Schedule as occupiers.

16. Ministerial statements

16.1. On 20 June 2011, whilst on a ministerial visit to Moray, Fergus Ewing MSP and Minister for Enterprise confirmed the significance of transport infrastructure to sustainable economic growth.

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- 16.2. As mentioned in section 3, there is a significant percentage of the local population who believe that what Elgin needs is a bypass and not a link road. In a letter (document reference C013) to a Moray Councillor, Keith Brown (Minister for Transport and Veterans), confirmed that the dualling of the A96 and thereby creating a bypass, was a totally different issue to dealing with Elgin's internal traffic.

17. List of Documents

17.1. Inspection of Documents

The documents relating to this Order can be viewed on the Authority's website and, during the consultation period, at Moray Council's Elgin Access Point and Elgin Library.

All public documents relating to the Scheme are available on the Authority's website (www.moray.gov.uk). The Western Link Road has a dedicated section on the website:

http://www.moray.gov.uk/moray_standard/page_76809.html

This section of the website includes links to the various reports published since 2002 as well as general background information on the Scheme, advice for affected land owners and Frequently Asked Questions.

17.2. Supporting Documents

Reference Number	Document	Version / Date
	<i>Committee / Authority Reports and Minute Extract</i>	
A001	ES Committee: Elgin Bypass	13 March 2002
A002	ES Committee: Elgin Bypass and Traffic Management	6 August 2003
A003	ES Committee: Proposed New Road Link – Edgar Road to A96**	28 April 2004
A004	ES Committee: Proposed New Road Link – Edgar Road to A96	1 September 2004
A005	Moray Council: Transport Model and STAG Procurement	9 November 2005
A006	ES Committee: Elgin STAG Part 1	30 August 2006
A007	ES (Special) Committee: Elgin STAG Part 2	30 August 2007
A008	ED&IS Committee: Elgin Traffic management - Report 1	3 February 2009
A009	ED&IS Committee: Elgin Traffic Management - Report 2**	3 February 2009
A010	ED&IS Committee: Capital Plan 2009/10	26 May 2009
A011	ED&IS Committee: Elgin Road Hierarchy – Primary and District Distributor Roads	8 December 2009
A012	ED&IS Committee: Capital Plan 2010/11	15 June 2010
A013	ED&IS Committee: Stage 1 Option Appraisal Report	24 August 2010
A014	ED&IS Committee: Value Engineering on the Rural Corridor**	19 October 2010
A015	ED&IS Committee: Option Appraisal Progress and Approval for Public Exhibition	14 December 2010
A016	ED&IS Committee: Stage 2 Option Appraisal Report	8 March 2011
A017	ED&IS Committee: Route Approval	28 June 2011
A018	ED&IS Committee: Western Distributor Road - Report 1**	6 September 2011
A019	ED&IS Committee: Western Distributor Road - Report 2	6 September 2011

Reference Number	Document	Version / Date
A020	ED&IS Committee: Approach for Compensation and Acquisition of Property**	1 November 2011
A021	ED&IS Committee: Capital Plan 2012/13 and Project Execution Plan	13 March 2012
A022	ED&IS Committee: Progress Update and Communication & Engagement Strategy	28 August 2012
A023	ED&IS Committee: Report 1: Outline Design	18 December 2012
A024	ED&IS Committee: Report 2: Compulsory Purchase Order	18 December 2012
A025	The Moray Council: Compulsory Purchase Order	22 May 2013
A026	Planning and Regulatory Services Committee (Special)	6 June 2013

ED&IS: Economic Development and Infrastructure Services Committee

ES: Environmental Services Committee

** Originally a confidential report

Reference Number	Document	Version
<i>Technical Reports</i>		
B001	Elgin STAG Part 1 (Bypass Routes)	2003
B002	Elgin STAG Part 1	August 2006
B003	Elgin STAG Part 2	August 2007
B004	DMRB Stage 1 Main Issues Report	July 2010
B005	Value Engineering of Rural Corridor – Summary Report	September 2010
B006	DMRB Stage 2 Public Consultation Report	March 2011
B007	DMRB Stage 2 Option Assessment – Option Assessment Report	March 2011
B008	Stakeholder Design Options Appraisal Report	November 2012

Reference Number	Document	Version
	<i>Reference Documents</i>	
C001	TD 37/93: Scheme Assessment Reporting	August 1993
C002	Moray Local Plan (Extract)	2000
C003	Moray Local Plan (Extract)	2008
C004	Draft Local Transport Strategy	April 2010
C005	Designing Streets	2010
C006	Boards and Handouts for Public Exhibition on Route Options	27/28 January 2011
C007	Elgin City for the Future – Final Draft Report (Extract)	June 2011
C008	Moray Economic Strategy – Final Draft Report (Extract)	June 2011
C009	Project Execution Plan	March 2012
C010	Communication and Engagement Strategy	July 2012
C011	Moray Local Development Plan - Main Issues Report (Extract)	2012
C012	Extract from Moray Local Plan 2008 Inquiry	
C013	Letter from Minister for Transport and Veterans	October 2013