

Appendix 2- Supporting Statement submitted originally

## **Proposed new vehicular access at the Paddock, Arradoul, Buckie. Supporting Statement**

Our client is the owner of The Paddock, Arradoul (see attached plan).

The existing vehicular access to his house is tortuous and it is our understanding that it does not meet with :-

- para 2.7 of the Moray Council Standards for Road Construction Consent and Adoption for the provision of vehicular accesses serving 6 houses. The access currently appears to serve six properties including the Paddock. (Appendix 1) or
- para 5.6.7 of The Moray Council Transportation Service Requirements for Small Developments in the Countryside August 2011 in that by our measurements the access does not achieve the visibility required within a 50mph limit.(Appendix 2)

Our client would prefer to ease this situation by taking direct access from his house in a north westerly direction (as shown on the application plan) on to the public road. Measurements taken on site suggest that he can achieve the required visibility at this point for an access serving one house within a 50 mph limit.

The current Local Plan refers to new accesses at Arradoul. Our analysis of the Local Plan policies is as follows: -

The Rural Community statement for Arradoul states: -

*“The introduction of a 50 mph limit may have improved road safety, but additional access onto the A98 will not be permitted.”*

The Local Plan provides no reasoning for this blanket restriction, nor does it make allowance for the possibility that there may be a location where it is possible to achieve the visibility required for an access within a 50mph limit in accordance with the Council’s own Transportation Requirements for Small Developments in the Countryside Nov 2010. We have taken measurements and believe that it is possible to achieve the required visibility at the access point chosen (see visibility splay on attached plan and red marking at site).

We have also obtained accident statistics from the Council which appear to demonstrate that such accidents as there have been in Arradoul over the past 8 years since the imposition of the 50mph limit have been concentrated around specific road junctions at the edge of Arradoul, just beyond it or on the north side of the road and not significantly within the ribbon of residential property (Appendix 3)

The Rural Community statement for Arradoul also states :-

*“The wooded area around Arradoul provides visual amenity to the village and proposals which involve felling of trees to provide development sites will not be permitted. “*

In this case the route of a new access could be achieved by the removal of scrub, diseased/dead specimens, and one or two trees. The overall visual effect to the surrounding area would be minimal and not detrimental.

Our client is keen to retain and maintain the belt of trees and has employed a forestry consultant to survey the trees in the vicinity of the access line (see letter - Appendix 4 a and b). In general the consultant considers the section of woodland surveyed and its current state of maintenance to be poor there also being a number of dead trees. He concludes that the removal of several trees could be achieved without harming the amenity value of the tree belt as it currently exists. Our client is happy also to carry out maintenance and reinforce the belt with replacement and additional tree planting.

Our client can confirm that this access would not be for a “development site,” but would serve an existing property of some longstanding. He is also happy to confirm that he has no intention of developing the Paddock for further houses. The creation of further development sites would in any event remain firmly under the control of the Planning Authority.

From the above it is therefore evident that the wording of the Local Plan does not necessarily prohibit removal of trees for the provision of an access to an existing house.

If this proposal is considered to be a departure from the Local Plan as worded then it is a minor one which can be justified by the material evidence submitted in terms of accident statistics and the apparent lower standard of the existing access. We would also point out that it is perfectly acceptable for the Council to depart from its local plan provided adequate justification is provided. (ref Annex A of Circular 4/2009: *Development Management Procedures – Appendix 5*).

#### Conclusion

- The access is to serve a longstanding existing property and not a “new development site.
- The current access to Parklands does not appear to meet Council standards in relation to visibility and layout .
- A vehicular access to Parklands in accordance with Transportation Requirements for Small Developments in the Countryside Nov 2010 appear to be achievable.
- Accident records obtained from the Council appear to suggest that accidents in the vicinity of the 50mph limit do not arise to any significant extent from the ribbon of individual residential accesses along the south east side of the road.
- The creation of the proposed access would not seriously affect the any visual amenity provided by the trees at the Paddock.
- The recent maintenance of the tree belt to date by our client’s predecessors could be improved upon. Our client is prepared to retain and maintain it properly and also reinforce it with new planting.
- Some of the trees to be removed are dead

The Council is requested to approve this application on the basis of the above material considerations

# APPENDIX 1

Issue B

Private  
Accesses 

2.6 A Private Access is defined as any way over which the public does not have a right of passage. In residential development an access may serve up to five dwellings.

Provision of  
Roads 

2.7 6 or more individual dwellings should normally be served by a road, which will require Construction Consent and the submission of a Road Bond in a residential area.

If the Developer wishes to adopt a layout whereby 5 or less dwellings will be served by a Private Access, as there is no public right of access Construction Consent will not be required and the access will not be eligible for adoption. Such layouts should provide adequate turning facilities and a satisfactory junction with a public road. The provision of a Private Access must be indicated clearly at the planning application stage, otherwise it will be considered that a road is being provided.

Works in an  
Existing Public  
Road 

2.8 Any works in an existing public road will require permission from the Roads Authority under Section 56 of the Roads (Scotland) Act 1984. This is in addition to the Construction Consent and will always apply where a new road joins into an existing public road. Application forms should be obtained from the Council's office or from the website.

## APPENDIX 2

- 5.6.3 The visibility splay also enables traffic on the public road to see all road users leaving the property. The size of the visibility splay depends on the speed limit or observed vehicle speeds on the public road. It is necessary to consider the driver's line of vision, in both the horizontal and vertical planes, and the stopping distance of the vehicle. Where the applicant does not provide observed vehicle speed data the speed limit is used.
- 5.6.4 The distance along the public road, Y distance, is the distance the driver needs to see along the road edge (see table below). This is measured from the centre line of the access to the location on the road of the approaching vehicle, which varies depending on the speed of approaching traffic. The faster the approaching vehicles, the longer the distance required to see and be seen.
- 5.6.5 The distance back from the public road, X distance, is shown in the table below. The distance varies according to the number of dwellings. The distance is taken from the edge of the carriageway back along the centre line of the private access.
- 5.6.6 The visibility splay must be assessed between minimum driver's eye line 1.05 metres above the road up to a height 2m above the road and to an objective points at the end of the Y distance between 0.26m and 2m above the carriageway surface. The assessment must consider obstructions to visibility within the visibility splay including the horizontal and vertical topography in between i.e. hidden dips and crests along the road between these points.
- 5.6.7 The following table shows the Y and X values based on speed limit values.

Speed Limit	30	40	50	60
Y Distance (metres)	90	120	160	215
X Distance (metres)	Single dwelling = 2.4m; > 1 dwelling = 4.5m			

- 5.6.8 The access, lay-by and visibility splay must be established before building work commences, to ensure a safe access for builders and tradesmen.

### 5.7 Providing and Maintaining Visibility Splays

- 5.7.1 When submitting a planning application it is necessary for the applicant to demonstrate that they have, and can maintain control over the visibility splay area. The applicant will have responsibility for the maintenance of clear sight lines over the visibility splay area. If the

**Raw Data attached overleaf –please ignore page numbers shown on following pages**

**Accident Statistics for the vicinity of Arradoul supplied by Moray Transport Section**

**Analysis**

Following a request the Council supplied plans and summaries of the two periods – 1998-2000 (before the speed limit was introduced on 26<sup>th</sup> June 2001) and 2005-2012 – the last 8 years. (See data attached at the end of this analysis)

Total Accidents in data record supplied =22

Total Accidents in period covered post 50mph speed limit = 18

Total accidents at A98/Barhill Road Junction post 50 mph limit (2005 – 2012) = 10

Total accidents at A98/Auchintae Junction post 50 mph limit (2005 – 2012) = 3

Total accidents at A98/Arradoul Mains and Whitegates junction post 50 mph limit = 2

Having considered the above results and their details we have taken the view that :-

- Accidents at the A98/Barhill Road junction have little relevance to the residential accesses along the south side of the A98. There appears to have been a problem associated with that junction and we understand that has been addressed recently.
- Accidents at the A98/Auchintae junction and the A98/Arradoul Mains junction can be separated out as having specific issues relating to these junctions rather than the line of residential accesses in Arradoul.

This therefore leaves only three accidents in the 50mph limit during the past 8 years (Relevant accidents in period of study being 18 -15 = 3). These are as follows :-

- Ref 201101860,22/05/11 Westbound at Arradoul ( exact location not defined) - vehicular damage and only one vehicle involved travelling E to west and going ahead. No record of any turning manoeuvre
- Ref 200703641, 3/11/2007 20m west of Auchintae junction, car turning to the south
- Ref 200800226,17/01/08 Entrance Arradoul House – 2 vehicles moving e to west with one slowing - vehicular damage only. There is no mention of any turning into Arradoul House

Accidents ref 201101860,22/05/11 and Ref 200800226,17/01/08 do not appear to have involved a residential accesses

It appears therefore that over the 8 year period there has only been one traffic accident that may relate to a residential access along the south side of Arradoul .



**Accident: 985264**

Date	05/12/1998
Time	17:35:00
Day of week	Saturday
Severity of accident	Damage
Junction detail	Not at or within 20m of junction
Light conditions	Darkness, street lights, lit
Weather	Fine, no high winds
Location Description	A98 CULLEN TO FOCHABERS ROAD APPROXIMATELY A HALF MILE WEST OF JUNCTION WITH UNCLASSIFIED ROAD TO BUCKPOOL BUCKIE

**Vehicle: 1**

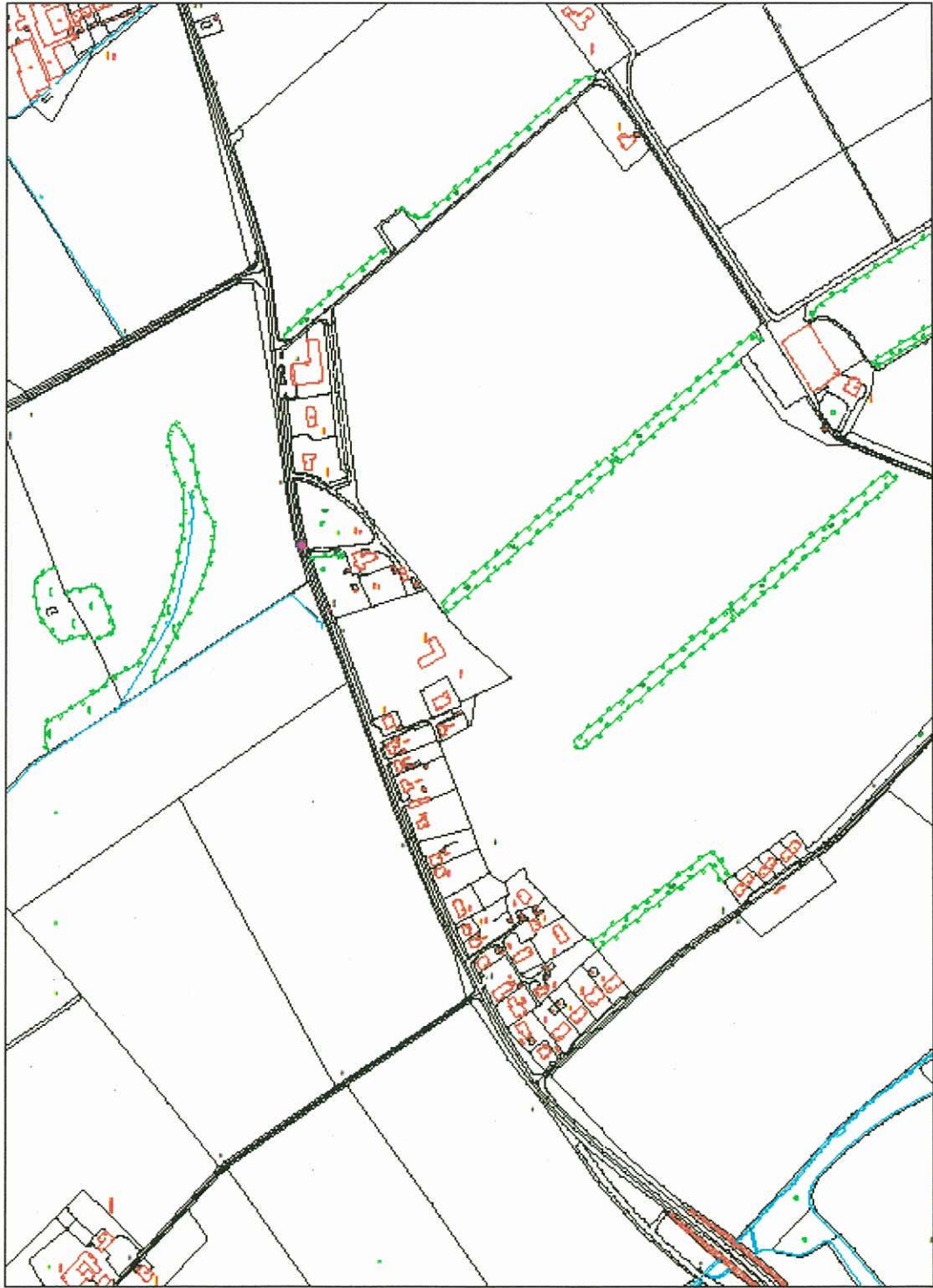
Vehicle type	Car
Vehicle movement from	E
Vehicle movement to	W
Manoeuvres	Going ahead - other

**Vehicle: 2**

Vehicle type	Car
Vehicle movement from	E
Vehicle movement to	W
Manoeuvres	Going ahead - other

**Vehicle: 3**

Vehicle type	Car
Vehicle movement from	E
Vehicle movement to	W
Manoeuvres	Going ahead - other



Zoom: 1:300 Center Point = E3 499 00 N 4 03 73

FILE (MAP) for Windows)  
Map No: 10/2003  
Date: 10/2003 11:16:48  
Country: Temporary query  
Copyright: 2003

**Moray Council**

10/06/2013

Query : Selected Accidents

**Accident: 9904427**

Date	24/11/1999
Time	09:30:00
Day of week	Wednesday
Severity of accident	Damage
Location Easting	342303
Location Northing	883788
Speed limit	60mph
Junction detail	T junction or staggered junction
Light conditions	Daylight, no street lighting
Weather	Fine, no high winds
Road surface condition	Dry
Cause 1	Following too closely behind other vehicle
Description of Accident	
Location Description	A98 Fochabers to Cullen road ajw Barhill Road, Buckie

**Vehicle: 1**

Vehicle movement from	E
Vehicle movement to	W
Manoeuvres	Going ahead - other

**Vehicle: 2**

Vehicle movement from	E
Vehicle movement to	N
Manoeuvres	Waiting to turn right

**Accident: 200003544**

Date	07/10/2000
Time	17:30:00
Day of week	Saturday
Severity of accident	Damage
Location Easting	341721
Location Northing	883842
Speed limit	60mph
Junction detail	Not at or within 20m of junction
Light conditions	Daylight, street lights present
Weather	Rain/hail, no high winds
Road surface condition	Wet or damp
Cause 1	Inattentive or attention distracted
Description of Accident	
Location Description	A98 at Arradoul about half a mile west of it's junction with Barhill Road, Buckie

**Vehicle: 1**

Vehicle movement from	W
Vehicle movement to	E
Manoeuvres	Going ahead - other

**Vehicle: 2**

Vehicle movement from	W
Vehicle movement to	S
Manoeuvres	Waiting to turn right

**Accident: 200003815**

Date	28/10/2000
Time	19:45:00
Day of week	Saturday
Severity of accident	Slight
Location Easting	341839
Location Northing	883887

Query : Selected Accidents

**Accident: 20100694**

Date	08/02/2010
Time	16:05:00
Day of week	Monday
Severity of accident	Serious
Junction detail	Not at or within 20m of junction
Light conditions	Daylight, street lights present
Weather	Fine, no high winds
Location Description	A98 Cullen to Fochabers Road, approximately 30 metres west of its junction with the unclassified Arradoul to Buckpool Road, Arradoul, Buckie, Moray.

**Vehicle: 1**

Vehicle type	Car
Vehicle movement from	E
Vehicle movement to	W
Manoeuvres	Going ahead - other

**Casualty: 1**

Class of casualty	Driver/rider
Severity of casualty	Serious

**Accident: 201004740**

Date	01/12/2010
Time	09:55:00
Day of week	Wednesday
Severity of accident	Slight
Junction detail	Other junction
Light conditions	Daylight, street lights present
Weather	Other
Location Description	On A98 at Arradoul, Buckie at its junction with the unclassified road to Arradoul Mains

**Vehicle: 1**

Vehicle type	Car
Vehicle movement from	W
Vehicle movement to	S
Manoeuvres	Turning right

**Vehicle: 2**

Vehicle type	Car
Vehicle movement from	E
Vehicle movement to	W
Manoeuvres	Going ahead - other

**Vehicle: 3**

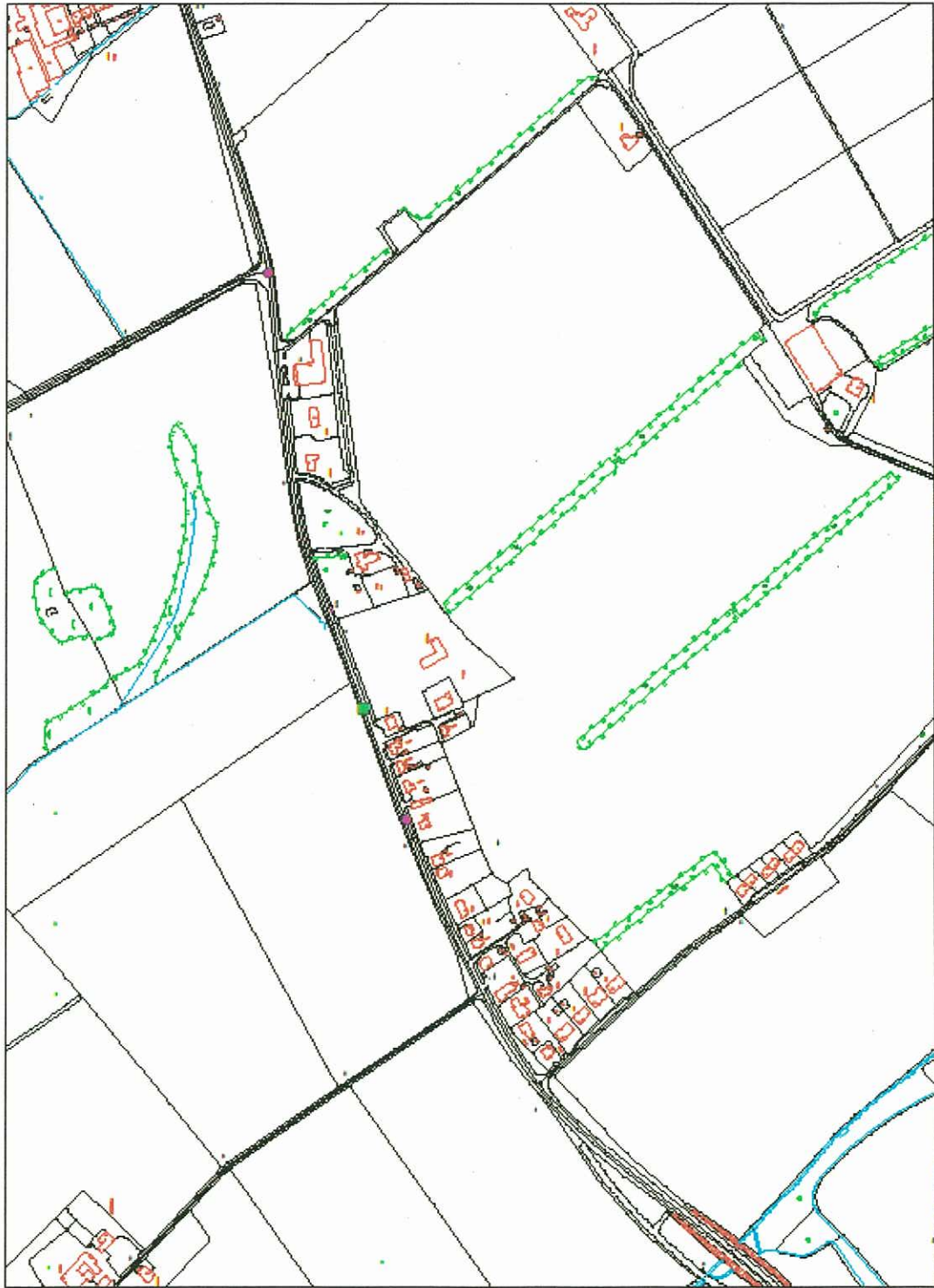
Vehicle type	Car
Vehicle movement from	W
Vehicle movement to	E
Manoeuvres	Waiting to go ahead, held up

**Casualty: 1**

Class of casualty	Driver/rider
Severity of casualty	Slight

**Accident: 201101860**

Date	22/05/2011
Time	08:30:00
Day of week	Sunday
Severity of accident	Damage



Zoom: 1:300 Corner Point = E3 4900 N463573

FILE (MAP for Windows)  
Map: Map0005  
Date: 1/16/2005 11:07:25  
Scale: 1:300  
Corner Point

Query : Selected Accidents

**Accident: 200500202**

Date	20/01/2005
Time	15:50:00
Day of week	Thursday
Severity of accident	Slight
Junction detail	T/staggered junction
Light conditions	Darkness, street lights, unlit
Weather	Rain/hail, with high winds
Location Description	Cullen To Fochabers Road, . at its junction with Barhill Road, Buckie

**Vehicle: 1**

Vehicle type	Car
Vehicle movement from	N
Vehicle movement to	W
Manoeuvres	Turning right

**Vehicle: 2**

Vehicle type	Car
Vehicle movement from	W
Vehicle movement to	E
Manoeuvres	Going ahead - other

**Casualty: 1**

Class of casualty	Driver/rider
Severity of casualty	Slight

**Accident: 200501479**

Date	25/04/2005
Time	08:00:00
Day of week	Monday
Severity of accident	Damage
Junction detail	Not at or within 20m of junction
Light conditions	Daylight, street lights present
Weather	Fine, no high winds
Location Description	A98 Cullen to Fochabers Road 150m east of its junction with the unclassified road to Whitegates, Arradoul

**Vehicle: 1**

Vehicle type	Car
Vehicle movement from	E
Vehicle movement to	W
Manoeuvres	Going ahead - other

**Vehicle: 2**

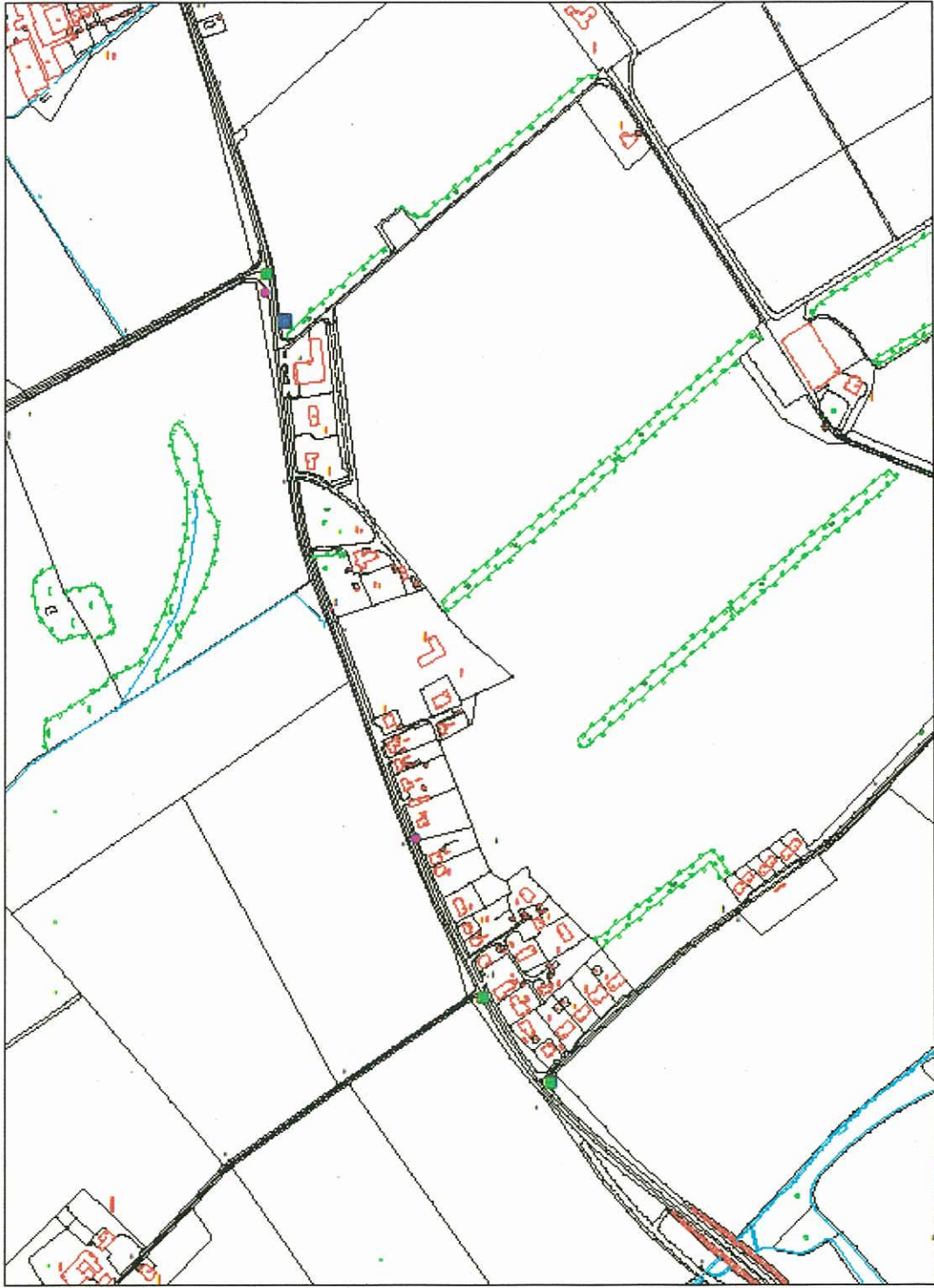
Vehicle type	Car
Vehicle movement from	E
Vehicle movement to	W
Manoeuvres	Going ahead - other

**Vehicle: 3**

Vehicle type	Car
Vehicle movement from	E
Vehicle movement to	W
Manoeuvres	Going ahead - other

**Accident: 200503400**

Date	28/01/2005
Time	10:30:00
Day of week	Friday



Zoom: 1:300 Corner Position = E 341000 N 810373

FILE: (BBA) AP for Windows  
Map: Map01203  
Drawn On: 10/05/01 11:04:41  
Drawn By: Temporary user  
Comment: None

**P J Fitch (Woodlands & Landscapes) Consultancy**  
**Loneacre, Lhanbryde,**  
**Elgin, Morayshire, IV30 8LL**

**Peter J Fitch BScFor**  
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 email: peterfitch2212@btinternet.com

22 May 2013

Mr Malcolm Leiper  
 Future Plans  
 The Barnyard Studios  
 Garmouth  
 Moray IV32 7LX

Dear Mr Leiper

**Proposed new access at The Paddock, Arradoul**

Following your request, I have inspected this site and would report as follows:

The proposed new access lies within the block of conifers on the northern edge of the property between lawns and the A98 public road. The conifers comprise mainly Corsican Pines with occasional Scots Pines and Thujas of unstated age but about 40+ years old. Although this block of trees has some amenity value when considered as part of the overall distant landscape in the Arradoul area, its amenity value is negligible within the immediate area of The Paddock and the environs of the neighbouring properties on all sides. This is because most of the Pine trees, with a few significant exceptions, are of very poor form and some show indifferent health. Crowns vary from sparse to relatively small volume and poor shape, many trunks are leaning, and branch habit exhibits the characteristics of poor provenance. It would seem that there has been no proper management of these trees for many years except to remove windblown and some of the dead individuals; any respacing undertaken at an earlier stage is probably due to natural losses. All the Pines have discarded their lower branches so there are no Pine trees with lower crowns. The Thujas are generally poor specimens but do provide a modicum of cover as occasional understorey trees with lower crowns. A small number of Corsican Pines exhibit high amenity value, having full and well-shaped crowns and of upright stature, and - although of little value from the point of view of timber production - are architecturally interesting and certainly not out of place in a property of this size.

The trees in the immediate vicinity of the proposed new access are:

- Nr 1: Corsican Pine - a large tree 600+MM diam, of good form and full crown showing high amenity value for the garden and public road
- Nr 2: Corsican Pine - a suppressed tree 200+MM diam, of no amenity value
- Nr 3: Corsican Pine - a medium tree 300+MM diam, of good form
- Nr 13: Corsican Pine - a medium tree 250+MM diam, small crown and leaning westwards
- Nr 14: Corsican Pine - a small tree 150+MM diam, dead for some time
- Nr 15: Corsican Pine - a medium tree 300+MM diam, good upright tree
- Nr 16: Corsican Pine - a small tree 150+MM diam, dead for some time
- Nr 20: Corsican Pine - a medium tree 300+MM diam, short and fat with reasonable crown
- Nr 21: Thuja - 250+MM diam, an indifferent specimen
- Nr 19: Thuja - 250+MM diam, very poor form and of no amenity value
- Nr 22: Thuja - 150+MM diam, very poor form and of no amenity value



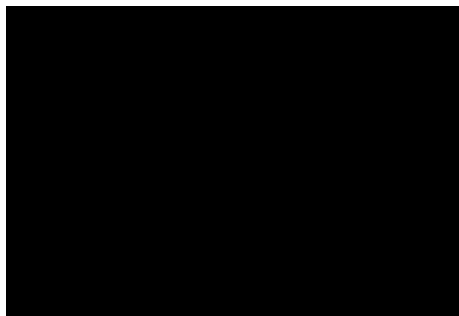
- Nr 23: Thuja – 200+MM diam, indifferent form of some amenity value  
Nr 24: Corsican Pine – a large tree 350+MM diam, fine specimen  
Nr 12: Corsican Pine - a large tree 400+MM diam, reasonable specimen but does not have a full crown  
Nr 11: Corsican Pine – a medium tree 300+MM diam, reasonably good tree  
Nr 10: Scots Pine – a large tree 400+MM diam, poor crown  
Nr 17: Scots Pine – a small tree 200+MM diam, dead  
Nr 18: Corsican Pine – a large tree 400+MM diam, good form of trunk but small crown

The line of the proposed access allows for the presence of the septic tank and requires the removal of trees Nr 19 and Nr 22 - which are indifferent specimens of Thujas with little amenity value - and Nr 12 -, which is a large Corsican Pine of some amenity value but is near Nr 1, Nr 11, and Nr 18 – some of the better Corsican Pines. The line avoids all of the fine specimen trees, including Nr 1.

The line passes very close to a few trees and Nr 15 is on the very edge of the proposed access. Pines are shallow rooted and there will be roots from the closest trees passing under the proposed access so this could be considered to be of some concern. I understand that the drive is to be constructed on a geotextile membrane with minimal ground preparation and upfill and that the vehicular use will be limited to a few light vehicles (such as domestic cars) for the most part, so it is not unreasonable to assume that the maturity of the root systems will be sufficient for the trees to withstand this construction without being affected adversely. (An outstanding example of hard standings immediately next to Scots Pines is the carpark at Landmark, Carrbridge – this has had very heavy use for very many years and the trees continue to grow and thrive in good health). From the information you have provided to me, and bearing in mind the state of some of the neighbouring trees, I would consider this particular construction within the existing tree'd area to be acceptable.

Do get back to me should you require any further information or comment.

Yours sincerely



Peter J Fitch

## ANNEX A

### DEFINING A MATERIAL CONSIDERATION

1. Legislation requires decisions on planning applications to be made in accordance with the development plan (and, in the case of national developments, any statement in the National Planning Framework made under section 3A(5) of the 1997 Act) unless material considerations indicate otherwise. The House of Lord's judgement on *City of Edinburgh Council v the Secretary of State for Scotland (1998)* provided the following interpretation. If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. **If the proposal does not accord with the development plan, it should be refused unless there are material considerations indicating that it should be granted.**
2. The House of Lord's judgement also set out the following approach to deciding an application:
  - Identify any provisions of the development plan which are relevant to the decision,
  - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies,
  - Consider whether or not the proposal accords with the development plan,
  - Identify and consider relevant material considerations for and against the proposal, and
  - Assess whether these considerations warrant a departure from the development plan.
3. There are two main tests in deciding whether a consideration is material and relevant:
  - It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land, and
  - It should fairly and reasonably relate to the particular application.
4. It is for the decision maker to decide if a consideration is material and to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the development