

**REPORT TO: SPECIAL ENVIRONMENTAL SERVICES COMMITTEE
30 AUGUST 2007**

SUBJECT: ELGIN STAG PART 2 REPORT

BY: DIRECTOR OF ENVIRONMENTAL SERVICES

1. REASON FOR REPORT

- 1.1 To present the Elgin STAG Part 2 Report carried out by Halcrow Consultants for The Moray Council.
Note: Scottish Transport Appraisal Guidance (STAG) is the method of appraisal for transport policies and projects throughout Scotland.
- 1.2 To seek approval for a strategic and phased approach to take forward transport options in Elgin. This will provide confirmation of the position to be taken in responding to objections to the Local plan Review.
- 1.3 This report is submitted to Committee in terms of Section E(13) of the Council's Administrative Scheme relating to the function of the Council as Roads Authority.

2. RECOMMENDATION

- 2.1 **The Committee is invited to note the contents of the Halcrow Elgin STAG Part 2 Reports (issued as Appendix A) to Elected Members:-**
- (i) Summary Report**
 - (ii) Elgin STAG Report**
 - (iii) Appraisal Summary Tables**
 - (iv) Environmental Assessment Report;**
- 2.2 **The Committee is invited to approve:-**
- (i) Retention of all TSP options in the Moray Local Plan with amendment to the A96/Wittet Drive junction**
 - (ii) The development of an Elgin Traffic Management Plan with a phased delivery programme in line with the Regional transport Strategy (2007-2012/2012-2017/2017-2023)**
 - (iii) Allocation of Option A to the short-term delivery programme and to proceed with detailed design work and to submit a report to Full Council for the Capital Programme**
 - (iv) Allocation of options B, C, D, E, F, G to the Medium-term delivery programme**
 - (v) Delegation of Member/Officer party to urgently meet with Scottish Ministers concerning Elgin Bypass options/programme**

3. BACKGROUND

- 3.1 Moray Structure Plan 2007, Moray Local Plan 2000 and Previous Elgin Transport Options Committee Reports

- 3.1.1 The Moray Structure Plan 2007 confirms that Elgin is the primary centre within Moray, with the largest population and the main centre for retail, commercial and leisure provision. The town will be the focus for significant investment within Moray and will accommodate the largest proportion of proposed new development. Elgin has 20,000 residents, with a large catchment population of close to 100,000. This has meant a healthy demand from developers, retailers and other service providers.
- 3.1.2 The current Moray Local Plan 2000 was approved by Scottish Ministers on 26th April 2000. Two transportation related planning objectives from the Moray Local Plan 2000 are copied below:
- to secure the provision of a bypass road with a commitment from the Scottish Office Environment Department to adopt a bypass for Elgin on to the A96 Trunk Road Capital Programme;
 - to improve traffic circulation in New Elgin and to link new development in the south of the town to road improvements
- 3.1.3 A number of TSP schemes under the headings of Elgin Bypass, South Side Road Improvements, Public Transport and Cycling Network are identified in the Moray Local Plan 2000 for Elgin.
- 3.1.4 These TSP schemes have been retained in the emerging Moray Local Plan and have attracted a number of objections, which depending upon the decisions of the Council will require to be defended at Public Local Inquiry later this year.
- 3.1.5 Since the approval of the Moray Local Plan 2000 a number of reports were presented to the Environmental Services Committee relating to transport options for Elgin. On 01 September 2004 the Environmental Services Committee approved the commissioning of a traffic model for Elgin and a STAG study for transport solutions on the west side of Elgin. The scope of this was subsequently sidened by stakeholders to consider all of Elgin.

Committee Date	Report Title
13 March 2002	Elgin Bypass
06 August 2003	Elgin Bypass and Traffic Management
01 September 2004	Proposed New Road Link – Edgar Road to A96

3.2 Elgin Transport Model and Elgin STAG Pre-Appraisal and Part 1 Report

3.2.1 Halcrow Consultants were appointed in February 2006 for the Transportation Professional Services Call-off Term contract including the Elgin Transport Model and the Elgin STAG Study.

3.2.2 Halcrow held a pre-appraisal workshop with a broad spectrum of stakeholders and the following key planning objective was adopted:

“to provide a quicker, safer and more reliable transport system in and around Elgin while accommodating future development”.

3.2.3 The Elgin STAG Part 1 Report was presented to the Environmental Services Committee on 30th August 2006 (para 8(b)(i) of minute refers) and it was agreed that ‘Traffic Management’ and ‘Link & Junction Improvement’ themes were complementary to the planning objectives and should be taken forward to the Elgin STAG Part 2 appraisal.

3.2.4 The Elgin Vissim Model was used to test 20 different options and an Interim Review Report was issued as a report for noting to the Environmental Services Committee members in April 2007 (background papers including copies of Committee reports (November 2005 – April 2007) and the reports referred to in this section have been placed in the Member’s Library). The Interim Review Report identified 7 transport options to be taken forward for the full STAG Part 2 appraisal. The Elgin Vissim Model has been used to test these options. The options correspond with the indicative lines shown on the Elgin Modifications Map apart from the details of TSP12 at the A96/Wittet Drive Junction.

Option Reference and Type			Description
4	A	Edgar Rd – A96	Wittet Drive Link (TSP10-12) *modified at north end
6	B		Morrison Road Link (part TSP2)
13	C	Bypass	Bypass North (TSP1)
14	D		Bypass South (short) (TSP2)
15	E		Bypass South (long) (TSP2)
16	F	Combination	Southern Distributor + Option (4) A
17	G		Southern Distributor + Option (6) B

3.3 Elgin STAG Part 2 Report

3.3.1 Halcrow have produced a Summary Report as well as the full Elgin STAG Part 2 Report, including Appraisal Summary Tables (AST), and an Environmental Assessment Report. Copies of these reports have already been issued to Elected Members (**Appendix A – not attached**). Halcrow Consultants will make a short presentation to the Committee.

3.3.2 To enable appraisal it is necessary to develop a 'Do-minimum' scenario which accurately reflects the changes which are committed to occur irrespective of the conclusions of the STAG exercise.

3.3.3 The year 2012, at the end of the Local Plan period, is used for comparison/reference for all of the 7 options. The Do-minimum scenario reveals a significant increase in traffic and reduction in average vehicle speed over the period 2006-2012. A comparison of traffic volumes and average speeds between the 2006 (Base) and the Do-minimum (reference case 2012) is shown at **Appendix B** attached to this report. It is clear that the 'Do-minimum' option would not mitigate the traffic problems being experienced in Elgin and something strategic has to be done and may be counter to the case for an Elgin Bypass.

3.3.4 The potential closure of the A941 New Elgin Road Railway Bridge was tested using the Elgin Vissim Model and revealed extreme pressures on the remaining links during some periods of the simulation. This highlights the potential consequences of this Railway Bridge ever being closed and therefore the need for a new crossing of the railway line in Elgin. A comparison of traffic flows between the existing railway crossings and the A96 trunk road is shown for March/April 2007 below. The annual average daily traffic (AADT) crossing the New Elgin Road Railway Bridge in 2006 was 21,400 vehicles.

Railway Crossing	Traffic		A96 Trunk Road	Traffic
Reiket Lane	5,143		East Road (West of Ashgrove Road)	25,076
Ashgrove Road	3,327		Alexandra Road (Bus Station)	24,478
New Egin Road	21,731		West Road (West of River Lossie)	16,600
The Wards	6,475			

3.3.5 The STAG appraisal has three key purposes:

- It will demonstrate whether a proposal is socially, environmentally and economically deliverable and is technically and financially feasible and acceptable to stakeholders
- It will reveal the extent to which a proposal fulfils the planning objective and helps planners arrive at a value for money solution to identified transport problems
- It will demonstrate to decision makers the full set of likely impacts of the proposal against the Government's five objectives of environment, safety, economy, integration and accessibility (and the distribution of these impacts across social and spatial groups).

3.3.6 The following paragraphs summarise the main findings from the Halcrow reports based on the Government's five objectives.

Environment

- 3.3.7 All schemes show a range of Environmental Impacts and Residual Effects across the different environmental aspects. A summary table is shown at **Appendix B** to this report. The variation of impact for the 7 options range between moderate beneficial to major adverse. The options that show a major adverse impact are noted as follows: Options C, D and E have major adverse noise and vibration impacts; Option C has a moderate to major adverse impact upon biodiversity in the area. Full details are contained within the Environmental Assessment Report.

Safety

- 3.3.8 The safety objective considers road accidents and security. An analysis of the changes in the annual vehicle kilometres suggests there will be negligible overall impacts on accident rates across Elgin.
- 3.3.9 It is noted that options that create increased future traffic levels on existing roads increase the probability of accidents occurring on these roads to different degrees. This includes Options A, B, F and G. However, any concern should also be set within the broader context with road accident figures for the A96 and A941 showing a relatively low number of recorded accidents. It is anticipated that security benefits across the 7 options will be marginal and the magnitude of any adverse localised impacts are likely to be low. There will be a trade-off between localised impacts against the wider benefits to Elgin as a whole. Mitigation measures and road safety audits will be part of the detailed design process for any scheme that is taken forward.

Accessibility and Inclusion

- 3.3.10 Accessibility and Social Inclusion considers access to work, education and training, health and shopping as well as impact on particular social groups. Option A will improve access to and from the Edgar Road Retail Zone, Dr Gray's Hospital, The First Day Hospital for the Elderly, education and training facilities, proposed future housing land and the centre of Elgin. Option B will improve access similar to Option A, however will provide a less direct route for pedestrians and cyclists. The Bypass options will promote improved access to the key employment sites in the centre of Elgin and the proposed Business Parks (Business Park East and Business Park West). The combination options will provide access conditions much the same as Option A. Social Inclusion impacts are likely to be modest with widespread deprivation not a significant factor within Elgin.

Integration

- 3.3.11 Transport, land-use and policy integration have been considered. The adoption of the key planning objective means that options appraised through the STAG process will achieve integration across all three aspects of integration.

Economy

3.3.12 The Economic appraisal involved use of the Transport User Benefit Appraisal (TUBA) model (Department for Transport) that considers a 60 year period for each option. A number of different costs and benefits are included: option costs, travel time savings, vehicle operating costs, maintenance delays, carbon benefits, developer contributions, operating costs, and indirect tax revenue. TUBA produces values discounted to 2002 prices. The economic costs and benefits are expressed as a Benefit to Cost ratio (BCR). The Benefit to Cost ratio is a value for money measure, which indicates how much benefit would be obtained in return for each unit of cost to the public sector. A Benefit to Cost ratio (BCR) value below 1.0 produces economic benefits that are less than the economic costs.

3.3.13 The Benefit to Cost ratio (BCR) values for each option are shown in ascending order below:

Option	G	B	E	D	C	F	A
BCR	0.45	0.50	0.50	0.52	0.53	0.86	1.7

3.3.14 The only option to show a Benefit to Cost ratio above 1.0 is Option A. This option has higher benefits compared to the costs and be considered to provide value for money. The Monetary Economic Summary is set out in **Appendix B** to this report.

3.4 Strategic Approach to take Transport Options Forward

3.4.1 The Elgin STAG stakeholders identified a very broad range of transport problems in Elgin. Many of these related to the A96 and A941 strategic roads. The key planning objective was adopted and used throughout the STAG process. The 7 options that have undergone the full STAG Part 2 appraisal complement the key planning objective with varying degrees of benefit, cost, environmental and social impact.

3.4.2 The social and accessibility impacts of the options are presented in the Elgin STAG Part 2 Report. However, a potentially critical aspect of the delivery of all of the 7 options will be the requirement for land and property. All 7 options will require land outwith the boundary of the public road and not in the Council's ownership. The Elgin STAG Part 2 Report includes the land and property costs in the overall costs for each of the options.

3.4.3 There is not a one-scheme fix for the transport conditions in Elgin. There is a need to address the growing congestion problems in Elgin in a phased way.

3.4.4 There are a number of junctions across Elgin that show peak hour congestion and are likely to require some intervention to reduce queues and delays over and above any strategic scheme that is taken forward. These junctions include A941/Morrison Road, A941/Lesmurdie Road and others identified in the new Moray Local Plan.

- 3.4.5 There is a need for an Elgin Traffic Management Plan to be developed that will identify specific measures to be taken forward by Moray Council as the Local Roads Authority, Scottish Executive as the Trunk Roads Authority and Developers as part of the mitigation for the impact of their developments.
- 3.4.6 The predicted traffic conditions in Elgin cannot wait for a long-term (over 10 years) improvement project, something has to be done in the short-term to achieve the key planning objective: to provide a quicker, safer and more reliable transport system in and around Elgin while accommodating future development. The Elgin Traffic Management Plan should have a delivery programme consistent with the Moray local Plan and the Regional Transport Strategy. This will be: Short-term 2007 – 2012, Medium-term 2012 –2017 and Long-term 2017 – 2023.

Bypass Options

- 3.4.7 The primary role of a Bypass is to provide a route for long distance traffic travelling to destinations beyond the community that is bypassed.
- 3.4.8 The Aberdeen to Inverness Transport Corridor Study, undertaken on behalf of Transport Scotland, Hitrans and Nestrans, shows that the traffic levels on the A96 either side of Elgin warrant a higher carriageway standard (wide single carriageway or dual 2-lane all purpose carriageway).
- 3.4.9 The Bypass schemes (Options C, D and E) show some of the highest overall benefits, however they also show some of the highest overall costs. These schemes will wholly involve the Scottish Executive for funding, design, statutory procedures and construction procurement.
- 3.4.10 It is recommended that the Bypass options are retained in the Moray Local Plan and are allocated to the Medium-term delivery programme. The Scottish Executive's Strategic Transport Projects Review (STPR) is currently under way and is due to be completed in late 2008. Due to this short timescale and the growing traffic levels on the A96 trunk road in Elgin it is considered necessary to propose an additional recommendation for a delegation of Elected Members and Council Officers to meet with the Scottish Executive concerning the Elgin Bypass and a delivery programme.

Edgar Road to A96 Options

- 3.4.11 Early consultation in 2004 indicated that a significant number of residents on Wittett Drive were against the proposed road link between Edgar Road and the A96. There are sustained objections to a number of the proposed TSP schemes contained in the new Moray Local Plan. These include those TSP schemes relating to the options that have been considered through the STAG process. It should be noted that many of the TSP schemes will probably require land and in some cases property, to deliver any improvements on the transport network.

- 3.4.12 Extensive investigations have been carried out to try and identify alternative road layouts for Option A that would minimise the requirement for land and property but still deliver the full performance of the original Option A layout. The outcome of this is that whilst a roundabout could probably be physically constructed immediately north of the existing A96/Wittett Drive junction location the geometry would not be compliant with current trunk road design standards for a distributor road joining the trunk road. The feasibility of a roundabout north of the A96/Wittett Drive junction will be explored with the Scottish Executive but at present this is not considered to be a viable option. For these reasons it must be assumed that the construction of Option A would require property acquisition. Information received from Network Rail, since 2004, concerning track height clearances allows lower road levels to be achieved and therefore less impact in the vicinity of the proposed new railway bridge.
- 3.4.13 Option A has a Benefit to Cost ratio (BCR) of 1.70 and complements the planning objectives, provides significant benefits, provides access to employment and services, creates access to areas identified for future land-use and has a mainly neutral environmental impact. There are localised disbenefits that will need to be addressed through mitigation measures brought forward in the detailed design stage.
- 3.4.14 The construction of Option A would require property acquisition. Transportation officials have reviewed the Elgin STAG Part 2 Report and consider the wider benefits for Elgin to be so strategically significant that it is recommended that Option A is retained within the Moray Local Plan and is allocated to the short-term delivery programme 2007 -2012. It is recommended that work starts on the detailed design and a report is prepared for the Full Council to consider progress with design and funding for Option A. Further public consultation at more detailed level would take place if the recommendation is approved.

Combination Options

- 3.4.15 The Combination schemes (Options B, F and G) show a range of benefits from £12.1m to £27.1m and a range of costs between £24.2m to £45.0m. These schemes will have to be delivered by the Local Roads Authority through funding from developer contributions, external funding (such as Hitrans) and Council funding.
- 3.4.16 Options B, F and G have a Benefit to Cost ratio (BCR) less than 1.0. These options will be required to enable certain land-uses to be taken up and future appraisals may be undertaken using more up-to-date traffic and other updated information to re-evaluate the Benefit to Cost ratio (BCR). It is recommended that Options B, F and G are retained in the Moray Local Plan and are allocated to the Medium-term 2012 –2017 delivery programme.

4. **SUMMARY OF IMPLICATIONS**

(a) **Corporate Development Plan/Community Plan/Service Improvement Plan**

This report contributes to:

CDP Environmental Programme 4 Transport

CDP Environmental Programme 5 Development Plan

SIP 5 Working with the community to plan for the future

(b) **Policy and Legal**

The existing and new Moray Local Plan present TSP schemes (transport network improvements) for Elgin.

There are sustained objections to a number of the TSP schemes identified in the Moray Local Plan for Elgin. These include the options considered in the Elgin STAG Part 2 Report. A decision by the Council to take forward any of the options considered in the Elgin STAG Part 2 Report will have an immediate impact for the position to be taken by the Council at the Public Local Inquiry.

Under the Roads (Scotland) Act 1984 local road authorities can construct and maintain roads. A decision to take forward any of the specific transport improvement options will mean that a number of statutory procedures will have to be followed and will include the submission of a detailed planning application.

(c) **Resources (Financial, Risks, Staffing and Property)**

The funding for Option A will involve capital funding from a number of sources. The Council has allocated capital funding to 'Elgin Traffic Management and Car Parking' and there are some developer contributions already paid and others pending the go-ahead of development.

Option A has an estimated cost of £13.9m that includes project risk and optimism bias (as defined in Her Majesty's Treasury Green Book).

There is a need to prepare a detailed funding package to enable Option A to be taken forward.

(d) **Consultations**

The Chief Financial Officer, Chief Housing Officer, Principal Solicitor, Head of Development Services, Principal Planners (Development Services) and Head of Estates have been consulted and comments received have been incorporated in the report.

5. CONCLUSION

- 5.1** It is clear that a specific transport improvement option to satisfy the adopted planning objective for the Elgin STAG Study needs to be taken forward to alleviate existing congestion and forecast traffic conditions.
- 5.2** All 7 options are identified in the Moray Local Plan in order to enable the proposed land-uses to be taken forward. Despite only one option showing a Benefit to Cost ratio (BCR) above 1.0 it is recommended that they are all retained in the Moray Local Plan to ensure the capability of full land-use opportunities identified in the Moray Local Plan. The Council would be required to defend this position at the impending Local Plan Public Inquiry.
- 5.3** All 7 options have adverse impacts to a varying degree and require land for the delivery of the option. Option A has a requirement for land and property. It is considered that the wider benefits for Elgin are so strategically significant that it is recommended that Option A is allocated to the short-term delivery programme for Elgin and detailed design and identification/allocation of funding is taken forward as quickly as possible.
- 5.4** It is recommended that all other options (Options B, C, D, E, F and G) are allocated to the Medium-term delivery programme.
- 5.5** Due to the forthcoming Strategic Transport Projects Review (STPR) it is recommended that a delegation of Councillors and Council Officials urgently seek meeting with the Scottish Transport Minister concerning the future programming of an Elgin Bypass.

Author of Report: Richard Gerring, Engineer (Transport Development)
Background Papers:
Ref: GRH/RJG/PA

Refer to document B003

Comparison of 2006 Base Model versus 2012 Do-minimum (Reference) Model**Total Vehicle Hours 2006 - 2012**

	2006 Base	2012 Ref Case	% Change
AM Peak	1,076	1,385	28.7%
PM Peak	1,354	1,782	31.6%
Sat Peak	1,477	2,240	51.7%

Average Vehicle Speed 2006 - 2012

	2006 Base	2012 Ref Case	% Change
AM Peak	24.0	23.1	-3.7%
PM Peak	22.6	21.1	-6.5%
Sat Peak	21.1	17.0	-19.4%

Comparison of Options for STAG Part 2 Appraisal

AM Peak		
	Total Travel Hours	Average Vehicle Speed (mph)
Do-minimum	1,385	23.1
Option 4 (A)	1,312	24.4
Option 6 (B)	1,338	24.0
Option 13 (C)	1,306	25.1
Option 14 (D)	1,293	25.4
Option 15 (E)	1,283	25.2
Option 16 (F)	1,322	24.4
Option 17 (G)	1,329	24.2
PM Peak		
	Total Travel Hours	Average Vehicle Speed (mph)
Do-minimum	1,782	21.1
Option 4 (A)	1,669	22.5
Option 6 (B)	1,732	21.8
Option 13 (C)	1,609	23.9
Option 14 (D)	1,605	24.0
Option 15 (E)	1,596	23.9
Option 16 (F)	1,621	23.2
Option 17 (G)	1,684	22.5
SATURDAY		
	Total Travel Hours	Average Vehicle Speed (mph)
Do-minimum	2,240	17.0
Option 4 (A)	1,987	19.3
Option 6 (B)	2,089	18.4
Option 13 (C)	1,922	20.4
Option 14 (D)	1,908	20.7
Option 15 (E)	1,932	20.1
Option 16 (F)	1,805	21.3
Option 17 (G)	1,882	20.5

Environmental Summary (see Environmental Assessment Report for full details)

Option	A	B	C	D	E	F	G
Noise & Vibration							
NO2							
PM10							
CO2							
Water Quality, Drainage, Flood defence							
Geology							
Biodiversity							
Landscape							
Visual Amenity							
Agriculture & Soils							
Cultural Heritage							
Option	A	B	C	D	E	F	G

Major Adverse 1	Moderate Adverse 2	Minor Adverse	Neutral 3	Minor Beneficial 4	Moderate Beneficial	Major Beneficial 5

Economic Summary

Option Costs (2007 prices)

	A	B	C	D	E	F	G
Total	£13.9m	£26.1m	£51.2m	£57.9m	£61.4m	£32.4m	£47.4m

Total Benefits

	A	B	C	D	E	F	G
Consumers	£14.6m	£8.1m	£16.1m	£17.9m	£18.5m	£18.2m	£13.8m
Business	£8.9m	£4.9m	£10.2m	£11.6m	£12.0m	£9.7m	£7.4m
Carbon Benefits	£0.13m	£0.05m	£0.06m	£0.10m	£0.14m	£0.15m	£0.10
Developer Contributions	-£0.96m	-£0.96m	£0	-£0.96m	-£0.96m	-£0.96m	-£0.96m
Total	£22.6m	£12.1m	£26.4m	£28.6m	£29.7m	£27.1m	£20.3m

These are present values discounted to 2002, in 2002 prices, extracted from the TUBA model.

Monetised Summary

	A	B	C	D	E	F	G
PVB Benefits	£22.6m	£12.1m	£26.4m	£28.6m	£29.7m	£27.1m	£20.3m
PVC	£13.2m	£24.2m	£49.6m	£55.1m	£58.9m	£31.2m	£45.0m
NPV¹	£9.4m	-£12.1m	-£23.2m	-£26.5m	-£29.2m	-£4.1m	-£24.7m
BCR²	1.70	0.50	0.53	0.52	0.50	0.86	0.45

These are present values discounted to 2002, in 2002 prices, extracted from the TUBA model.

¹ Net Present Value is defined as the discounted sum of all future benefits less the discounted sum of all future costs over the appraisal period.

² Benefit-Cost Ratio is a value for money measure, which indicates how much net benefit would be obtained in return for each unit of cost to the public sector, i.e. BCR = 2:1, £2 benefit per £1 cost.

THE MORAY COUNCIL

EXTRACT FROM MINUTE OF SPECIAL MEETING OF THE ENVIRONMENTAL SERVICES COMMITTEE

THURSDAY 30 AUGUST 2007

COUNCIL OFFICE, ELGIN

PRESENT

Councillors A Wright (Joint Chair: Planning & Environment), J Russell (Joint Chair: Transportation & Direct Services), A Bisset, J Divers, G Leadbitter, M McConachie, G McDonald, G McIntyre, A McKay, F Murdoch, I Ogilvie, P Paul, R Shepherd and I Young.

IN ATTENDANCE

The Director of Environmental Services, the Chief Financial Officer, the Head of Development Services, the Development Control Manager, the Planning and Development Manager, the Transportation Manager, the Principal Solicitor (Commercial and Conveyancing), Angus Burnie, Principal Planning Officer, Mark Cross, Principal Planning Officer (Development Control), David Duncan, Principal Planning Officer (Development Control), Richard Gerring, Engineer (Transport Development), Tim Simpson, Engineer (Development Control), Garry Templeton (Planning Officer), Lorraine Paisey, Principal Accountant, Emma Gordon, Planning Officer and the Principal Committee Services Officer, Clerk to the Meeting.

APOLOGIES

Apologies for absence were intimated on behalf of Councillor J Hamilton.

ALSO IN ATTENDANCE

Mr Paul McCartney and Mr Alan Shirely, Halcrow Group Limited

1. CHAIR

The Chair in respect of the Planning & Environment section of business on the Agenda was taken by Councillor A Wright, Joint Chair (Planning & Environment).

2. DECLARATION OF GROUP DECISIONS

In terms of the relevant Standing Order 20 and the Councillor's Code of Conduct the meeting noted that there were no declarations from Group Leaders in regard to any prior decisions taken on how members will vote on any item on the agenda.

Councillor Bisset intimated that he would question the validity of the recommendations contained within the STAG 2 report when the meeting reached that point on the Agenda.

3. PLANNING APPLICATION

07/00646/FUL CONSTRUCT THE ROTHES FLOOD ALLEVIATION SCHEME ADJACENT TO THE BLACK BURN, BURN OF ROTHES AND THE BACK BURN ROTHES

There was submitted a report by the Director of Environmental Services recommending that, subject to the satisfactory resolution of outstanding issues relating to the on-going considerations by SEPA and Contaminated Land, and conditions as detailed in the report, he be granted delegated authority to approve the application to construct the Rothés Flood Alleviation Scheme adjacent to the Black Burn, Burn of Rothés and the Back Burn Rothés for The Moray Council.

the surrounding properties and area.

3. To ensure a satisfactory form of development, including details currently lacking from the submission, in the interests of amenities and appearance of the development and the surrounding locality, in the interests of road safety, to safeguard and record the archaeological potential of the area and to reduce the risk of pollution and minimise disturbance to protected and local species and habitats, including River Spey Special Area of Conservation qualifying species.
4. To ensure an acceptable form of development including further evaluation of the scheme as constructed and where required to ensure that further remediation work is undertaken to mitigate any residual impact arising from construction and operation of the scheme.
5. To ensure a satisfactory form of development and safeguard the amenities and appearance of the area from impacts identified during the construction phases of the development.
6. To ensure a satisfactory form of development in the interests of the amenities of the development and occupiers of surrounding property.
7. To ensure an acceptable form of development in the interests of the amenities and appearance of the land, including protection of the Rothes Castle Scheduled Ancient Monument.
8. To ensure a satisfactory form of development in road safety terms.
9. To avoid any ambiguity regarding the terms of the consent in respect of the landscaping arrangements for the Rothes FAS, including further consideration to be given to the extent of removal of existing trees and vegetation following further survey work to be undertaken (memorandum from Royal Haskoning, 14 August 2007 refers) and to safeguard the appearance of the locality.
10. In order that further detailed consideration can be given to the landscaping of the site, including further survey work to be undertaken (Memorandum from Royal Haskoning, 14 August 2007 refers) and to safeguard the appearance of the locality.
11. In order that further detailed consideration can be given to the landscaping of the site, including further survey work to be undertaken (Memorandum from Royal Haskoning, 14 August 2007 refers) and to safeguard the appearance of the locality.
12. In order to ensure that the approved landscaping works are timeously carried out and properly maintained in a manner, which will not adversely affect the development or amenity and character of the area.

4. CHAIR

On the conclusion of the business in respect of Planning & Environment, Councillor A Wright vacated the Chair in favour of Councillor J Russell, Joint Chair (Transportation & Direct Services)

5. ELGIN STAG PART 2 REPORT

There was submitted a report by the Director of Environmental Services presenting to the Committee the Elgin STAG Part 2 Report carried out by Halcrow Consultants for the Moray Council and seeking approval for a strategic and phased approach to take forward transport options in Elgin. This will provide confirmation of the position to be taken in responding to objections to the Local plan Review.

The Meeting noted that the Scottish Transport Appraisal Guidance (STAG) is the method of

appraisal for transport policies and projects throughout Scotland.

Prior to discussion of this item the Chairman set out the background to the report stating that the meeting was here to discuss the very comprehensive STAG 2 report which had been prepared by the Council Consultants, Halcrow Group. He stated that the report represents the results of the sifting of options which were identified in the STAG 1 report, and that the Council had agreed in November 2005 that the STAG 2 Study should not be bound by any pre-conditions such as property acquisition as they would not be regarded as objective at the later stage by the Scottish Executive or anyone else. He further stated that there can be no doubt that Elgin has severe traffic management problems that need to be addressed and despite the best on going efforts to persuade the public to consider alternatives to the private car, continued traffic growth and congestion will continue to be experienced as new residential and commercial developments take place. An Elgin by-pass is essential for wider economic reasons but that alone will not solve Elgin's traffic problems because, as has been seen from traffic studies the majority of the traffic either starts or ends its journey in Elgin. A previous Transport Minister informed the Council that internal transport problems should be investigated and solutions brought forward before a by-pass would be considered fully. In conclusion he stated that the Committee was here to play its part in this Council's not inconsiderable investment in search of these traffic solutions and highlighted the potentially critical aspect for the delivery of any of the seven options detailed in the report would be the requirement for land and property not in the ownership of the Council. He further stated that the decisions taken today would also have a bearing on the Moray Local Plan.

Thereafter he referred the Meeting to the recent press statement made by Mr Sandy Adam in relation to a southern alternative route and that Councillors had also been presented with basic information on his proposals. In commending Mr Adam and his associates for alerting the Council to some fresh possibilities he stated that he hoped Mr Adam would make formal contact with the Council soon in order that his proposals can be discussed in detail, however Mr Adam appeared to be talking of a ten to fifteen year timescale. The STAG 2 report feeds into the Local Plan for the next five years and very shortly the Council will have to consider the following five year period and therefore he did not consider that Mr Adam's proposals had a significant effect on what Members had to decide today, nor conversely would what Members decide today adversely affect the worth of his proposals.

On the invitation of the Chairman, Mr Paul McCartney, Halcrow gave a presentation to the Committee on the methodology used and outcomes of the STAG 2 Report. Following this presentation the Transportation Manager provided the Committee with a short presentation on the findings of the STAG 2 Report and the recommendations before the Committee and reminded the Committee that doing nothing was not an option.

Thereafter Mr McCartney and Mr Alan Shirley of Halcrow and the Transportation Manager answered Members' questions.

Councillor Bisset stated that he would wish to call into question the competency of the recommendations before the Committee, in particular recommendation 2.2(iii), which basically was the Wittet Drive scheme. As far as he was concerned, and in his opinion, as far as the public was concerned a decision taken by this Council in September 2004 still stands. Part of that decision stated that the Director of Environmental Services be instructed to commission a traffic study for Elgin when the necessary internal posts had been filled and following on from that to commission a STAG report from suitably qualified consultants to evaluate options and that the decision also stated, 'other than those currently proposed for Wittet Drive in so far as they relate to the use of compulsory purchase powers and demolition of property' which was a specific part of the decision approved by the Council. He further stated that this appears to have been ignored, albeit that he was aware of a further decision taken the following year which ruled out any preconditions, to which he objected at the time as he was of the opinion that this was a 'back door' attempt to get round the position which concerns Wittet Drive.

In response, the Principal Solicitor (Commercial and Conveyancing) advised that in terms of procedure there was no question that what has been done is incompetent. She confirmed the decision taken in September 2004 and what the restrictions were in relation to Wittet Drive at that time, however the subsequent, unanimous decision taken in November 2005

was to go into the STAG2 report proper without any preconditions whatsoever and that this means that the decision taken in September 2004 was subsequently moved on in terms of the decision in 2005 and that officers were given a clear remit to look at all options so that a full and unrestricted report was brought back to Members. What has been done is in line with a unanimous decision of the Council.

Councillor Bisset thereafter stated that this was the reply he had expected and that as he had already stated it was a back door method, which was used to attempt to withdraw the implications as far as Wittet Drive was concerned. He questioned whether the decision had been unanimous as he had most likely been at that meeting and whilst it may have been unanimous he would most certainly have voiced strong reservations against it. He was, however, willing to accept what has been said as it would, in his opinion, have helped to clarify in the minds of the public how the Council has arrived at the scenario it has today.

The Director of Environmental Services stated that he would be concerned that any Councillor was putting forward that the Officials had ignored Council's instructions and were that the case he would have expected any Member to have made a complaint to the Chief Executive before today's date and it was his understanding that no complaint has been made on that basis. He confirmed that, having checked the situation himself, the decision on 9 November 2005 was a unanimous one and that Councillor Bisset was present at that meeting. He also confirmed that in so far as the information and the proposals contained in the Local Plan is concerned, all those are matters which have been approved by Councillors within this Chamber and that the Officers have in fact followed the Council's instructions.

The Principal Solicitor (Commercial and Conveyancing) further stated that in regards to Councillor Bisset's comments made at the meeting in November 2005 relating 'a back door manoeuvre', this clearly was a decision of the Council and in her opinion it would be unfair to suggest that Officers and indeed the Consultants have done anything other than carry out the Council's instructions.

Councillor Bisset stated that he wished to clarify a statement made by the Director of Environmental Services at the Meeting in November 2005, which he had made a shorthand note of, which stated that 'in the first instance it is accepted that there would be no compulsory purchase or demolition' but stressed the need for a consultant to conduct the survey 'without any preconditions'.

In response the Director of Environmental Services stated that Councillor Bisset had shown him a copy of a letter from which the extract had been taken, which he had sent out to his constituents at the time. He further stated that he was sure that every official in the Meeting and outwith would agree that the use of compulsory purchase powers are not something which they would use regularly and that they would regard them as matters of last resort. He further stated that all of the options put before the Committee in the report involve either land or property outwith the boundary of the highway and when having further dealings with the public whether they be in New Elgin, in Elgin or elsewhere, to say that the Council has dealt with these proposals equitably and that was certainly the intention of what he tried to say at the time and that is what he would re-iterate today.

Thereafter the Chairman invited further discussion by the Committee on the STAG 2 Report and the recommendations contained in the report.

Councillor Bisset, stated that, whilst not wishing to be seen to be 'hogging' the microphone, he wished to assure Members that this was just the initial skirmish in what is certainly going to become a long running battle which will be waged by householders in the residential west end of Elgin, and it will be a long and bloody battle. He further assured the Meeting that there will be no surrender from those directly affected and went further to say that there would be as much chance to get the residents in the Wittet Drive area and the west end of Elgin to accept the prospect of compulsory purchase and bulldozing of their homes, as there is of getting one of Richard Branson's spaceships taking off on a holiday flight from RAF Lossiemouth. He further stated that much play had been made that land and property will be required for whichever of the options is accepted and referred to page 10 of the report which stated that all seven options have adverse impacts to a varying degree and require land for the delivery of the option. However, at present only Option A has the requirement for land and

property.

He therefore intimated to the Meeting that it would be his intention to move that recommendation 2.2(iii) relating to Option A be deferred until such time as full consultation has been carried out with all directly affected householders in Wittet Drive and that the results of that consultation will include the response of affected householders to the prospect of The Moray Council initiating compulsory purchase orders to acquire and demolish their homes and or grounds, but, that in order to allow other Members the opportunity to debate the matter, he would formalise his motion at a later stage in the meeting as advised by the Principal Solicitor (Commercial and Conveyancing).

Councillor G McDonald sought clarification in regard to Developer Contributions, in that should the Committee decide to opt for the more expensive option would the Developer Contributions increase pro-rata?

In response the Transportation Manager advised that contributions from Developers had already been collected in Elgin, partly from Elgin South, partly from Robertson's and partly from other developments on extending Springfield Retail Park, which are held by the Council in interest accruing accounts and the condition on which these have been collected by the Council is that the Council will do some infrastructure improvements within the town that will assist in relieving traffic problems at the Laichmory roundabout and Edgar Road. In relation to the question of whether a more expensive option is chosen, and if housing is associated with this option, and this is not known at this stage, then it may be that some developer contributions could come forward. However with Developer Contributions comes extra development and additional traffic.

The Director of Environmental Services advised that if the Council wished to consider Option B further then what he would certainly be looking at would be to try to maximise the Developer Contributions and that would mean relooking at the land allocation within that area. However he stated that the one thing that he would find difficult to achieve was in relation to the comparator costs between the two routes and he was of the opinion that it would not be possible to make up the difference between the two from Developer Contributions and that the Council would be looking for contributions towards schools and other aspects as well and therefore even if the Council was able to gain additional Developer Contributions it does not mean to say that it would be allocated to infrastructure of this type.

In response to a supplementary question from Councillor McDonald, the Director of Environmental Services advised that the amount of Developer Contribution would depend on the type of development to be undertaken and it would be for example a contribution so much per house towards the development. Should the Council decide to put in a road, which costs £26m as opposed to a road, which costs £13m that does not automatically mean that the Developer Contribution would increase by 100% to take account of that. The contribution is a matter for negotiation with the Developer and if the Council were to say that the contributions have to go up, it could well make the developments uneconomic.

Councillor Wright sought clarification in relation to the detailed design work, which would be required in any case in relation to Option A with particular reference to the design of a roundabout at the junction of Wittet Drive and the A96.

In response the Transportation Manager referred the Meeting to paragraph 3.4(12) of the report and advised that Officers have tried to provide as honest and as full an answer as possible on this issue as the information they currently have allows. He stated that there is some scope for building a roundabout immediately north of the A96, the existing A96 and Wittet Drive junction, Officers have looked into it in an outline design and the difficulty is having enough space to construct a roundabout that is acceptable, not just to Officers as Engineers, but also to the Trunk Road Authority, the Scottish Executive, without affecting houses on the other side of the road. The indications are that this will be very difficult. What is stated in the report, if that is what is decided by the Committee, is that the work could be carried onto a more detailed design and submit the very best roundabout that they can design to the Scottish Executive and get their view. However he cautioned that this was not a certain way out and that if Officers had thought it was, there would have been no requirement for discussion today.

The Chairman stressed to the meeting that with all of the options contained in the report, no detail design work has been done and the Council does not know at this point how many houses in Wittet Drive would be affected by the original plan as the Council has not given authority to Officers to go forward with the detailed design work. This also applies in the case of Option B and therefore the Council does not know whether this is a do-able option.

Councillor Leadbitter stated that he had significant opposition to the compulsory purchase of peoples' homes. As Councillors, they were required to consider the technical recommendations before them and balance these with the impact on individuals and the likelihood of several homes being affected in Option A. This is undoubtedly extremely distressing for the residents, and has been said previously, they are likely to fight this for as far as they could take it with the Planning process and that in itself is an expensive thing for the Council to defend. In his opinion this is a consideration the Council has to have regard to which is not included in the current cost assessment. In moving on to some of the other issues, he made reference to the other railway crossings in Elgin which were removed in the earlier part of the appraisal and stated that while he accepted that all of those individually do not resolve the significant traffic problems that Elgin has around the A941 bridge at ASDA, there was a need, in his opinion, to consider what the combination of things could do, as there was no need for an 'all singing all dancing' route that will take the maximum number of vehicles off the A941 bridge. What is needed, in his opinion, was something that will significantly reduce the pressure on it as it is a good link as it is and can hold a fairly decent amount of traffic before it comes under significant pressure. At the moment it is on the high end of its capacity and is on the verge of causing really significant delays, which is obviously what the Council is trying to resolve. He then spoke of the improvements proposed for the Reiket Lane Bridge and the improvements to Thornhill Road as a result of development in these areas, which in his opinion would divert some of the traffic from the A941 Bridge. In respect of the Wards option he stated that this again could create a transfer of some traffic from the A941 bridge, and that whilst all of these are taking some traffic away, they do not take enough traffic away and this is where it comes down to the other options. He would argue that, whilst Option A would take away a lot of the traffic, he was of the opinion that it was not necessary to take as much traffic away from the bridge as that. In his opinion there was no need to provide the absolute optimum travel time through Elgin, as long as the travel time is reasonable and is workable for the public and the traffic management within Elgin. He referred to the benefits relating to air quality and cultural heritage offered in Option B, but not in Option A, and argued, that whilst it is not a benefit that is calculated in the cost ratio, that air quality has an impact on the cost of future health care which although is not a cost to the Council, is a cost to society. He further referred to the economic benefits and developable land, which had yet to be identified. In his opinion, if Edgar Road is extended this would clearly create possible further developable land, which in turn could create additional employment, then there was a significant economic benefit there, which is not included in the cost ratio. He further referred to the Local Plan which was due for consideration later on the Agenda which would require consideration of potential significant new house development on the north side of Elgin which would put a considerable amount of pressure onto the Morriston Road junction which in his opinion would have an impact on a more up to date benefit cost ratio. In summary he sought clarification on the impact of new housing developments on the north side of Elgin on the Morriston Road junction and on the potential economic benefits of additional developable land that are not included in the benefit cost calculations.

In response the Director of Environmental Services advised that it was explained to the Committee at the outset of the meeting that what was being considered was a programme of measures and not just one and that Councillor Leadbitter correctly pointed out impacts across Elgin which are valid points. In relation to improving the crossing point at the Wards, consideration has to be given to where the traffic will go from that point. Therefore whichever option is taken, there are implications, which follow on. In regard to the increase in houses which would affect the Morriston Road junction, whilst this would increase the cost benefit ratio, improvements to this junction in order that it could deal with the additional traffic would then impact on peoples homes which are directly up against the junction itself on either side of Morriston Road at the junction with Lossie Road. This goes back to the issue if Members are not prepared to take into account the question of acquisition of properties, and he accepted that there were great difficulties with this, then that limits what can be done and the amount of improvements which could be achieved at that junction is not going to be adequate

to deal with the amount of additional traffic which would be generated and would require going back to the beginning and to look at the land allocations again in that area.

In response Councillor Bisset stated that he appreciated the Director's comments in relation to the junction at Morrision Road with Lossie Road and that it was fair to say that in the future that was going to be a more difficult decision for this Council as the options were more limited as it was already a very limited junction with very little space to work with. The difference between that and what was before Members today was that there are other options available and that these should be considered on a case-by-case basis.

The Principal Solicitor (Commercial and Conveyancing) in responding to comments made in regard to the acquisition of land and property, stated that this is a position Officers have sympathy with in relation to large schemes be they road schemes or anything else. However she reminded the Committee that in regard to decisions made in relation to the flood schemes, this Council has taken hard decisions on the fact that they will impact on property as well as land and that there have been other road schemes which have impacted on property. She was of the opinion that the point required to be made in regard to defending decisions at Inquiry, that this is a matter the Council comes up against in promoting large scale schemes where there is a large benefit for the overall community and in each of the cases of the flood schemes, they have all so far involved acquisition of property and potential demolition. In those cases, despite the fact that the Council has statutory powers behind it, so far the Council has managed to achieve that by negotiation, but that is not to say that in relation to all of those that is going to be an easy road. What needs to be borne in mind is that this is not unique to this situation here. She further stated that although much mention has been made of Compulsory Purchase [CPO] and demolition, the Council is not at a stage where it is saying that it has to be CPO, there are negotiations, which have to be gone through in any situation. As there are yet no definitive engineering lines the Council does not know who exactly it would be dealing with, which has been the same for the flood schemes. There is a need to have agreement in principle to look at the scheme and then to address the issues as they come up as to who is directly affected and then to address those.

The Transportation Manager advised that in respect of comments made in regard to the improvements to bridges and in particular the Reiket Lane Bridge, and cost benefit analysis, the figures provided within the STAG 2 report for extra hours on the network in 2012 are based on the new developments proposals in the Local Plan but also road improvements that are committed have been included. Therefore the assessment includes the additional traffic of proposed developments and also it assumes that Reiket Lane is opened up with a new bridge and with no traffic signals and that the Elgin Road Bridge is still in serious trouble. This has all been considered in the cost benefit analysis.

In response to Councillor Young's comments concerning the impact on traffic in other areas in Moray, Richard Gerring, Engineer (Transport Development) advised that the traffic model included new trips forecast outside of Elgin, background traffic growth, which is taken from national information and forecast into the model. Traffic on the trunk roads and on the A941 is forecast to grow and that is what has been factored into the model and as indicated previously, the 2012 model indicates even greater pressure on the transport network in Elgin.

Councillor Paul stated that in regard to the issue of compulsory purchase relating to the flood alleviation schemes, Members were given no alternative, it was a flood scheme with compulsory purchase or nothing whereas the Committee is looking at seven options in relation to this issue.

In response the Principal Solicitor (Commercial and Conveyancing) reiterated her concerns regarding the use of the words compulsory purchase. The Council has not used compulsory purchase yet. It is acquisition of property and that it was important that people were clear about this as the Council was often accused of bullying and certainly compulsory purchase brings with it connotations and unpleasantness that people do not like. It is acquisition of properties that needs to be borne in mind and the Council has been very fortunate that in many cases, even in difficult situations, has managed to achieve that by negotiation even when it was thought that that might not be a possibility.

The Transportation Manager clarified the difference between options and alternatives and

stated that the seven options contained in the report are not all direct alternatives to each other. Officers were only recommending one option for the short term as something needs to be done in the short term, an Elgin by-pass is not an alternative to what is being recommended in the short term, both are needed.

Following further discussion concerning the proposals relating to Wittet Drive and the acquisition of properties, the Chairman stated that in his opinion, we cannot as a Council bind ourselves by making an absolute declaration that we are limited in our attempts to improve traffic circulation and relieve traffic congestion in Elgin by never undertaking acquisition of property. Thereafter he urged the Committee to utilise the information contained within the STAG 2 report by going one step further and at least examining in some detail the potential for the extension of the roundabout at the north end of the A96 so somehow improving that junction that relieves any pressure on the residences at the north end. Moving down to the south end of Wittet Drive where the bridge comes in, he suggested that authorisation be given to Officers to go forward with the detailed design work then come back to Council to see what it looks like and what the potential risk is to property in the shape of gardens as opposed to houses. He further proposed that Option B be looked at and urged a dual look at the more detailed design of Option A with the option that eliminates the dog leg at the north end of Wittet Drive and Option B.

Councillor Bisset, stated that he would be more than happy to accept the suggestions made by the Chairman that the Council do have further examination into the possibility, albeit remote possibility, of constructing a roundabout to meet requirements at West Road and Wittet Drive without acquiring property. Also for further investigations at the south end of Wittet Drive, but in particular Option B which, in his opinion has long been the correct option, although more expensive but which in his opinion is going to be far more beneficial at the end of the day and would certainly almost meet the requirements of a mini by-pass, although it would not be such, it would certainly ease traffic in the centre of the town if Option B was progressed. He further stated that he would support anything that can be done to improve traffic in Elgin but will not support anything that involves compulsory purchase and as the Chairman's suggestion does not, at this stage, involve compulsory purchase, he would be willing to support the recommendation that the Council follow up the options as suggested particularly Option B and therefore withdraw his motion.

In response the Chairman reiterated that he was not guaranteeing, certainly at the south end of Wittet Drive in relation to the railway bridge, that it does not involve the acquisition of property, but until the detailed design is carried out, no one has any idea of what actually is involved.

In supporting the Chairman's proposals Councillor Divers stated that he wished to make the Committee aware of the views of the people affected in the New Elgin areas of Sandy Road and Glen Moray Drive and that whilst they may not yet have been as vociferous as those of the people of Wittet Drive, there are a lot of rumblings amongst the residents against the proposals.

Following further discussion Councillor Leadbitter asked the Committee to consider an alternative amendment and proposed that recommendation 2.2(i) is amended to read retention of TSP options B, C, D, E, F and G in the Moray Local Plan which is basically removing Option A, changing recommendation 2.2(iii) to read allocation of Option B to the short term delivery programme and to amend recommendation 2.2(iv) by removing Option B to keep it in line with the other changes which would completely remove Option A from consideration. He further stated that his reasoning for this was that if the Council were to go forward with two possibilities at this stage he would imagine that going through detailed proposals will take a considerable amount of time and it has already been made clear that the do nothing option is not an option. Whilst this is not as bad as doing nothing equally if we do not chose a particular way forward we are adding additional time to resolving the problem and he was of the opinion that the Committee really had to make a decision as to which Option to go for at this stage.

In response to Councillor Leadbitter's amendment the Chief Financial Officer stated that whilst in financial terms he was reasonably comfortable with the Chairman's proposals, as far as what has just been proposed is concerned he has major concerns. He referred Members

to the detailed assessment of the financial position for the Council for the next four years, which he had provided to Members in June. That assessment includes reference to a number of major capital projects, the flood schemes, school estate, Elgin Traffic Management and waste management. All of these contribute significantly to the financial pressure on the Council and as reported in the press the day before resulting from the paper he had provided to the Policy Committee, the Council is looking at a very realistic assessment where the Council needs to reduce its operating costs by eleven million pounds over the next four years. Option A has been recommended to be taken forward as the most appropriate solution for traffic management in the short term, bearing in mind we are talking in terms of engineering short term, which takes the Council up to about 2012. He further stated that Option A is also, by far, the lowest cost, therefore until much greater progress has been made to identify how the Council budget is to be balanced over the next four year period, it would be irresponsible of this Council to remove Option A at this time.

Thereafter, in accepting the advice of the Chief Financial Officer, Councillor Leadbitter withdrew his amendment.

Further discussion followed during which Councillor Murdoch stated that she was of the opinion that the Council should be looking at ways of reducing the number of vehicles on the roads and should not be considering spending so much money on schemes which in her opinion was unaffordable and irresponsible. In support of Councillor Murdoch, Councillor McKay further stated that she was of the opinion that Wittet Drive would find itself in the same situation as the High Street in Fochabers.

Prior to the conclusion of the discussions, the Director of Environmental Services asked that the Committee consider as part of its deliberations granting him delegated authority to undertake consultations with the Community at appropriate stages as the matter progresses, and to investigate the developer contributions arising from further detailed work on Option B.

The Chairman sought to clarify the position in regard to the other Options C, D, E, F and G, which are basically indicative lines. They are good ideas but they have been relegated to medium term delivery as they are not going to solve Elgin's traffic problems in the short term and that the Committee was not recommending that any work on these be done at this stage other than that they would be shown in the Local Plan. In regard to the final recommendation relating to a Member/Officer working party to meet with Scottish Ministers he was of the opinion that no one would have objection to that and asked that Members take it on trust that all member groups will be consulted as regards to when, where and who will make up the party.

Councillor Divers, in response to the comments made by Councillor Murdoch in relation to the Council behaving irresponsibly in regard to the Elgin traffic management issues, stated that as Chairman of the Moray Trades Union Council some eight years ago he was involved in the inception of the Moray by-pass committee along with the Northern Scot and had to say that that is why the Committee is here. All this came forward from discussions with the Council and the Scottish Executive for the need for an Elgin by-pass and it is not irresponsible to take these decisions based on the feelings of the people not only of Elgin but of the wider Moray and over eight thousand people signed a petition in favour of a by-pass. The By-pass Committee is still involved and working well and that is the reason the Committee is here and not for irresponsible reasons.

Thereafter the meeting agreed to a short ten minute recess in order for a form of words to be prepared to ensure that the correct wording is approved for this very important resolution which may be scrutinised and questioned in the future by other Councillors.

Following the recess the Committee reconvened and the Principal Solicitor (Commercial and Conveyancing) read to the Meeting the wording of the recommendations as amended which involved:-

- a no change to the wording of the recommendations at 2.1 (i)-(iv);
- b the wording of 2,2(I) becomes the "Retention of all TSP options in the Moray Local Plan" with the wording "with amendment to the A96/Wittet Drive Junction" being deleted;
- c 2.2(ii) remains as printed;

- d 2.2(iii) being amended to read “ Allocation of Option A as amended which is effectively straight down Wittet Drive as opposed to a dog leg and Option B to the short-term delivery programme and to proceed with the detailed design work and to submit a report to Full Council for the Capital Programme;
 - e 2.2(iv) being amended to read “Allocation of Options C, D, E, F and G to the medium-term delivery programme;
 - f 2.2(v) remains as printed;
 - g a new 2.2(vi) to read “That the Director of Environmental Services is to undertake consultations with the Community at appropriate stages as the matter progresses”, and
 - h a new 2.2(vii) to read “ Delegate to the Director of Environmental Services to investigate the developer contributions arising from further detailed design work on Option B.
- All of which she understood reflected the discussion of the Committee.

In the interests of brevity, Councillor Bisset stated that he was prepared to accept these but wished to emphasise for the advantage of the members of the public who were present that when it is said that the Council is going to proceed with detailed design work it will incorporate the suggestions that have been put forward by the Chairman and other Members regarding the roundabout feasibility at the top end and the rail bridge scenario at the other end of Wittet Drive.

The Chairman further added for long term assurity, that in terms of 2.2(iii), in regard to the allocation of Option A and Option B to the short-term delivery plan there is no intention of doing both, it is either or from a delivery programme and budgeting point of view.

In response, the Principal Solicitor(Commercial and Conveyancing) stated that it is clear that the Committee is agreeing to look at both through further detailed design work and to submit reports on the capital costs of those and at the appropriate stage the Council will have to decide which Option it wishes to go with having regard to financial restraints and various other restraints, but that the Committee was agreeing to take both forward when the initial recommendation was only for one

Thereafter, there being no one otherwise minded, the Committee agreed to:-

- a note the contents of the Halcrow Elgin STAG Part 2 Reports;
- b approve retention of all TSP options in the Moray Local Plan;
- c approve the development of an Elgin Traffic Management Plan with a phased delivery programme in line with the Regional Transport Strategy (2007-2012/2012-2017/2017-2023);
- d approve allocation of Option A as amended (i.e. straight down Wittet Drive as opposed to a dog leg) and Option B to the short-term delivery programme and to proceed with detailed design work and to submit a report to Full Council for the Capital Programme;
- e approve allocation of Options C,D,E,F and G to the Medium-term delivery programme;
- f approve delegation of Member/Officer party to urgently meet with Scottish Ministers concerning Elgin Bypass options/programme;
- g the Director of Environmental Services undertake consultations with the Community at appropriate stages as the matter progresses, and
- h delegate to the Director of Environmental Services to investigate the developer contributions arising from further detailed work on Option B.

6. ADJOURNMENT OF MEETING

Thereafter the Meeting agreed to adjourn for lunch and reconvene at 2.00 pm

7. MEETING RECONVENED

The meeting reconvened at 2.00 pm