

**Extract from Moray Local Plan 2008 Inquiry  
Final Report Volume 2: Towns and Villages**

**Sections Relating to TSP1 to TSP12**

**Subject: TSP1 & TSP2 – The North and South Bypass options, Elgin**

**Objector: Pitgaveny Estate, objecting to TSP1 and supporting TSP2  
(345/435, 436 & 624)**

**Procedure: Informal Hearing**

**Related Written Submissions Objections:**

**Glenmore Properties (202/527); A Thomson (274/353); Homes for Scotland  
(315/401); Quarrelwood Woodland Park Association (276/356); Mr J Brown**

**(197/244); Elgin Golf Club (280/362); Riverside Caravan Park (128/157);**

**Northern Property (197/244)**

**Background:**

The Elgin TSP1 (Northern) and TSP2 (Southern) bypass option proposals reflect a series of decisions taken by the Council, from Sept 1<sup>st</sup> 2004 to 30<sup>th</sup> Aug 2007, as summarised below:

- September 2004 (following a preliminary consultation process for a proposed new road link between Edgar Road and the A96 West Road) approved further work to investigate this and other traffic improvements in Elgin - commissioning a STAG Report to evaluate options, other than those currently proposed for Wittet Drive (TSP 10)
- July 2005, agreed that the Consultative Draft Local Plan Review should be used as the basis for public consultation
- November 2005, agreed that a „Brief“ be prepared to carry out a full and proper STAG Report – for the transport network options in Elgin West
- February 2007, evaluated responses to objections to the finalised local plan, with a view to approving amendments and agreeing proposed modifications - and agreed to accept the recommendations relating to TSP10 and other TSP options, pending the outcome of the STAG Report and Elgin Traffic Model (which may or may not recommend alternatives to that contained within the final draft plan).
- April 2007, the Council put forward a schedule of proposed changes to the finalised plan, including the following insertion for the text at the end of the Elgin by-pass section of the Settlement Statement for Elgin, concerning option TSP1 (North Option) in order to comply with Natura 2000 :

*“An appropriate assessment will be required as part of the Environmental Assessment to consider the impact of the bypass on Loch Spynie SPA. Proposals should consider:*

- Programming of construction to avoid sensitive periods for geese.
- Provision of natural noise screens for the bypass.
- Effects of the bypass lighting on geese.
- A catchment study to determine impact on natural drainage pathways.
- A drainage plan to control surface water to safeguard water chemistry at Loch Spynie.

- August 2007, the Elgin STAG Part 2 Report was considered and approval was sought for a strategic and phased approach to take forward transport options in Elgin. It was agreed, inter alia: to approve the retention of all TSP options in the finalised local plan; to proceed with Option A as amended for Wittet Drive – initiating detailed design work; to meet with Scottish Ministers as soon as possible concerning Elgin Bypass options/programme; and to undertake consultations with the community at appropriate stages as the matter progresses.

**The Pitgaveny Estate’s case (in support of TSP2 in preference to TSP1):**

- In principle, this objector is supportive of the principle of a bypass for Elgin.
- Nevertheless, it is argued that the strategy for promotion of a bypass for Elgin should be taken forward in a manner which does not prejudice the promotion of effective housing land in the local plan – or Business Parks BP1 & BP2.
- It is noted that equal weighting has been given to the bypass corridor options north and south of Elgin – whilst the Council recognises that the preferred area for new housing requirements lies to the north of Elgin.
- It is suggested that if no funding is available from the Scottish Executive for bypass construction, no indicative line should be displayed in the local plan - as the present situation of line options

drawn to the north and south of the city for two bypasses inhibits planning and development along both these corridors.

- If a bypass is required, then it is contended that a southern route (TSP2) should be followed - arguing that this would be more effective and less damaging to the environment than the northern route known as TSP1.
- TSP2 would improve local access to the retail centres, the rail station and Elgin golf course, as well as enhancing the strategic link between the A96 and the A941, leading to the Speyside and Cairngorms tourist routes – and the proposals should therefore include improvements to the A941 road.
- In contrast the northern bypass option (TSP1) would not offer this strategic link to the south and locally would impact on Quarrel Wood SSSI – as well as being contrary to the findings of a detailed landscape appraisal (commissioned by the Council) which identifies the land north of Elgin as most suitable for expansion of the city.

**Summary of the written submissions objectors:**

- It should be made clear that the route options in the finalised plan are indicative and the exact lines could change.
- In particular it is argued that the southern bypass route should pass to the east of Barmuckity farm, either through BP2 or to the east of it.
- The development of BP1/BP2 would be affected by access issues related to the alignment of the TSP2 option and its link with the A96 trunk road.
- The finalised plan suggests that the southern bypass option (TSP2) would cut across Elgin golf course, destroying at least 4 holes – so it is argued that the alignment should be changed to safeguard the 100 year old course
- The TSP2 option alignment shown in the finalised plan would destroy Riverside caravan park – it is argued, therefore, that the alignment should be changed to the west to avoid this.
- The TSP1 option would be detrimental to the Quarrelwood Woodland Park, featuring an ancient woodland and SSSI, where important habitats would be destroyed – so any bypass alignment should completely avoid this important woodland which should be conserved.
- Homes for Scotland is concerned that the two bypass options will sterilise outlying parts of Elgin and impact on proposed future housing developments, blighting potential housing sites.

**The Council's response:**

- As summarised above, a brief was agreed by the Council for a full and proper STAG Report and Elgin Traffic Model – without any pre-conditions regarding the transport options.
- After considering the Elgin STAG2 Report, the Council has agreed to retain all TSP options in the local plan and to undertake further community consultations on the short-listed options.
- In this context, it is argued that it would be premature to take decisions based on the local plan objections regarding TSP1 and TSP2, pending the outcome of the detailed transport planning work and landscape appraisals – and associated public consultations – taking place as part of the STAG process currently in hand.
- Strategic decisions on the way forward would be taken in close consultation with Transport Scotland, as the Transport Authority - because the bypass would form part of the long distance A96, which is a trunk road - noting that the approved Structure Plan made reference to the need for improvements to the A96 road.
- The bypass timing is uncertain, but it is likely to be a medium/longer term project as it requires detailed technical, economic & risk assessments, a Masterplan and national funding.
- It is anticipated that the two broad route options shown in the finalised local plan would be reduced to a single route preference (north or south of Elgin) during the 5 year time period of the local plan to 2012, based on the on-going technical and other assessments and the consultations outlined above regarding the two indicative options shown in the plan – either of which may be then subject to detailed revisions, including routeing amendments to address local issues or concerns.
- It was acknowledged at the hearing that there are obstacles to overcome with the route options indicated – for example the TSP1 would have to address significant environmental concerns – but the Council is confident that none of the issues raised by objectors is “a show-stopper”.
- Meanwhile the Council expresses no preference at this stage between the two broad options TSP1 and TSP2

- Whilst the indicative corridors shown for the TSP1 and TSP2 options in the finalised plan have been taken into consideration to maintain flexibility of the routeing options, they do not inhibit development or allocations within the finalised local plan. It is intended that, irrespective of its routeing, the bypass should be a strategic link - and so the numbers of intermediate local accesses along its length, to serve particular sites or developments in Elgin, are likely to be minimal.
- No housing or other land use designations – including R7/LONG – shown in the finalised plan are either linked to or dependent upon a particular route option for the bypass.
- Finally it is noted that the SNH objection has been withdrawn following discussions with the Council.

## **Conclusions**

I note the concerns expressed by the various objectors with particular local interests in the detailed routeing of any bypass for Elgin. The fact that there are currently two indicative corridors being investigated for providing this bypass leads to uncertainty in the short term about whether it would pass to the south or to the north of Elgin, as well as in respect of the particular route that would be chosen within those broad corridor choices shown in the finalised local plan. Quite properly in my view, the Council has stressed that the lines shown for the TSP1 and TSP2 options are indicative and is expressing no preference between the two broad route options until the STAG process, which is in hand, has been completed. I note that this will include public consultations, specifically on the broad route options under consideration - but even at this point the Council is aware of environmental and other obstacles and issues to overcome whichever route is selected, based on objections to the finalised local plan. Accordingly, whichever corridor option was chosen, to the north or south of Elgin, its precise route alignment would be subject to detailed planning and there would be public consultation within that process - and so further opportunities for objections to be lodged at that stage.

Some objectors to TSP1 or TSP2 are concerned that the indicative route options shown in the finalised local plan might risk „blighting” areas potentially affected by a bypass. Nevertheless, I consider that it is proper for the Council to include these options in the finalised plan, particularly when:

- the Council has confirmed that no land use designations for Elgin in the finalised plan are either linked to or dependent upon a particular route option for the proposed bypass.
- even though the bypass is not likely to be completed during the 5 year period of the local plan, a decision on the principle of whether it should be to the north or south Elgin would be likely to emerge over that period - following more detailed technical and other investigations outlined above and taking into consideration further public consultations specifically on the bypass options to be undertaken as part of the STAG appraisal process.

Based on all of the above considerations, I conclude that it would be inappropriate for me to explore the detailed merits of the site-specific objections to TSP1 and TSP2 with a view to making any recommendations, even concerning the basic choice between north and south routes. This is because there is not a preferred route being promoted by the Council at this stage for the reasons it has given, as there is not yet sufficient information upon which to make a rational choice - and in any event the necessary consultations with Transport Scotland and the public are still to come.

## **Recommendation**

No change to the finalised plan.

<b>Subject:</b>	<b>Elgin – TSP7 &amp; TSP9</b>
<b>Objector:</b>	<b>Mr &amp; Mrs Naples (49/43 &amp; 44)</b>
<b>Procedure:</b>	<b>Written Submission</b>

## **Background:**

The road proposals set out in the finalised plan contain a number of TSP proposals for Elgin, including:

- TSP7 – Junction Improvement Birnie Road/Sandy Road
- TSP9 – Junction Improvement Edgar Road/Glenmoray Drive/Wards Road

- These are listed in the finalised plan alongside the other TSP proposals for Elgin, including: TSP1 & 2 (the bypass options, N & S respectively); and TSP 10, 11 & 12 (all related to Wittet Drive). In April 2007 the Council put forward a schedule of proposed changes to the finalised local plan – which included 6 other TSP designations for junction improvements at different locations in Elgin identified for local and/or strategic reasons. In August 2007, the Elgin STAG Part 2 Report was considered and it was agreed to retain all TSP options in the finalised local plan for further detailed investigation and consultations with the community, as part of the continuing STAG appraisal process.

**The objectors' case:**

- It is contended that these local residential improvements are not necessary as they are only used by local people – so these particular proposals should be deleted from the local plan.
- It is argued that priority should be given instead to a campaign for an Elgin bypass, which is required.

**The Council's response:**

- The TSP7 and TSP9 proposals form part of a package of traffic improvements proposed for Elgin in the finalised plan.
- The Council has agreed that the „Brief“ for a full and proper STAG Report now being undertaken should be without any pre-conditions for transport options. In this context, in the Council's view the recommendations regarding TSP options set out in the finalised plan should be retained and accepted pending the outcome of the STAG Report and Elgin Traffic Model - which will involve further Community consultations, as the matter progresses.
- Consequently, it is suggested that decisions taken on objections lodged in response to these TSPs in the finalised plan, if taken in advance of the STAG Report findings, could prejudice the conclusion of consideration of the TSP options.

**Conclusions**

I note that Mr & Mrs Naples have sought deletion of local road improvement proposals TSP7 and TSP9 and indicated that priority should be given instead to addressing the strategic A96 bypass issues instead. I also note, however, that the Council has stressed that the package of strategic and local road improvement options under consideration for Elgin are inter-linked. In this context, I am in agreement with the Council that it would be inappropriate or at least premature to conclude on the local improvements set out in the finalised plan under the headings TSP7 and TSP9. I come to this conclusion primarily because these proposed local improvements would link in to strategic road improvement options – including by bypass route choices – which are currently under detailed investigation through preparation of a STAG report being undertaken on behalf of the Council. In summary, I conclude that - apart from stating simply that they are not needed to serve existing local users - no reasonable justification has been provided to support the case for deleting TSP7 and TSP9 from the local plan when it is adopted.

**Recommendations**

No change to the finalised local plan.

**Subject: Elgin – TSP10, TSP11 and TSP12**  
**Objectors: Various – see Annex at the end of this report section**  
**Procedure: Written Submission**

**Background:**

The road proposals set out in the finalised plan contain a number of TSP proposals for Elgin, including:

- TSP10 – Edgar Road Extension – Wittet Drive
- TSP11 – New Railway Bridge Wittet Drive/Edgar Road Extension
- TSP12 – New Roundabout A96/Wittet Drive

These are listed in the finalised plan alongside the other TSP proposals for Elgin, including: TSP1 & 2 (the bypass options, N & S respectively); TSP7 (junction improvement Birnie Rd/Sandy Rd) and TSP9, (junction improvement Edgar Rd/Glenmoray Drive/Wards Rd).

In April 2007 the Council put forward a schedule of proposed changes to the finalised local plan – which included 6 other TSP designations for junction improvements at different locations in Elgin identified for local and/or strategic reasons. In August 2007, the Elgin STAG Part 2 Report was considered and it was agreed to: retain all TSP options in the finalised local plan for further detailed investigation and consultations with the community, as part of the continuing STAG appraisal process; and to proceed with Option A, as amended for Wittet Drive – initiating detailed design work.

#### **The objectors' case:**

- Concerning TSP10, TSP11 and TSP12
  - It is argued that these proposals concerning Wittet Drive would have an adverse effect on road safety, noise, pollution, wildlife, quality of life, amenity, views and property values.
  - The proposals would direct traffic into a residential area without relieving traffic within Elgin.
  - Such proposals offer only a short term solution, when a bypass is required.
  - Reference is made to the Environmental Services Committee of the Moray Council on 1<sup>st</sup> September 2004, when it was agreed that there would be no demolition of properties.
  - It is argued that proposals TSP10, TSP11 and TSP12 cannot be completed without compulsory purchase and demolition of residential property. Consequently, these proposals should not have been included in the finalised plan and should be removed.
- Concerning the Elgin Bypass (TSP1 Route Option North & TSP2 Route Option South)
  - Strategy for promotion of a bypass should be taken forward in a manner which does not prejudice the promotion of effective housing land in the local plan.
  - If no funding is available for construction, no indicative line should be displayed.
  - If a bypass is required, then a southern route should be followed. It is argued that this would be more effective and less damaging to the environment. This should also include improvements to the A941.
  - It should be made clear that the route lines for an Elgin bypass are moveable, until an engineered line has been established.
  - The TSP2 proposal would cut through the golf course, and it would not be possible to reconfigure the course.
  - Part of one of the TSP2 route options would run through the middle of a caravan park, causing the loss of a business.

#### **The Council's response:**

- Objections to the Elgin TSP proposals can be considered in the context of a series of decisions taken by the Council, from Sept 1<sup>st</sup> 2004 to 30<sup>th</sup> Aug 2007, as summarised below:
  - September 2004 (following a preliminary consultation process for a proposed new road link between Edgar Road and the A96 West Road) approved further work to investigate this and other traffic improvements in Elgin - commissioning a STAG Report to evaluate options, other than those currently proposed for Wittet Drive (TSP 10)
  - July 2005, agreed that the Consultative Draft Local Plan Review should be used as the basis for public consultation
  - November 2005, agreed that a „Brief“ be prepared to carry out a full and proper STAG Report – for the transport network options in Elgin West
  - February 2007, evaluated responses to objections to the finalised local plan, with a view to approving amendments and agreeing proposed modifications - and agreed to accept the recommendations relating to TSP10 and other TSP options, pending the outcome of the STAG Report and Elgin Traffic Model (which may or may not recommend alternatives to that contained within the final draft plan).
  - April 2007, the Council put forward a schedule of proposed changes to the finalised plan, including an insertion for the text at the end of the Elgin by-pass section of the Settlement Statement for Elgin, concerning option TSP1 (North Option) in order to comply with Natura 2000.
  - August 2007, the Elgin STAG Part 2 Report was considered and approval was sought for a strategic and phased approach to take forward transport options in Elgin. It was agreed, inter

alia: to approve the retention of all TSP options in the finalised local plan; to proceed with Option A as amended for Wittet Drive – initiating detailed design work; to meet with Scottish Ministers as soon as possible concerning Elgin Bypass options/programme; and to undertake consultations with the community at appropriate stages as the matter progresses.

In summary, the Council's position is that:

- The TSP10, 11 and 12 proposals form part of a package of traffic improvements proposed for Elgin in the finalised plan.
- The Council has agreed that the „Brief“ for a full and proper STAG Report now being undertaken should be without any pre-conditions for transport options. In this context, in the Council's view the recommendations regarding TSP options set out in the finalised plan should all be accepted and retained pending the outcome of the STAG Report and Elgin Traffic Model - which will involve further community consultations, as the matter progresses.
- Consequently, it is suggested that decisions taken on objections lodged in response to these TSPs in the finalised plan, if taken in advance of the STAG2 report findings, could prejudice the conclusion of consideration of the TSP options.

## **Conclusions**

I note that the objectors concerned primarily about Wittet Road issues are objecting for local amenity reasons and in the context of the strategic Elgin Bypass options currently under consideration. They are generally seeking deletion of the local and more strategic road and junction improvement proposals TSP10, 11 and 12 shown in the finalised plan. I am aware that the Council has sought to address a number of the local concerns by looking again at some of the detailed alignments regarding proposed improvements to and along the Wittet Road corridor and associated junction designs. I also note, however, that the Council has stressed that the package of strategic and local road improvement options under consideration for Elgin are in many cases inter-linked.

In this context, I am in agreement with the Council that it would be inappropriate or at least premature to conclude on those local improvements set out in the finalised plan under the headings TSP10, 11 and 12 as they are tied with wider, strategic access considerations including bypass options still under investigation. I come to this conclusion primarily because in many cases these proposed local improvements would link in to strategic road improvement options – including by bypass route choices – which are currently the subject of detailed assessments for a STAG Report being undertaken on behalf of the Council. In summary, I conclude that based on the available evidence - and in the strategic context outlined above - insufficient justification has been provided to support the local case at this stage for deleting TSP10, 11 and 12 from the local plan when it is adopted. The local amenity and related issues concerning road safety, noise, and environmental concerns will be explored and assessed in more detail in due course in the STAG appraisal work. Discussion of these matters and options arising will also form part of the public consultations due to take place shortly, as part of the STAG Report investigations now in process.

## **Recommendations**

No change to the finalised plan except for the various changes to the list of TSPs for Elgin put forward by the Council in April 2007, as outlined above in the background section.

## ANNEX: List of Registered Objectors to Elgin Proposals TSP10, 11 & 12.

<b>TSP10</b>	<b>TSP11</b>	<b>TSP12</b>
<p>Mr Fraser Anderson (193/227)          Mr Ian Simpson (249/319)          Mr Duncan K Alexander (347/441)          Mr &amp; Mrs Stephen Burgess (250/322)          Ms Ishbel MacDougall (92/101)          Ms Jane Ralph (253/327)          Mr Hugh MacDougall (93/104)          Mr Duncan Smith (273/350)          Mr Kenneth MacDougall (94/107)          Miss Caroline S Webster (132/159)          Mr John H Roger (125/148)          Mr &amp; Mrs R J Rizza (102/117)          Ms Karen Jamieson (191/221)          Mr Peter Hogg (127/154)          Mrs Pamela Gillan (104/119)          Mrs Nancy Roger (126/151)          Mr Stafford Turnidge (192/224)          Miss Sheena Thomson (245/313)          Mr David Allen (144/175)          Robertson Homes Ltd (110/128)          Mr Lachlan MacDonald (304/383)          Mr Alastair Grant (199/241)          Mr E Anderson (217/277)          Mr Iain Macfarquhar (56/54)          Mr &amp; Mrs G L Burnie (29/202)          Mr &amp; Mrs Naples (49/47)          Mr George Simpson (372/528)          Ms Elaine Jones (65/68)          Mr Michael Jamieson (189/215)          Mr John Millar (43/36)          Mr &amp; Mrs Edward Turnidge (190/218)          R F Anderson (216/274)          Mrs Alison Semmeling (368/476)          Mr A C T Brown (76/78)          Mr George McCutcheon (357/457)          Mrs E Dunbar-Nasmith (220/282)          Mrs H Farquhar (366/470)          Mr Alexander F Johnston (305/386)          Mr Ewan Strachan (18/15)          Mrs Elizabeth Buchanan (358/460)          Mr Hugh McMillan (223/290)          Mr Michael Looseley (222/286)          Mr J L Semmeling (367/473)</p>	<p>Mr Duncan K Alexander (347/442)          Mr &amp; Mrs Edward Turnidge (190/219)          Ms Elaine Jones (65/69)          Mr John Millar (43/525)          Ms Karen Jamieson (191/222)          Ms Ishbel MacDougall (92/102)          Mr A C T Brown (76/79)          Mrs Alison Semmeling (368/477)          Mr Hugh MacDougall (93/105)          Mr Stafford Turnidge (192/225)          Mrs Pamela Gillan (104/120)          Mr George McCutcheon (357/458)          Mrs H Farquhar (366/471)          Mr Kenneth MacDougall (94/108)          Mr J L Semmeling (367/474)          Mr Fraser Anderson (193/228)          Mr Alastair Grant (199/242)          Mrs Elizabeth Buchanan (358/461)          Mr Peter Hogg (127/155)          Ms Jane Ralph (253/328)          R F Anderson (216/275)          Mr &amp; Mrs Stephen Burgess (250/323)          Mr Duncan Smith (273/351)          Mr Michael Jamieson (189/216)          Mr Michael Looseley (222/287)          Mr Ian Simpson (249/320)          Miss Sheena Thomson (245/314)          Miss Caroline S Webster (132/160)          Mr &amp; Mrs Naples (49/41)          Mr E Anderson (217/278)          Mrs E Dunbar-Nasmith (220/283)          Mr John H Roger (125/149)          Mr Alexander F Johnston (305/387)          Mr Hugh McMillan (223/291)          Mr Lachlan MacDonald (304/384)          Mr David Allen (144/176)          Mr Iain Macfarquhar (56/55)          Mr Ewan Strachan (18/205)          Mr Stanley Gordon (156/187)          Mr Craig Forster (51/48)          Mrs Nancy Roger (126/152)          Mr &amp; Mrs G L Burnie (29/203)</p>	<p>Mrs H Farquhar (366/472)          Mr E Anderson (217/279)          Mr A C T Brown (76/80)          Mr J L Semmeling (367/475)          Mrs E Dunbar-Nasmith (220/284)          R F Anderson (216/276)          Mr Michael Jamieson (189/217)          Mrs Alison Semmeling (368/479)          Mr John Millar (43/526)          Ms Elaine Jones (65/70)          Mr &amp; Mrs Naples (49/42)          Mr &amp; Mrs G L Burnie (29/204)          Mr Craig Forster (51/49)          Mr David Allen (144/177)          Mr Iain Macfarquhar (56/56)          Mr Ewan Strachan (18/206)          Miss Caroline S Webster (132/161)          Mrs Pamela Gillan (104/121)          Mrs Nancy Roger (126/153)          Mr Peter Hogg (127/156)          Mr John H Roger (125/150)          Ms Karen Jamieson (191/223)          Mr Fraser Anderson (193/229)          Mr Duncan Smith (273/352)          Mr George McCutcheon (357/459)          Mr &amp; Mrs Edward Turnidge (190/220)          Mr Stafford Turnidge (192/226)          Mr Kenneth MacDougall (94/109)          Mr Alastair Grant (199/243)          Mr Hugh MacDougall (93/106)          Ms Jane Ralph (253/329)          Ms Ishbel MacDougall (92/103)          Mr &amp; Mrs Stephen Burgess (250/324)          Mr Ian Simpson (249/321)          Mr Duncan K Alexander (347/443)          Mr Alexander F Johnston (304/388)          Miss Sheena Thomson (245/315)          Mr Lachlan MacDonald (304/385)          Mr Hugh McMillan (223/292)          Mr Michael Looseley (222/288)          Mrs Elizabeth Buchanan (358/462)</p>