

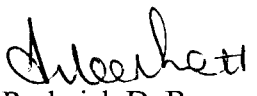
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## ENVIRONMENTAL SERVICES COMMITTEE

WEDNESDAY 28 NOVEMBER 2001

### SUPPLEMENTARY AGENDA

The undernoted reports have been added to the Agenda for the Meeting of the Environmental Services Committee to be held on WEDNESDAY 28 November, 2001 at 9.30 a.m.

  
Roderick D. Burns  
Chief Legal Officer

23 November, 2001

#### NOTE REFERRED TO:-

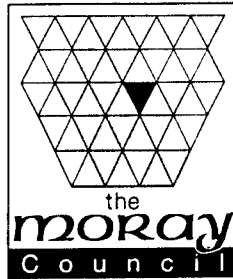
13 (a) A96 Fochabers/Mosstodloch Bypass - Report by Director of Environmental Services

#### **Item which the Committee may care to consider with the Press and Public excluded**

21. Keith Laundry: Premises at Balloch Road, Keith - Report by Chief Legal Officer (Para. 6)
22. Unauthorised Development 00/00848/FUL - Report by Director of Environmental Services (Para 13)

NB Paragraph 13 - Information relating to proposals to an Act or Notice under or by virtue of which requirements are imposed on a person or to make an order or direction under any enactment





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**REPORT TO: ENVIRONMENTAL SERVICES COMMITTEE ON  
28 NOVEMBER 2001**

**SUBJECT: A96 FOCHABERS – MOSSTODLOCH BYPASS**

**BY: DIRECTOR OF ENVIRONMENTAL SERVICES**

1. **Reason for Report**

- 1.1 To ask the Committee to consider the details presented by the Scottish Executive for their A96 Fochabers – Mosstodloch bypass, and to further consider the nature of any representation which the Council may wish to make on these proposals.

2. **Background**

- 2.1 In October 2001, the Scottish Executive (S Exec) published the draft Statutory Orders for their proposed bypass line. The documents referred to are:

- **The A96 Trunk Road (Fochabers and Mosstodloch By Pass) Order 200**
- **The A96 Trunk Road (Fochabers and Mosstodloch By Pass) (Side Roads) Order 200**
- **The A96 Trunk Road (Fochabers and Mosstodloch By Pass) (Redetermination of Means of Exercise of Public Rights of Way) Order 200**

The details were on public display for 4 days, divided between Fochabers and Mosstodloch, as were details of proposed traffic calming measures. The documents and the **Environmental Statement (ES)** were also made available for public inspection at the Council Office, Elgin, and locally in Fochabers and Mosstodloch until 14 December 2001.

**Draft Road Orders**

- 2.2 Copies of the documents have been placed within the Members' library. Formal responses to any of the documents are required by 14<sup>th</sup> December 2001. The S Exec also welcomed comments on the traffic calming measures proposed.
- 2.3 The documents have been reviewed and appear to reflect the details contained in the drawings presented as part of the ES. A number of minor drafting errors have been noted, but these do not affect the sense of the documents, and would be conveyed to the S Exec for their information.

### Environmental Statement

- 2.4 The S Exec also prepared their ES for the scheme under the terms of the Environmental Impact Assessment (Scotland) Regulations, 1999. This identifies factors affected by the scheme and the measures taken to mitigate the effects. In doing so, the document also details the process, scheme history, constraints, and proposals.
- 2.5 The draft Compulsory Purchase Orders for the scheme are due to be issued in November 2001.

### Need for the proposed scheme

- 2.6 The ES reminds readers that the initiation of studies into the provision of a bypass in 1994 was in response to the 6 point plan for the A96 announced in 1988. While the original scheme objectives remained relevant, they have now to be considered within the revised appraisal framework announced by the Scottish Executive Development Department in 1999 based on the 1998 Scottish White Paper "Travel Choices for Scotland". The proposed bypass was appraised against this new criteria and was one of the very few improvement schemes in Scotland to survive the moratorium and Strategic Roads Review.
- 2.7 The Moray Council's Development Plan identifies the requirement for a bypass of Fochabers and Mosstodloch. The Structure Plan, which was approved by Scottish Ministers in November 1999 (shortly after the publication of the Strategic Roads Review), sets out the principle of the bypass and recommends that it should be dual carriageway. The Moray Local Plan, which was adopted by the Council in April 2000, identifies the route corridor of the bypass running north of Fochabers and south of Mosstodloch.

### Scheme development

- 2.8 The Consultant Engineers employed by the S Exec carried out their investigations under several Stages.

Stage 1 commenced in 1994 and considered improvement corridors, traffic and environmental issues for the bypass. The investigations recommended 4 options for further examination.

Stage 2 commenced in 1995 and consisted of route option assessment. Outline development proposals for all 4 options were exhibited in Fochabers in February 1996. 600 people attended, and 440 completed the questionnaire provided. The Northern route received the majority of local support with 67% placing the Northern Route (either dual or single) as their first choice.

As a result of this consultation, cost analysis, economic performance and predicted growth, the options were reduced to the Northern Route and the Central Route (renamed the Southern Route.) The analysis also concluded that a dual carriageway could not be justified. The ES gives detailed analysis under 9 headings, and concluded with the following table, reporting that the Northern Route was the preferred option.

	Northern Route	Southern Route
Capital cost	Preferred	
Economic performance	Preferred	
Traffic relief (within settlements)	Preferred	
Level of service (trunk road)		Preferred
Phasing of construction	Preferred	
Impact on the Gordon Castle Estate		Preferred
Impact on the River Spey	Preferred	
Impact on Spey Abstraction scheme	Preferred	
Risk	Preferred	

- 2.9 A Ministerial announcement was made in November 1996 confirming that a decision had been made to proceed with a bypass of Fochabers and Mosstodloch on the Northern Route.
- 2.10 Design work was suspended between June 1997 and November 1999 while the S Exec carried out their Strategic Roads Review mentioned earlier. Work recommenced in January 2000.
- 2.11 Significant changes to design elements were introduced following discussions with individuals and groups. The most notable features are:
- A new roundabout west of Mosstodloch;
  - Direct access to Baxters from a roundabout;
  - Three lane road from west of Mosstodloch to Coul Brae (Baxters roundabout) with dedicated overtaking for west bound traffic;
  - Pedestrian Underpass adjacent to Inchberry Road;
  - 7m deep cutting adjacent to access road into Gordon Castle;
  - 3 lane dedicated climbing lane from Bellie Road to A98;
  - Traffic calming on the de-trunked A96 through Fochabers and Mosstodloch;
  - Existing Spey bridge used, without widening;
  - Standard of alignment on A98 reduced in standard to minimise the tree loss.
- 2.12 Current economic comparisons have been given for the two routes with £15.19m estimated for the Northern Route and £28.50m for the Southern Route.

Proposed Scheme - contract arrangements & timescale

- 2.13 The S Exec proposes to invite fixed price lump sum bids for the design and construction of the bypass. The Contractor will be given as much freedom as possible to produce an efficient and cost effective proposal within the constraints and limits identified by the Contract and the commitments made in the ES. However, the S Exec's Specimen Design may be changed by the Contractors Conceptual Design, and if sufficiently different then an Addendum ES must be produced for consultation and approval.
- 2.14 The ES confirms that proposals will not be finalised until a Contractor has been appointed however the S Exec has control over the Works through contract documents, conditions, requirements, specification, standards, liaison, finishes and the ES commitments.

- 2.15 The anticipated programme set out in the ES is:-
- Land required for the Works vested in the Scottish Ministers – early 2003 (provided all statutory processes are complete);
  - Construction period 18 – 24 months;
  - Completion and opening – mid to late 2005;
  - Traffic calming works – after by-pass is open;
  - De-trunked road handed over to Local Authority – 1<sup>st</sup> April following by-pass opening.

#### Disruption due to construction

- 2.16 The scheme has approximately 466,000m<sup>3</sup> of excavations and infill, balanced on both sides of the River Spey. Disposal off site is not ruled out, and Moray landfill sites are identified as possible disposal points. If significant quantities of material have to be disposed to landfill, then the capacity at Dallachy could be overwhelmed unless the material was suitable for covering waste. Dialogue with SEPA would be necessary.
- 2.17 The ES identifies the need to liaise with the Local Authority, SEPA, SNH, Historic Scotland and the Police over matters such as restrictions in working hours, contract proposals, haulage routes for materials on and off site, drainage proposals, contaminated land, impact on adjacent properties, noise, dust, vibration, alternative access arrangements, traffic management, timing of operations and licences.

#### Traffic Calming in Fochabers and Mosstodloch (Post-Bypass)

- 2.18 Council officers have liaised with the consultants regarding traffic calming proposals for the two villages after the Bypass is open. There are a number of issues to be re-examined but this should take place after the results of the public consultation exercise are known so that the public's views can be incorporated as much as possible. The final proposals will eventually be subject to a formal safety audit process.
- 2.19 The S Exec should be requested to confirm that they will fully fund these proposals which are an essential and integral part of the Bypass scheme.

#### Road Geometry

- 2.20 The predicted traffic flows, contained in the consultant's ES, for different sections of the Bypass, have been compared with the proposed standard of carriageway. One of the concerns is that the existing Fochabers New Bridge, which is only a single 7.3 metre carriageway, is less than the optimum standard of road which should be provided to be economically and operationally justified. This does not mean that the standard is unacceptable on traffic capacity grounds but the Scottish Executive should be requested to consider an improved standard of carriageway over the bridge.
- 2.21 Similarly, an improved level of service would be achieved for all road users if the Bypass was designed to dual carriageway standard, particularly on sections west of the Spey Bay Road junction. As an absolute minimum position sufficient land for future dualling should be acquired and all junctions should be designed to be compatible with a future dual carriageway as far as possible.
- 2.22 Increased gradients on the A98 Council road which would be created by the proposed tie-in of the A98 to the east end of the Bypass are of concern. They represent a 'permitted'

departure from the standards which would normally be expected and, particularly in ice and snow conditions, the steep gradients could give rise to road safety problems. The Scottish Executive should be urged to revisit this aspect of the road design. Whilst it is understood that a formal safety audit report has been produced for the whole scheme it has not been made available to Council officers. A copy of this report should be requested, particularly since safety issues on the Council Road network can be directly affected by the Bypass design.

#### Pedestrians, Cyclists and Equestrians

- 2.23 Further consideration should be given to cycleway provision, particularly through Mosstodloch. Most of this can be addressed when the traffic calming proposals are reassessed in the light of public consultation, but the lack of facilities in Mosstodloch should be highlighted at this stage as a significant item.

#### Air Quality

- 2.24 The ES reports that air quality and, in particular, that Local Air Quality Standards will not be breached. The air quality in the congested areas of High Street, Fochabers will be improved by the introduction of the Bypass.

#### Traffic noise & vibration

- 2.25 With the introduction of the Bypass, a significant number of properties on the existing road network will experience a reduction in noise levels. Approximately 130 properties immediately adjacent to the existing A96 will experience a decrease in noise. Approximately 85 properties will receive an increase in noise levels and this appears most significant at Castle Street, Duncan Avenue, and Gordon Castle Estate.

These rises are significant in a quiet part of Fochabers and therefore further discussion is required on improving the proposed mitigation measures. In addition, further information on the extent of proposed mitigation at Gordon Chapel will be required.

#### Cultural Heritage

- 2.26 Archaeology: the Environmental Statement (ES) recognises that there will be a loss of archaeological remains to the south of Mosstodloch. In mitigation it proposes that an archaeological consultant be taken on by Historic Scotland to excavate and record the features. It would also be appropriate for the Scottish Executive to involve the Regional Archaeologist in this process.

Gordon Castle Designed Landscape: the ES recognises that the severance and loss of the historic design, cultural integrity and landscape character of the most southerly part of the designed landscape is a substantial adverse impact. It also recognises that the mitigation proposals will only help to reduce adverse aspects. The Moray Local Plan in reserving a northern line around Fochabers for the new bypass requires that the most sensitive design techniques are used to minimise the impact on the historic grounds of Gordon Castle (and that Historic Scotland should be consulted on any proposals that affect Designed Landscapes). It also requires a safe pedestrian link from Castle Street to the Lakeside walk and walled garden within the Castle grounds, and the preservation of woodland to the north of Lennox Crescent. The ES confirms the provision of a new pedestrian bridge to the Estate Lake. It also establishes that Historic Scotland have stated that they believe that the road

design will reduce the severity of impact on the Estate, and that Historic Scotland and Scottish Natural Heritage support the consolidation and replacement of boundary tree belts.

Listed Buildings: the ES concludes that the setting and physical environment associated with the Gordon Estate's main gateway and lodges, Gordon Castle Chapel, East Lodge, will be adversely affected. As stated previously, the Moray Local Plan requires that the most sensitive design techniques are used to minimise the impact on the grounds of Gordon Castle. The proposed mitigations are the provision of a wide Main Driveway bridge on the same alignment of the existing driveway; the installation of double glazing and the repair and rehang of the stained glass windows at the Chapel. In addition, the replanting of trees and false embankment crests are proposed to reduce the visual impact. The ES also states that Gordon Castle Farm and buildings, the Lakeside House, Walled Garden and Garden House will be subject to a moderate adverse impact. It is proposed to mitigate this by regrading the embankment, creating a false crest and planting a new hedge.

Fochabers Outstanding Conservation Area: the ES anticipates a substantial benefit resulting from the removal of traffic from the town. The conservation and enhancement of Moray's built heritage is a key policy objective of the Moray Development Plan.

#### Ecology and Nature Conservation

- 2.27 Habitats: The Moray Local Plan requires that where local designations are affected by proposals they should incorporate specific measures to minimise impact and conserve the site's ecological interest. The proposed mitigations would appear to be reasonable, however, the views of Scottish Natural Heritage should also be taken into account by the Scottish Executive.

Species: The Moray Local Plan requires that where local designations are affected by proposals they should incorporate specific measures to minimise impact and conserve the site's ecological interest. In general, the proposals for mitigation put forward by the ES are acceptable.

#### Landscape and Visual Effects

- 2.28 Landscape: Comments on the Gordon Castle Estate and the affected townscapes are made above.

Buildings: The ES states that over 40 per cent of 125 properties affected by the bypass will experience significant adverse visual impact. This will be reduced to 31.2 per cent once mitigation measures such as tree and hedge planting, mounding and earth shaping become effective. The ES also records that the current adverse impact of the A96 running through the towns of Fochabers and Mosstodloch will be significantly reduced although not subject to formal assessment.

Public Recreational Areas and Car Parks: The generally beneficial impacts at Baxters Car Parks, Fochabers cricket ground Fochabers High Street and Milne's Primary School are noted. The adverse impact on Gordon Castle Lake is dealt with above.

Land Use

Land Used By the Community: The ES identifies slight adverse impacts associated with the severance of the Gordon Castle Lake. However, this is reduced by the provision of a new pedestrian bridge. A slight loss of amenity and severance is also predicted for the informal path users at Christie's and at Balnacoul.

Development Land: The ES recognises that the line of the proposed bypass is included within the Moray Local Plan.

Agricultural, Nursery and Forestry Land: The total landtake of the bypass is some 22 hectares, of which 3.5 hectares is classed as prime agricultural land. The proposed bypass line within the Moray Local Plan does lead to the loss of some prime agricultural land which would normally be protected. However, the ES does confirm the continued viability of the affected farm operations.

Policies and Plans

- 2.29 The Moray Council Planning Policies: Generally, it is noted that the policies from the Moray Structure Plan and the Moray Local Plan are not quoted in full and that there are a number of policy omissions. In addition, it is noted that the policy maps provided are not fully up to date.  
However, the ES should confirm that the Structure Plan Recommendation S/T2 accepted by Scottish Ministers seeks a priority enhancement of the A96 between Aberdeen and Inverness. In particular, that the road should be dualled and include a bypass at Fochabers and Mosstodloch.
- 2.30 Local Plan Policies L/T1 and 'Fochabers Bypass' are primary policies dealing with the bypass proposal. In particular, they recognise that the northern line for the bypass is reserved on the basis that it is the most straightforward, cost effective and environmentally acceptable route.
- 2.31 The Plan requirement for sensitive design techniques to minimise impact on the grounds of Gordon Castle, a new pedestrian link to the Estate Lake and walled garden, and to preserve the wooded area north of Lennox Crescent is generally acceptable.
- 2.32 The Plan also requires that the impact of traffic and fumes on the residents in Duncan Avenue and Castle Street should be minimised by landscape design techniques(As noted above there is a need to discuss further the potential reduction of this impact).
- 2.33 The Plan requires that the tree belt to the north of Castle Street along with additional planting north of Duncan Avenue should form a community woodland. This should be discussed further with the Scottish Executive.
- 2.34 A tree belt to the north of Castle Street as far as East Street is retained in accordance with the Plan.
- 2.35 The Local Plan proposal that there will be no development land released to the north of the existing Fochabers settlement boundary nor to the east of the A96 is taken on board by the ES.

### 3. The Proposals

3.1 It is proposed that Moray Council should respond to the formal consultation on the Road Orders identified in 2.1 above, and generally welcome the progress being made in taking forward the bypass project.

3.2 In doing so there are elements of the project where further information, clarification or suggested modification may be appropriate. Members may wish to make specific comment on these points, namely:-

- Proposed gradients on A96/A98 Roundabout (old A98 part)
- Proposed road width over Spey bridge
- Clarification into how Council can input into any permitted Contractor's alternative Designs
- The need to provide a dual carriageway or consider purchase of land for future dual carriageway
- Provision of turning hammerhead on Lennox Crescent
- Provision of turning facility adjacent to Cricket Club to serve dropping off of bus passengers
- Proposed route of cycleway in Mosstodloch
- Traffic calming details within conservation area, particularly Fochabers Square
- Provision of Community woodland - north of Castle Street/ north of Duncan Avenue
- Estimated noise increase - Castle St., Duncan Av. & Gordon Castle Estate.
- Clarification on Trunk Road / Local Road boundary definitions (incl. drainage routes)
- Provision of Safety Audit details (particularly for elements of scheme which will revert to the Council)
- Clarification on requirement for Planning application for Traffic calming proposals.
- The need for discussion with the Scottish Executive and SEPA regarding the disposal of surplus ground material.

3.3 It would be of benefit if the matters listed in 3.2 above could be the subject of further dialogue between the S Exec and the Council, on the assumption that the S Exec are prepared to entertain this approach. If not, and the S Exec wishes to deal with all matters now through the statutory process only, then the Council may wish to consider the extent of any formal objections, it may wish to make.

3.4 Clarification of the S Exec proposed procedures is awaited and will be reported verbally at the meeting.

4. **Financial Implications**

4.1 There are no financial implications directly from this report, unless a formal objection is considered necessary.

5. **Staffing Implications**

5.1 There are no staffing implications directly from this report, unless a formal objection is considered necessary.

6. **Environmental and Sustainable Development Implications**

6.1 There are no sustainable development implications for the Council from this project, however, it is assumed that the S Exec have taken this into consideration in the promotion of the project.

7. **Corporate Plan**

7.1 The construction of a bypass supports the Council's corporate objective of improving the existing roads network.

8. **Consultations**

8.1 Aileen Scott, Martin Wanless, Gordon Holland, Margaret Wilson have been consulted and their comments incorporated into the report.

9. **Recommendations**

9.1 **The Committee considers the details of the scheme contained in Section 2 of this report, and the outstanding matters contained in Section 3 of this report and recommends a suitable response to the Scottish Executive's Statutory Orders.**

Author of Report: Head of Direct Services

Background Papers: None

Ref: AR/FLD/R/21/A96/1

Signature: 

Designation: Director of Environmental Services

Name: Robert A Stewart

