



**REPORT TO: ECONOMIC DEVELOPMENT AND INFRASTRUCTURE
SERVICES COMMITTEE ON 26 AUGUST 2015**

**SUBJECT: ELGIN FOOD ALLEVIATION SCHEME – PROPOSED STOPPING
UP AND REDETERMINATION ORDER**

**BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT,
PLANNING & INFRASTRUCTURE)**

1. REASON FOR REPORT

1.1 The Committee is asked to approve the promotion of an order to stop up the sections of road which have become unnecessary as a result of the Elgin Flood Alleviation Scheme, under the Roads (Scotland) Act 1984. The Committee is also asked to redetermine the means of passage over the Lossie Wynd footbridge.

1.3 This report is submitted to Committee in terms of Section III (F) (17 &18) of the Council's Scheme of Administration relating to the duty of the Council as Roads Authority and its functions under the Roads (Scotland) Act 1984 and other relevant legislation.

2. RECOMMENDATION

2.1 It is recommended that Committee:-

- (i) approve the proposal to stop up the abandoned sections of road replaced through the Elgin Flood Alleviation Scheme and redetermine those sections of the bridge which are no longer suitable for vehicle traffic, as detailed in APPENDIX 1 and shown on plans in APPENDIX 2 to this report;**
- (ii) instruct the Head of Direct Services and the Acting Head of Legal and Democratic Services to proceed with the statutory process; and**
- (iii) instruct the Head of Direct Services and the Acting Head of Legal and Democratic Services to make and implement the Order if, following the consultation period, there are no outstanding objections**

3. BACKGROUND

- 3.1 The preferred Flood Alleviation Scheme for Elgin was selected at a special meeting of The Moray Council on 25 February 2004 (Para 6 of the minute refers). A Flood Prevention Order was publicised in October 2007 and a planning application submitted in January 2008. Scottish Ministers confirmed the scheme in December 2010, with construction starting in April 2011.
- 3.2 Integral to the scheme was the work at three bridges within Elgin, namely;
- Old Bishopmill Bridge – which has been replaced and will now be known as Lossie Wynd footbridge.
 - A new bridge, known as Brewery Footbridge, which spans the new flood relief channel opposite the Cathedral, forming an extension to the existing Category B listed Brewery Bridge.
 - Pansport Bridge which has been replaced with Landshut Bridge spanning both the river channel and the new flood relief channel.
- 3.3 All of the works have involved removing and replacing sections of adopted road and this report seeks to highlight the redundant sections and to remove them from the list of roads through the promotion of a Stopping Up Order under the Roads (Scotland) Act 1984.
- 3.4 Old Bishopmill Bridge has been replaced with a bridge which is not designed for motorised transport and therefore the 1988 stopping up order which left Old Bishopmill Bridge available for all types of vehicles will need to be altered to redetermine that the new Lossie Wynd footbridge bridge is only used by pedestrians and cyclists.

4. SUMMARY OF IMPLICATIONS

(a) Moray 2023: A Plan for the Future/Service Plan/Health and Social Care Integration

This is one of the final parts of the legal process in the promotion of the Elgin Flood Alleviation Scheme, which is an initiative supported by Moray 2023 and the Service Plan for Direct Services.

(b) Policy and Legal

To remove redundant sections of road from the List of Roads a Stopping Up Order is required; to change the use of a road to a cycleway a Redetermination Order is required. In both cases the Roads (Scotland) Act 1984 is the most relevant piece of legislation.

(c) Financial implications

All works have already been completed under the Elgin Flood Alleviation Scheme.

(d) Risk Implications

If the stopping up order is not promoted then there is a risk that the sections identified as redundant may be identified at a later date and the Council as Roads Authority would be required to reinstate and thereafter maintain them.

There is also a risk that if the redetermination is not promoted then the Council as Roads Authority may at a later date be required to reopen the area to motorised traffic.

(e) Staffing Implications

None.

(f) Property

None.

(g) Equalities

All of the works carried out under the flood alleviation scheme have made improvements to the cycle and pedestrian network including those which benefit those with a mobility impairment in terms of gradients, dropped kerbs and footway / footpath / cycletrack widths.

(h) Consultations

L Paisey, Principal Accountant has been consulted and is in agreement with the report.

A Scott, Legal Services Manager has been consulted and comments have been taken into account.

D Toonen, Equal Opportunities Officer has been consulted and is in agreement with the report.

Bob Bryce of Royal Haskoning DHV, Supervisor for the Elgin Flood Alleviation Scheme has been consulted and is in agreement with the details contained in this report

5. CONCLUSION

5.1 That committee approve the Stopping Up Order and Redetermination as detailed in the Appendices to this report.

Author of Report: Elaine Penny, Engineer (Traffic)

Background Papers:

Ref:

APPENDIX 1**SCHEDULE
ROADS TO BE STOPPED UP**

| ROADS IN ELGIN | |
|---|---|
| Newmill Road at Pansport Bridge | Those sections of Newmill Road between Pansport Road and its junction with Kingsmills coloured RED and annotated C,D and E on the plan annexed hereto |
| Newmill Road (Service Road) at Brewery Bridge | Those sections of Newmill Road (Service Road) between Brewery Bridge and Newmill Road coloured RED and annotated A and B on the plan annexed hereto |
| Bridge Street | Those sections of Old Bishopmill Bridge from the north end of the bridge deck to the south end of the bridge deck where it meets Lossie Wynd (remote cycletrack) between the original parapet to the parapet of the new Lossie Wynd Footbridge, coloured RED and annotated F and G on the plan annexed hereto |
| Lossie Wynd Cycletrack | Those sections of the cycletrack from Old Bishopmill Bridge to Lossie Green Car Park, coloured RED and annotated H, J and K on the plan annexed hereto |
| Haugh Road | That section of Haugh Road, coloured RED and annotated M on the plan annexed hereto |

**SCHEDULE
ROADS TO BE REDETERMINED TO CYCLETRACK**

| ROADS IN ELGIN | |
|-----------------------|---|
| Bridge Street | Those sections of adopted road which form Lossie Wynd Footbridge, coloured Green and annotated L on the plan annexed hereto |