

**REPORT TO: ENVIRONMENTAL SERVICES COMMITTEE ON
30 OCTOBER 2002**

**SUBJECT: A96 FOCHABERS-MOSSTODLOCH BYPASS – AMENDED
PROPOSALS**

BY: DIRECTOR OF ENVIRONMENTAL SERVICES

1. Reason for Report

- 1.1 To advise Members of the detailed information contained in the revised proposals for the bypass as presented in the Variation to the Side Roads Order and Addendum to the Environmental Statement issued by the Scottish Executive.

2. Background

- 2.1 Reference is made to the Minute of this Committee of 02 October 2002 (item 9 refers) which informed Members that the Scottish Executive had found it necessary to revise their proposals for the bypass along the section immediately to the north of Fochabers which involved the following amendments:-

- (a) raising the proposed road
- (b) deleting the proposed pedestrian footbridge which would give direct access to the lake
- (c) proposing alternative footpath access between Gordon Castle bridge, the lake and Home Farm underpass
- (d) incorporating additional community woodland in the scheme
- (e) raising earthwork bunds in the vicinity of the revised proposals to minimise noise and visual intrusion
- (f) proposing a narrower bridge on Gordon Castle access driveway
- (g) building a high wall to separate the proposed bypass road and the existing lake within Gordon Castle grounds

2.2 To accommodate these proposals the Scottish Executive have published the following documents:

- **The A96 Trunk Road (Fochabers and Mosstodloch Bypass) (Side Roads) (Variation) Order 200**
- **The A96 Trunk Road (Fochabers and Mosstodloch Bypass) Environmental Statement Addendum**

These documents amend the earlier published Statutory Orders and document for the proposed bypass which were referred to in the report submitted to this Committee on 28 November 2001 (item 15 refers).

2.3 The proposed details were the subject of public exhibitions in Fochabers and Mosstodloch during the period 23-25 October 2002.

Draft Road Orders

2.4 The Variation to the Side Roads Order identifies the need to close off the private access from Castle Street to Gordon Castle lake, and the private access from Gordon Chapel to Gordon Estate walled garden. This is necessary due to the deletion of the previously proposed pedestrian bridge. By way of mitigation, the Scottish Executive proposes to provide new means of access by routes from the Gordon Castle Estate access road to the private access between Gordon Street and Gordon Castle lake, and from the realigned Gordon Castle Farm access to the private access between Gordon Chapel and Gordon Castle Estate walled garden.

Environmental Statement

2.5 The Environmental Statement for the scheme has been prepared under the terms of the Environmental Impact Assessment (Scotland) Regulations 1999, and was first issued in October 2001. The document being considered is therefore an Addendum to this Statement required as a result of a design change to the vertical profile of the route as it passes through Gordon Castle Estate.

Need for the Revised Vertical Alignment

2.6 Some ground investigation information was initially obtained between January and February 2001, but trials had to be suspended due to restrictions on site works taken as precautionary measures during the outbreak of foot and mouth disease throughout the country. Preliminary data allowed design work to continue with the proposed vertical alignment being low enough to minimise the impact of the road proposals on the surrounding property, but with appropriate mitigation measures required as the proposals would be below the natural water table level. In early 2002, the sanctions imposed in relation to the outbreak of foot and mouth disease were lifted and the ground investigations recommenced. Unfortunately following detailed analysis of the complete data it was found that the construction proposals would not totally remove the risks associated with ground water flooding and as such the impact of such an occurrence on the lake and properties of Fochabers were considered unacceptable. As a consequence the new raised alignment proposed was deemed necessary to minimise the impact on the water table and to ensure that the risks of damage to the buildings and integrity of the lake was removed.

The Revised Alignment – Route Description

- 2.7 Bypass: There are no changes to the west of the River Spey. To the east of the River Spey the horizontal proposals are unchanged. However significant alterations are made to the vertical proposals. The proposed final level is kept above the water table and consequently under the proposed Estate driveway bridge, the cutting is now approximately 4.5 metres deep compared with the 8 metre deep proposal in the original design. By a point approximately 50 metres west of Gordon Chapel, the final level would be approximately 1.5 metres below existing ground level rising to existing ground level at the eastern extremity of Castle Street.
- 2.8 Gordon Castle Estate Driveway: It is no longer possible to keep the main entrance to the Estate at ground level and therefore the bridge and associated approach roads have been redesigned. The finished bridge would be approximately 2.2 metres above the existing ground level as it crosses the line of the bypass, with roads grading out on each side to tie in to the existing Estate road.
- 2.9 Gordon Castle Main Driveway Bridge: Since the clear view along the Estate road is no longer possible, the impact of the bridge has been considered and the revised proposal adopts a 4 metre wide surfaced road with 1 metre soft verges on each side. The Scottish Executive consider that due to the raising of the main road, the effects of these changes will make the construction less intrusive.
- 2.10 Gordon Castle Estate Footbridge: This structure is no longer included within the scheme proposals, with alternative access arrangements being provided as discussed in paragraph 2.4 above. In coming to this conclusion, the Scottish Executive have determined that it is technically feasible to construct the footbridge in the desired location but that the visual impact of the structure would be restrictively intrusive relative to its surrounding environment.
- 2.11 Programme and Scheme Cost: The Scottish Executive confirm that the programme remains similar to that proposed a year ago with land required for the construction being vested in the Scottish Ministers during mid-2003, with construction beginning towards the end of 2003 provided that all statutory processes are satisfactorily completed in time. A public local enquiry, if necessary, would be conducted in early 2003, and this would postpone vesting of any land until early 2004 with a construction start in autumn 2004. Construction is anticipated to take 18-24 months thereafter. The cost of this revised scheme is reduced to £13.14m, compared with £15.19m as previously published. The revised costs are associated with the raising of the road, the reduction in width of the Estate bridge, the removal of the pedestrian bridge and the deletion of the requirement for considerable lengths of retaining walls.

Air Quality

- 2.12 The revised proposals do not change the previous comments relating to air quality. Local air quality standards will not be breached.

Cultural Heritage

- 2.13 The modified vertical alignment of the proposed bypass will now affect the southern edge of the designed landscape of Gordon Castle Estate. Land take is not increased but the raised road alignment results in an increase in noise and visual intrusion. Additional trees will be lost. There will be an increased impact on nationally important buildings on this edge of the Estate, namely the Main Gateway and Lodges, the Gordon Chapel and to some extent the Lakeside House, walled garden and Garden House where there will be increased noise and a loss of the physical setting of the buildings within the Estate.
- 2.14 The Scottish Executive have carried out an assessment of these environmental affects and have included descriptions on how the new proposals impact on the cultural heritage, and how they have proposed to mitigate the effects. They have also stated any residual effect which may exist from their proposals.

Gordon Castle Designed Landscape

- 2.15 Due to the raised road level it is likely that high sided vehicles which would previously have been concealed by the deep cutting will now be observed as they pass through this area of the Estate. The bypass will be closer to existing ground level in the vicinity of the main driveway and it will therefore no longer be necessary to construct retaining walls to minimise the loss of avenue trees. The pedestrian footway link has been deleted. The raised profile means that road facing slopes can be reduced in gradient and are now proposed to be at 1 and 2. The Estate driveway bridge has been reduced in width from 16 metres to 6 metres due to the reasons mentioned previously in paragraph 2.9. In the vicinity of the main driveway however the road facing slopes will have to remain as previously proposed at a slope of 1 in 1 using soil stabilisation methods. To reduce the views of the traffic through the Estate, false crests will be provided which will generally be 1½ metres above existing ground level thereby affording additional screening of traffic from within the Estate. These crests will be graded back at gentle slopes into existing ground levels. Whilst the pedestrian footbridge has been deleted, alternative access arrangements will provide a new circular walk through the Estate and proposed community woodland using the driveway bridge and the Home Farm underpass to access Fochabers.

Listed Buildings

- 2.16 The revised proposals will affect the setting and physical environment associated with the Gordon Estate's Main Gateway and Lodges, Gordon Castle Chapel, East Lodge, Lakeside House, walled garden and Garden House due to the fact that the road profile is being raised. The Moray Council Local Plan requires that the most sensitive design techniques are used to minimise the impact on the grounds of Gordon Castle and as such the previous report supported the view that the Scottish Executive had taken this into account when designing the proposals. Obviously with the profile now raised, the mitigation is less but the proposals are still considered to be within acceptable standards. The provision of the false crests and associated planting will assist to some extent to minimise the visual impact, however traffic will not be completely hidden in a cutting as was previously proposed.

Disruption Due to Construction

- 2.17 The reduction in cutting depth and structural work will inevitably lead to a time saving during construction and potentially less disruption to the local residents of Fochabers. The revised scheme has approximately 346,000 cubic metres of material to be excavated (a reduction of approximately 120,000 cubic metres). The proposals have been able to continue with a balanced approach to infilling requirements. Construction impacts, effects on people and the natural environment, construction noise and contract period will all be reduced as a consequence of the revised proposals.

Ecology and Nature Conservation

- 2.18 The revised proposals will have limited direct effect on ecology and nature conservation since this section is largely cultivated for agricultural purposes. There will be additional loss of habitat with the removal of 4 mature trees, severance of badger foraging and loss of feeding to ducks and wildlife on the lake. These have, however, been mitigated by the provision of extensive new community woodland and the enlargement of the drainage pond which will provide a more diverse habitat than is presently available. The losses or severance which would occur are not considered to be significantly different.

Landscape and Visual Effects

- 2.19 The raising of the road profile has led to a reduction in earthworks screening and thus the false crests have been introduced to compensate. Also by raising the road profile, as it passes the West Lodges, this has meant that the driveway bridge is also raised. However this has reduced the need for the previously proposed retaining walls on either side of the cutting below the lodge as a measure to retain the significant number of trees at the main entrance. Additional tree planting brought about by the requirement for more screening of the raised road profile has meant the re-establishment of the original design of woodland belt between Spey Bay roundabout and the East Lodge. From East Lodge to Fochabers east roundabout, as a result of further discussion with Historic Scotland and Scottish Natural Heritage, the inclusion of a strengthened woodland boundary has been introduced, which in turn has encouraged planting to the north of this section of road in an attempt to integrate the road behind the perceived wood line when seen from within the Estate. The overall effect has meant a slight increase in the adverse affects on the landscape but that the additional planting has meant an increase in the visual obstruction proposed as a result of the scheme and therefore the worsening is considered to be slight.

Land Use

- 2.20 The revised proposals do not require additional land from within Gordon Castle Estate and Gordon Castle Farm. Land partially severed by the original bypass proposal at Gordon Castle Farm, was to be regraded and returned to agricultural use. The revised proposals however amend the scheme and will be turned into an enlarged community woodland.

Traffic Noise and Vibration

- 2.21 The raised vertical alignment will affect the noise levels at properties along the northern edge of Fochabers. The majority of properties between West Lodge and Duncan Avenue will experience an increase in noise beyond that reported in the earlier Environmental Statement, however properties to the east i.e. beyond Westmoreland Street will experience a smaller increase than that previously reported due to the revised landscaping proposals. Whilst these increases are unfortunate, mitigation measures have been introduced by the construction of the false crests and planting to minimise the detrimental effects. Nevertheless the revised proposals are still within technically permitted limits. The Addendum to the Environmental Statement advises that there are no changes likely to be experienced from either ground-borne vibration or air-borne vibration above those indicated in the previous statement. As stated in the earlier Environmental Statement, traffic noise on High Street will be significantly reduced by the proposed bypass.

Pedestrians, Cyclists, Equestrians and Community Effects

- 2.22 The revised proposals results in the loss of the pedestrian footbridge previously proposed to mitigate severance between Fochabers and Gordon Castle lake. Alternative pedestrian arrangements have been provided between Gordon Castle Estate bridge and Gordon Castle Home Farm underpass as described earlier.

The Moray Council Local Plan Policies

- 2.23 The compliance with the Moray Council Structure Plan and Local Plan was reported to Committee in the previous report of 28 November 2001, and subsequent discussions with the Scottish Executive resolved all outstanding matters and therefore the Council were not minded to object to the Scottish Executive's proposals. The revised scheme now presented, is recognised as being necessary due to the constraints of the high water table established from the ground investigation work. As such, it is considered that appropriate mitigation measures have been included in the revised proposals to minimise the impact by providing false crests above existing ground level in the vicinity of the shallower cuttings, and additional planting.
- 2.24 It is regrettable that the shallower cuttings have necessitated the removal of the pedestrian footbridge joining the Fochabers community to the Gordon Castle lake, however it is also acknowledged that appropriate levels of mitigation have been put into place under these revised proposals by introducing new access routes between the Gordon Castle Estate road bridge and the lake, and between Gordon Castle walled garden and the Gordon Castle Home Farm underpass, and thereafter into an extended area of community woodland which includes access pathways.

3. Proposal

- 3.1 It is proposed that the Moray Council should respond to this formal consultation of the Variation to the Side Roads Order and the Addendum to the Environmental Statement. In doing so it would be acknowledged that the Council appreciates the significant constraint on the earlier proposals to form the bypass in a deep cutting past the northern perimeter of Fochabers due to the high water table, and that these new revised proposals included measures which mitigate the consequential effects of a higher roadway along this part of the proposed bypass.

3.2 In doing so the Council would give its continued support for the bypass as amended and thus would not be minded to lodge an objection to any part of the proposals.

4. Financial and Staffing Implications

4.1 There are no financial or staffing implications directly from this report, unless Members are minded to submit a formal objection to any part of the proposals.

4.2 The preparation and presentation of any formal objection will involve staff resources and incur costs for which there is not presently a budget, and would require to be reported to the Policy and Resources Committee for consideration due to the resource implications.

5. Environmental and Sustainable Development Implications

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

6. Corporate Plan

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

7. Consultations

7.1 Martin Wanless, George Borthwick and Mark Palmer have been consulted in the preparation of this report and their comments incorporated in the report.

8. Recommendations

8.1 That the Committee considers the details of the scheme outlined in this report and contained in the background papers identified as the Addendum to the Environmental Statement of October 2001 which have been placed into the Members Library for consideration, and that if so minded communicate their support for the revised proposals to the Scottish Executive.

Author of Report: Head of Direct Services
Background Papers: Addendum to the Environmental Statement of October 2001
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