

REPORT TO: ECONOMIC DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE ON 18 DECEMBER 2012

SUBJECT: ELGIN WESTERN LINK ROAD – REPORT 1: OUTLINE DESIGN

BY: CORPORATE DIRECTOR: ENVIRONMENTAL SERVICES

1. REASON FOR REPORT

- 1.1 To advise Committee of the outcomes of the recent public exhibition and to seek approval of the developed outline design.
- 1.2 This report is submitted to Committee in terms of Section III (G) (16) of the Council's Administrative Scheme relating to all functions of the Councils as Roads Authority including safety, the detailed planning, design and construction, improvement, maintenance and lighting of roads, bridges and other structures.

2. RECOMMENDATION

2.1 It is recommended that Committee:

- a) note the outcomes of the community engagement, the workshops and recent exhibition;
- b) approve the outline design for progressing to a planning application and;
- c) authorise investigation into potential enhancements from Edgar Road to Sandy Road as identified in the Local Plan.

3. BACKGROUND

- 3.1 Reference is made to the update report submitted to this Committee on 23 October 2012 (Para 4 of the minute refers) and to the Elgin Western Link Road Report 2 – CPO submitted to this meeting.
- 3.2 A public exhibition was held on 10 and 11 October 2012. The event explained the need for, and the background to the scheme. It also showed a revised design following the June 2012 workshop.
- 3.3 The exhibition recorded 341 people attending over the two days. A march organised by the Elgin Designing Streets Action Group (EDSAG) demonstrating against the proposals brought out a large number of people with 2 separate petitions handed in during the event however it is expected that these will be properly submitted at the time of the planning application.
- 3.4 It was clear at the exhibition that a significant number of people were under the impression that the Council planned a “city-centre bypass” and were diverting A96 traffic around the south side of Elgin, implying greater traffic flows than is predicted. This is reflected in the leaflets and other messages distributed by EDSAG in advance of the exhibition.
- 3.5 About 150 feedback sheets have been received following the exhibition. The majority of these were not in favour of the scheme and suggested that either

the scheme should be scrapped or a proper bypass should be built. A copy of all the feedback sheets has been sent to all Elected Members.

- 3.6 Following the exhibition and in advance of a public meeting held by EDSAG, the list of Frequently Asked Questions (FAQs) on the Council's website was updated to counter the various misunderstandings and assumptions. This list will continue to be developed. In addition, the first of a series of newsletters is being prepared to help advise both the local residents and the wider public of the significant issues and of scheme progress.
- 3.7 Following the workshop in June 2012 and the recent public exhibition, a Stakeholder Design Appraisal Report has been prepared and is attached as **APPENDIX 1**.
- 3.8 The key design changes arising from engagement with the community and other stakeholders are outlined below and are shown on the plans contained in the last six pages of **APPENDIX 1**:
- A signalised junction on the A96 in lieu of a roundabout. This provides benefits for pedestrians and cyclists in addition to requiring less land and 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 that will become redundant as a through-route. This will help discourage its use by all except residents.
 - A “gateway” will be incorporated to highlight to drivers turning off the A96 that they are entering a different type of street.
 - Wittet Drive will be reduced in width from 8.3m to 6.6m to accommodate parking, streetscaping and to help manage traffic speeds.
 - Pedestrian crossing facilities will be provided at various locations and include traffic signals at Pluscarden Road junction.
 - A single-span bridge over the railway will be masonry clad and be screened where possible.
 - Pedestrian crossings of the road be “at-grade” (road level) rather than by way of an underpass.
 - The extension of Edgar Road will allow parking and will include a new signalised 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.
- 3.9 The timetable for the new High School project is such that the extension of Edgar Road and the new junction will likely form part of the proposed works

for the High School. These elements will be included in the planning application for the school.

- 3.10 It is noted that the scheme is not a major application under Planning legislation, however due to its sensitivity, adopting the major application process represents good practice. It is proposed the outline design identified in this report will form the basis of the pre-application consultation.
- 3.11 Should Edgar Road be extended, whether to facilitate the High School and additional housing and/or as part of the Western Link Road, this will result in higher volumes of traffic at the Edgar Road / Glen Moray Drive / The Wards junction (referred to as TSP9 in the Local Plan). Investigations should now commence to consider junction options.
- 3.12 The junction of Birnie Road / Sandy Road (TSP7) and the south end of Sandy Road has recently been widened by the developer associated with the R9 Birnie Road site. The remainder of Sandy Road and Glen Moray Drive require consideration as they form the connection from the south of Elgin to the Western Link Road. This is identified in the Local Plan as TSP8 (Sandy Road / Glen Moray Drive Realignment).

4. SUMMARY OF IMPLICATIONS

(a) Single Outcome Agreement/ Service Improvement Plan

The Western Link Road, in line with the National Scheme, is consistent with Outcome 1 and the Local Outcome 3; (Moray will benefit from an improved and safer transportation infrastructure).

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.

(b) Policy and Legal

There is no policy or legal issues arising from the recommendations.

(c) Financial implications

The Capital Plan for the current year identifies adequate budget to progress the design and submission of a planning application for the Western Link Road.

In the event that the High School works are likely to commence sooner than the Link Road requiring an extension of Edgar Road, budgets may have to be adjusted accordingly.

The current Capital Plan allocation for the development of the Western Link Road can accommodate initial design work on Glen Moray Drive and Sandy Road.

(d) Risk Implications

Incorporating feedback from the community and stakeholder groups into the design will help mitigate against potential objections to a planning application.

A project risk register is in place and will be developed further throughout the design.

(e) Staffing Implications

There are no staffing implications of the recommendations.

(f) Property

The acquisition of property is covered in a separate report to this Committee.

(g) Equalities

There are no equalities issues arising from this report.

(h) Consultations

The Educational Resource Manager has been consulted and has no comments to make.

L Paisey, Principal Accountant has been consulted and is in agreement with the report.

5. CONCLUSION

- 5.1 There has been considerable community and public engagement over the past few months and this has led to significant amendments to the design of the scheme to enhance the sense of place and cater for pedestrians and cyclists.**
- 5.2 A large number of people are against the principle of the scheme however this could be influenced by misinformation that has been in circulation.**

- 5.3 Design work should commence to investigate options at Edgar Road / Glen Moray Drive / The Wards junction as it is acknowledged that whether for the High School, housing and/or the Western Link Road there will be a significant change to the traffic flows.**
- 5.4 Consideration also needs to be given to proposals for improving the remainder of Glen Moray Drive and Sandy Road to enable proper utilisation of the other improvements and improve links from the south side of Elgin to the north side.**

Author of Report: F Knight, Senior Engineer (Design)

Background Papers:

Ref:

Refer to document B008

THE MORAY COUNCIL

EXTRACT FROM MINUTE OF MEETING OF THE ECONOMIC DEVELOPMENT & INFRASTRUCTURE SERVICES COMMITTEE

TUESDAY 18 DECEMBER 2012

COUNCIL OFFICE, ELGIN

Present

Councillors F. Murdoch (Chair), L. Creswell (Depute), G. Coull, S. Cree, J. Divers, G. Leadbitter, G. McDonald, A. Mclean, P. Paul, D. Ross, R. Shepherd, C. Tuke and A. Wright.

ALSO PRESENT

Councillors S. Morton and M. Howe.

IN ATTENDANCE

The Corporate Director (Environmental Services), the Head of Direct Services, the Head of Development Services, the Planning and Development Manager, the Roads Maintenance Manager, the Consultancy Manager, the Estates Manager, Mr A Duff, Senior Engineers (Traffic), Mr F Knight, Senior Engineer (Design), Mr A. McEachan, Legal Services Manager (Property & Contracts) and Mr D. Westmacott, Committee Services Officer as Clerk to the Meeting.

Also in attendance by invitation, Mr D. Bryden, Cairngorm National Park (in respect of Item 5) and Mr G. Guthrie, Royal Haskoning DHV (in respect of Item 6).

1. DECLARATION OF GROUP DECISIONS

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillor Leadbitter declared a personal interest in Item 8 „Elgin Western Link Road – Report 1: Outline Design“ and Item 9 „Elgin Western Link Road – Report 2: Compulsory Purchase Order“, advising he was acquainted with someone potentially effected by the Compulsory Purchase Order.

There were no other declarations from group leaders or spokespersons in regard to any prior decisions taken on how members will vote on any item on the Agenda or any declarations of Members Interest in respect of any Item on the Agenda.

2. EXEMPT INFORMATION

The meeting resolved that, in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting during consideration of the items of business appearing at the relevant paragraph of this minute as specified below, so as to avoid disclosure of exempt information of the class described in the appropriate paragraphs of Part 1 of Schedule 7A of the Act.

5. PRESENTATION - CAIRNGORMS NATIONAL PARK AUTHORITY

The Committee noted an informative presentation on Cairngorms National Park by Mr Duncan Bryden, the new Chairman of the Cairngorms National Park Authority Board.

6. MORAY ECONOMIC STRATEGY IMPLEMENTATION: ENGAGEMENT, MARKETING & COMMUNICATIONS ACTIONS PLAN

There was submitted a report by the Corporate Director (Environmental Services) requesting that the Committee support funding for implementation of the Engagement, Marketing and Communications Action Plan for the Moray Economic Strategy. A copy of the action plan was provided as Appendix 1 to the report.

The Planning and Development Manager advised that recommendation 2.1 (i) should read “agreed to allocate up to £25,000 per annum from the Economic Development Budget 2013/14 and 2014/15, as a partner contribution, to the provision of engagement, marketing and communications to support implementation of the Moray Economic Strategy” and this was noted by the Committee.

Councillor Wright moved that recommendation 2.1 (iii) be amended to read “referred the matter and budget allocation to the Policy and Resources Committee for further consideration once partner contributions are confirmed”. This was unanimously agreed.

Following consideration, the Committee:-

- (i) agreed to allocate up to £25,000 per annum from the Economic Development Budget 2013/14 and 2014/15, as a partner contribution, to the provision of engagement, marketing and communications to support implementation of the Moray Economic Strategy;
- (ii) noted the draft action plan prepared, as set out in Appendix 1 to the report, and that funding contributions are being sought from members of the Moray Economic Partnership and Business Community;
- (iii) referred the matter and budget allocation to the Policy and Resources Committee for further consideration once partner contributions are confirmed; and
- (iv) recommended to the Moray Economic Partnership that contributions for this element of the Strategy should be sought from all partners.

7. ELGIN WESTERN LINK ROAD – REPORT 1: OUTLINE DESIGN

Councillor Leadbitter, having declared an interest in this item, left the meeting, taking no part in the deliberation of the item.

Under reference to paragraph 4 of the Minute of the Meeting of this Committee dated 23 October 2012, there was submitted a report by the Corporate Director (Environmental Services) advising Committee of the outcomes of the recent public exhibition and to seek approval of the developed outline design for Elgin Western Link Road. A copy of the Stakeholder Design Appraisal Report was provided as Appendix 1 to the report.

During discussions, Councillor Ross moved that the Committee do not approve the outline design for progressing to a planning application.

There being no seconder, Councillor Ross" motion fell and thereafter, the Committee:-

- (i) noted the outcomes of the community engagement, the workshops and recent exhibition, as detailed in Appendix I of the report;
- (ii) approved the outline design for progressing to a planning application, as set out in Appendix I of the report; and
- (iii) authorised investigation into potential enhancements from Edgar Road to Sandy Road as identified in the Local Plan.

8. ELGIN WESTERN LINK ROAD – REPORT 2: COMPULSORY PURCHASE ORDER

Under reference to paragraph 4 of the Minute of the Meeting of this Committee dated 23 October 2012, there was submitted a report by the Corporate Director (Environmental Services) asking Committee to consider Compulsory Purchase Order (CPO) proposals for the Elgin Western Link Road Scheme.

During discussions, Councillor Ross moved that the Committee note the content of the draft Statement of Reasons and do not proceed with a CPO until the relevant planning application has been determined. This was seconded by Councillor Wright.

Councillor McDonald queried if Councillor Ross" motion would require a suspension of Standing Order 83 following the decision of this Committee at it"s meeting on 23 October 2012.

Mr McEachan confirmed that at its meeting on 23 October 2012 this Committee voted against a motion that any proposal to move forward with a CPO be deferred until the planning application had been determined by the Planning and Regulatory Services Committee and thereafter agreed that the detailed design changes and a Draft Compulsory Purchase Order (CPO), including Statement of Reasons, be submitted to this Committee on 18 December 2012 with a recommendation that the Committee agrees the design changes, land requirements and the Draft Statement of Reasons, with a further recommendation to The Moray Council that it makes the Order. He advised that a suspension of Standing Order 83 would be required to overturn this decision.

In response to the Chair's request for a material change in circumstances to merit a suspension of Standing Order 83, Councillor Ross advised that the draft Statement of Reasons presented did not provide enough reason to submit a CPO prior to a planning application, and the Committee did not have the draft Statement when making the decision on 23 October 2012.

Thereafter, the Committee agreed to consider the suspension of Standing Order 83 by "show of hands" to which Councillor Ross expressed concern regarding the recording of such a method. In response, the Chair advised that an electronic vote would be taken instead.

On a division, there voted:-

For the suspension (5) Councillors Creswell, Divers, Ross, Tuke and Wright.

Against the suspension (7) Councillors Coull, Cree, McDonald, McLean, Murdoch, Paul and Shepherd.

Abstentions (0)

Accordingly, in terms of Standing Order 84, the Committee agreed not to suspend Standing Order 83 as two-thirds of the members of the Council present did not agree the matter merited a suspension.

Following discussions, Councillor Ross queried as to how he could move against a recommendation that he did not agree with. In response, the Chair proposed that the meeting take a short adjournment to obtain further information.

Councillor Paul requested that a copy of the previous minute being referred to be issued to all members during the adjournment, and this was agreed.

Thereafter, the meeting took a short adjournment to allow Officers to obtain further information.

On resumption of the meeting, Mr McEachan advised that his earlier advice to the Committee was based on a narrow interpretation of the minute dated 23 October 2012 and confirmed that a wider interpretation would allow for a fuller debate.

Following further discussions, and on the advice that Councillor Ross' motion not to proceed with the CPO was competent, Councillor Cree moved the recommendations as set out in Section 2 of the report. This was seconded by Councillor Murdoch.

On a division, there voted:-

For the motion (5) Councillors Creswell, Divers, Ross, Tuke and Wright.

For the amendment (7) Councillors Coull, Cree, McDonald, McLean, Murdoch, Paul and Shepherd.

Abstentions (0)

Accordingly, the amendment became the finding of the meeting and the Committee:-

- (i) noted the content of the draft Statement of Reasons, as set out in Appendix 2 of the report;
- (ii) agreed there is justification for making a Compulsory Purchase Order (CPO) over the land detailed in Appendix 1 of the report; and
- (iii) recommended to the Moray Council that it promotes the CPO.

9. FLOOD RISK AT KINGSTON AND GARMOUTH

Councillor Leadbitter rejoined the meeting.

Under reference to paragraph 12 of the minute of this Committee dated 23 October 2012, there was submitted a report by the Corporate Director (Environmental Services) updating the Committee on flooding, erosion and emergency issues at the coast at Kingston and the River Spey at Garmouth and recommending a course of action at Kingston.

On the invitation of the Chair, Mr Guthrie of Royal Haskoning DHV provided a presentation and update on flooding, erosion and emergency issues at the coast at Kingston.

During discussions, Councillor Ross moved that short term work be conducted to protect the land-face bank at the rear of the Lagoon, investigation be held on long term work available and that the Council request funding from the Scottish Government.

In terms of Standing Order 25, the meeting agreed to suspend Standing Orders and continue beyond 12.45pm in order to conclude the consideration of this item.

Councillor Paul moved that investigations into work available to protect the land-face bank at the rear of the Lagoon be held and a report be submitted to a future meeting of this Committee, a site visit be arranged for all Members of the Committee to assess flood risk at Kingston and that monitoring of the shingle bank continues in its current form to detect trends.

In response, Councillor Divers moved that remedial work to replace the shingle bank take place immediately and defences be installed to protect the land-ward face of the Lagoon.

During further discussions, Councillor Ross, referring to recommendation 2.1 (a) in the report, expressed his disappointment at the speed of which works on the River Spey was progressing and noted that no further discussions had been held with Garmouth Golf Club in the 8 weeks since the last Committee. In response, the Corporate Director (Environmental Services) acknowledged the apparent delay in the progress of the works and asked that the Committee agree that he takes a lead