

Appendix 14 – Correspondence with the Council

This appendix contains 2 emails in which we requested a specific confirmation from the Council concerning the suitability of the visibility splay

Arradoul 13_01341_APP
From: "Malcolm Leiper" <malcolm.leiper@futureplans.co.uk>
To: "Cathy Archibald" <cathy.archibald@moray.gov.uk>
Cc: "Diane Anderson" <diane.anderson@moray.gov.uk>; "Neal MacPherson"
<neal.macpherson@moray.gov.uk>
Subject: Arradoul 13/01341/APP
Date: 17 October 2013 15:02

Cathy /Neal

Sorry for the delay in sending the amended visibility splay information. Unfortunately this was largely due to the fact that our client could not contact the owner of Arradoul House as he has been away.

Please find attached :-

- a.. the visibility splay
- b.. photographs illustrating the how the visibility splay works in practice i.e. our car with lights on sitting stationary at the 160 point in both directions (this position is marked in red on the roadside for inspection on site)
- c.. a copy of an agreement signed by the owner of Arradoul House (bearing in mind the photographic evidence we would query whether the agreement is absolutely necessary however both parties are more than willing to clear any obstructions in the visibility splay)

We believe that the splay drawing and photograph demonstrate that a visibility splay of the dimensions required by the Council for 50mph limit stretch of road can be achieved.

We would now be grateful if the Council could confirm that this visibility splay is adequate in terms of Council Policy

We are of course aware that the Transportation Section also objects to the application on the grounds of increased accident risk although we are unconvinced by the reason given. We would generally expect that a road with a 50mph limit would be generally free flowing but that the provision of an access with the required visibility would be likely to overcome the risk of accidents. As to the question of accidents history in the location we have submitted statistics supplied by the Council for this stretch of road which appear to suggest that there is no significant risk of accidents away from the Buckpool junction and the Auchentae Junction. We would be grateful to hear the Transportation Section's comment on the statistics we submitted and why an access with the required visibility for the speed of the road would materially increase the risk of accidents.

We would also be grateful to hear the Transportation Section's view on the safety at the access currently serving the Paddock. At the moment this access serves 6 houses. It does not appear to meet the 4.5 m x 160m visibility that the Council requires for such an access in a 50mph limit nor is it made up to adoptable standard as is required for new development of more than 4 houses. On this basis we are of the view that our client's proposed access will be of a better standard and likely to offer less potential accident risk than that which he currently uses (and which he will be forced to continue to use if this application is refused).

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As regards other planning issues there will be no significant loss of trees and therefore no material affect on the visual amenity provided by the tree belt. Our client has confirmed that no development site is proposed and in any event that is a situation which can be controlled by the Council and would require visibility based on a 4.5m, "X" distance which may well prove problematic. The Local Plan reasoning for denying further accesses, particularly if they are to a higher standard than those which exist does not appear to be based on strong evidence nor does it anticipate a situation such as is proposed. A request to depart from the plan is a legitimate part of the process and in this case we believe it can be justified.

We would be grateful your reply before any decision on the application is made.

Meantime we will be happy to discuss the content of this email and meet with you if need be.

I look forward to hearing from you

Malcolm Leiper
for futureplans

Malcolm Leiper

From: "Malcolm Leiper" <malcolm.leiper@futureplans.co.uk>
To: "Cathy Archibald" <Cathy.Archibald@moray.gov.uk>
Cc: "Diane Anderson" <diane.anderson@moray.gov.uk>; "Neal MacPherson" <neal.macpherson@moray.gov.uk>
Sent: 05 November 2013 15:59
Subject: Re: 1301341APP planning application
 Cathy

Thanks for your email

I have read the Transportation reply and I am concerned by its contents

My comments are as follows :-

Has the Transportation Section measured the visibility to the west at the existing access ? If so can they provide us with their measurement please? We are of the view that it falls well below that required within a 50 mph limit. Our client also confirms that the occupant of Firthview regularly parks in his drive (which is of course his right) and reduces the visibility further. We on the otherhand are providing an access with the required visibility for a 50 mph limit. Our client also confirms that he is prepared to block off his existing access and this can in any case be the subject of a condition.

We are alarmed to find that there is no comment whatsoever regarding our latest visibility splay and photographs. We believe that we are entitled to an acknowledgement that, notwithstanding any other unresolved issues, the latest visibility splay we have submitted in this location is sufficient to comply with a 50 mph limit. Can this be provided for our client please?

We note what is said about the accident statistics and we are puzzled as to why the Buckpool and Auchentae junctions are being treated as being the same as residential accesses surely they are subject to different levels and types of traffic not to mention their locations at either end of the village. Contrary to the Transportation comment we did not remove these from the analysis we acknowledged them clearly and gave reasons why they did not appear to fit with our final analysis Our point is that over time data recorded appears to demonstrate that it is not turning movements at the residential accesses in Arradoul that appear to be causing accidents. It is turning movements at junctions.

As regards free flow of traffic through. Arradoul we note that it has been slowed to an upper limit 50mph which coincides with the visibility our client can provide.

We look forward to hearing from you.

Regards

Malcolm Leiper
 for futureplans

----- Original Message -----

From: [Cathy Archibald](#)
To: [Malcolm Leiper](#)
Sent: Tuesday, November 05, 2013 12:01 PM
Subject: 1301341APP planning application

Hello Malcolm,

A quick update to let you know that Transportation comments can be read on the public access webpage now.