



The Moray Council Elgin Traffic Management Programme

*Elgin Western Link Road
Compulsory Purchase Order 2013*

Statement of Reasons

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1. Introduction

- 1.1. This document outlines the statement of reasons of Moray Council (the “**Authority**”) for making the Elgin Western Link Road (the “**Scheme**”) Compulsory Purchase Order 2013 (the “**Order**”).
- 1.2. Previously the Scheme was known as the Elgin “Western Distributor Road” however with the introduction of the Designing Streets policy by the Scottish Government, the term “Distributor Road” is now not appropriate. Consequently the Scheme has been re-titled as the Elgin Western Link Road. This explains older documents having the previous title.
- 1.3. This document has been prepared using the guidance Circular 6 / 2011: Compulsory Purchase Orders.

2. Purpose and Proposals for use

- 2.1. The purpose of the Scheme is to deliver one of the key transport infrastructure improvements identified in the Moray Local Plan since 2000. The Elgin Western Link Road will continue the road improvements already built part-way around the south of Elgin in conjunction with the continued residential and retail development in the south of Elgin which has occurred over the last 12 years.
- 2.2. The Local Plan 2000 (document reference C002) included proposals for a number of major developments mainly in the south of Elgin, and this required significant transport infrastructure improvements (TSPs) to be provided alongside the developments to cater for the generated traffic. The adopted Plan included a proposed new crossing of the railway at the south end of Wittet Drive and a major improvement scheme for the A96/Wittet Drive junction. In this context, major retail developments on Edgar Road were given planning consent. Many of the developments, including the whole Elgin South housing development, progressed whilst only some of the road infrastructure improvements were built.
- 2.3. This situation has continued into the current Local Plan (2008) (document reference C003). The proposed road TSP's are still clearly identified in the Local Plan but the delivery of them has not kept pace with the traffic generators. The road improvements on the southern edge of the town have been completed, but the essential links with the remainder of the road network, one of which requires property acquisition, and for which the Council has collected developer contributions, are now overdue. This is reflected in the level of congestion evident in many parts of the town despite the slow take-up of completed retail developments, and is now a constraint for developing even those sites which are currently designated in the Local Plan.
- 2.4. This continued development on Edgar Road and elsewhere on the south side of Elgin has meant that the existing A941 New Elgin railway bridge takes the majority of the traffic crossing the railway. At peak time traffic flows over this bridge are similar to those on the A96 Trunk Road through Elgin, at over 20,000 vehicles per day.
- 2.5. One of the principle aims of the Scheme is to relieve traffic on this bridge as the junctions on either side have become congested at peak times and there are few opportunities for improvement.
- 2.6. The TSPs currently completed and identified in the Local Plan 2008 (Page 146 and Elgin Map), included the following:
 - TSP3: Roundabout at A96 junction with Reiket Lane (completed in 2007).

- TSP4: Reiket Lane railway bridge (completed in 2009).
- TSP5: Reiket Lane / Linkwood Road / Thornhill Road roundabout (completed in 2007).
- TSP 6: A941 roundabout junction (completed in 2006).

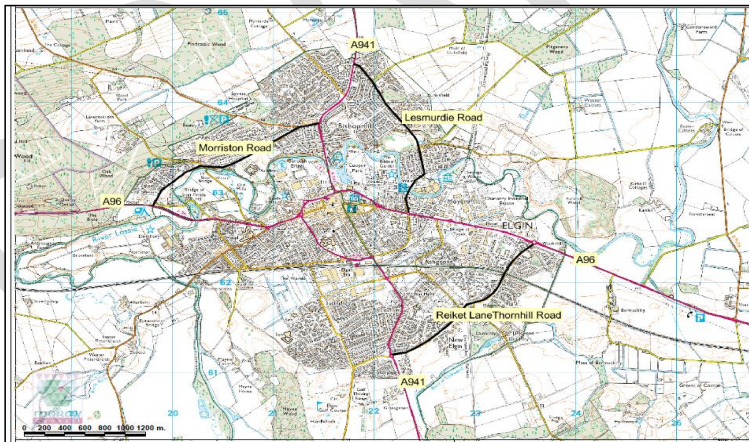
The Elgin Western Link Road includes the following:

- TSP10: Edgar Road extension to Wittet Drive
- TSP11: New railway bridge Wittet Drive – Edgar Road extension
- TSP12: New roundabout A96 / Wittet Drive

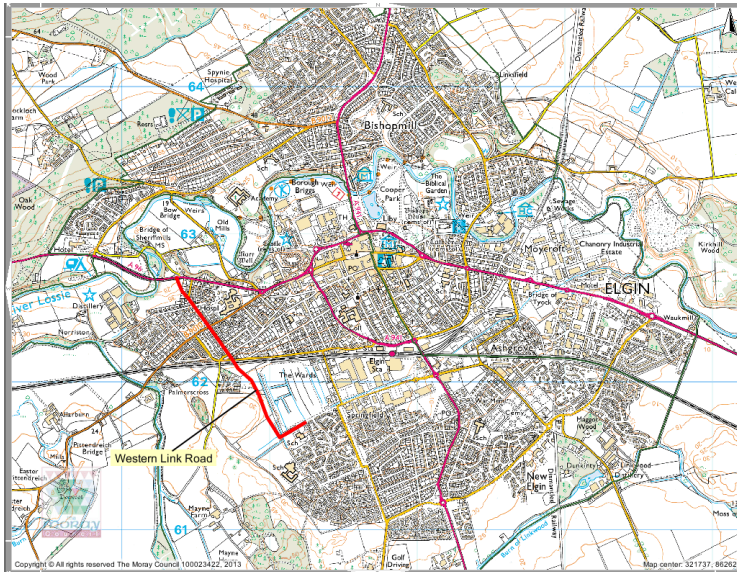
The remaining improvements will follow-on and complete the “South Side Road Improvements” (see Section 4):

- TSP7: Junction improvement Birnie Road / Sandy Road (currently under construction)
- TSP8: Sandy Road / Glen Moray Drive realignment
- TSP9: Junction improvement Edgar Road / Glen Moray Drive / The Wards

2.7. The A96 Aberdeen - Inverness Trunk Road and the A941 Lossiemouth - Elgin - Rothes Road are the main arterial roads in Elgin and these are supported by a number of "distributor" roads which link the arterial routes. These roads are Morriston Road in the north west of the town, Lesmurdie Road in the north east and Reiket Lane / Thornhill Road in the south east. There is however no equivalent in the south west and this Scheme will provide that link.



Existing Road Network within Elgin



Proposed Link Road

- 2.8. The Scheme will also provide the necessary access to the R5 Bilbohall South site, an area designated in the Local Plan for housing. In the longer term the Scheme will provide an upgraded access to Elgin High School as well as servicing further residential development designated in the current Local Plan (2008).
- 2.9. In addition, the new road will enable the completion of the housing allocation for the R1 Bilbohall North site. The site is partially constrained by the proposals for the link road however completion of the development is subject to an additional suitable access being available.
- 2.10. The new link road will be adopted by the Council and be included on the List of Public Roads.
- 2.11. For a number of years there has been a call by the public for an Elgin Bypass. Surveys done in 2007 identified that only about 25% of the traffic coming into/leaving Elgin on the A96 Trunk Road represented “through” traffic. Most of the traffic had its origin and/or its destination in Elgin and consequently a bypass would not significantly improve the traffic situation within the town itself. More recent surveys have produced similar results.
- 2.12. An Elgin Bypass was not identified in Transport Scotland’s Strategic Transport Projects Review (STPR) in December 2008.
- 2.13. Recently the Scottish Government made a commitment to dual the A96 between Aberdeen and Inverness by 2030. However this will have little effect on the need for improved traffic distribution in Elgin. The dual carriageway will be a strategic road between Aberdeen and Inverness and whilst the line of this route is to be determined, it may be a significant distance out of Elgin and therefore unattractive as an urban link.

2.14. The current Local Plan shows alternative north and south A96 bypass lines, however recent advice from the Scottish Government is that these indicative lines may be causing blight and should be removed. It is expected that these lines will not be included in the next Local Plan.

Comment [F1]: Main Issues comments?

DRAFT

3. Land

3.1. The Scheme will extend from the end of Edgar Road, in a westerly direction before turning north and over the Aberdeen – Inverness railway line. The Scheme will then utilise the existing Wittet Drive until it deviates to join the A96 Aberdeen – Inverness Trunk Road at a point approximately 100m west of its existing junction.



Plan of Scheme

- 3.2. The land required for the Scheme, as detailed in the attached Schedule and shown in the plans as Appendix 1 has been identified as part of a detailed design process. The Council is confident that the land identified is sufficient to deliver the new road. An allowance has been included to allow for construction requirements, i.e working space.
- 3.3. Wherever practicable the design has been developed to minimise the impact on residential property. Whilst most residences impacted directly will have only a small area of land required, there are three residences more significantly affected. These owners have already agreed in principle to sell the Authority their properties in advance of any scheme and their claims for compensation are currently being negotiated by the District Valuer. It is anticipated they can be acquired by negotiation in advance of the Order and if so will be removed from the Order.

3.4. Wittet Drive is a residential area of Elgin developed between the nineteen thirties and the nineteen fifties. The road averages 8.3m wide which is more than that required and has been an important route for distributing traffic within the town for more than 25 years. Indeed at one time it was signed as a “bypass”.

3.5. South of the railway line the new road will pass close to, but clear of, an area of wetlands (Designated as ENV6 – The Wards (Wildlife Site), in the Local Plan). The site carries only a local status and has no formal environmental designation.

3.6. The Scheme will require the acquisition of approximately 20 property interests. The land required for the new road, included in the Order, comprises:

- 3 private dwellings (Plots 2, 3 and 4),
- Ten areas of private garden ground of between 5 sq.m and 548 sq.m,
- Five areas designated for residential development. (Plots 14, 16, 17, 19 and 23)
- The acquisition of land either side of the Aberdeen to Inverness railway line together with a servitude right of the airspace over the railway. (Plots 15A, 15B and 15C).
- A number of plots require temporary access for the construction of the works. These include plots 7, 9 and 11.
- Plots 20 and 21 consist of part of the existing road which is to be stopped-up subject to the necessary consents.
- It is understood that the Scottish Government holds an unspecified servitude right of access over Plot 17.
- Plot 23 relates to an area understood to be a former road but is now scrub ground. The owner is unknown.
-

Comment [F2]: And do what?

3.7. Number 78 Wittet Drive was purchased by the Council in 2010 in anticipation of the scheme and when the opportunity arose. The decision to purchase at that time was made on the basis that, if the scheme went ahead using Wittet Drive, providing an acceptable vehicle access to this property would be difficult. The provision of an access will require land from the adjacent property (105 Wards Road).

Comment [F3]: Remove?

3.8. The Council is currently in detailed negotiations with several property owners and will be progressing discussions with the remainder shortly.

3.9. West of its junction with Fortearth Avenue, Wards Road will be closed to vehicular traffic and will be used for access only. A turning facility will be provided.

3.10. Appendix 1 includes a plan and details of each of the plots. The Council has written to each of the land owners and carried out a title investigation on each of the properties. The list of Plots is comprehensive.

4. The Planning Position

4.1. The Scheme has been identified in the following Plans:

- Moray Local Plan 2000 (document reference C002)
- Moray Local Plan 2008 (document reference C003)

- Moray Local Development Plan – Main Issues Report (document reference C011)
- Elgin City for the Future - Final Draft Report (document reference C007)

4.2. The Scheme is identified, in general terms, in the Moray Local Plan (Local Plan) as part of the Elgin “South-Side Road Improvements” and these are shown on the Elgin Map contained within the Moray Local Plan.

4.3. As indicated in Section 2.2 above, a number of the individual elements of the South-Side Road Improvements have already been built and the Scheme (comprising TSP10, 11 and 12) will allow the remaining TSPs on the South-Side Road Improvements to be concluded.

4.4. Initially identified in the 2000 Local Plan, the South Side Road Improvements represent the infrastructure that would have to be delivered in order to accommodate the planned release of land for in excess of 1,200 houses and associated development. A number of these have proceeded on the basis that the new road will come to fruition, particularly the eastern segment from A96 to A941. Funding has been obtained from developers as a contribution towards the remainder, although there are time limits within which this must be spent. Site capacities of residential sites have changed, with the numbers obtaining planning consent generally exceeding the figures proposed in Local Plan designations. This has resulted in more traffic being generated than was allowed for when the road infrastructure improvements were agreed.

4.5. If the anticipated road system is not provided, then there will need to be a fundamental re-think on longer term development, not just in the south of Elgin, but overall. Even residential developments built in the north of the town, where there is currently a land allocation for 465 houses and an additional long-term site, will create many new car trips to existing retail outlets south of the railway, and without a new railway crossing further retail development in this area to the south will be constrained by traffic capacity.

4.6. The principle of the Scheme was the subject of objections at the Local Plan Inquiry in 2007. The Reporter considered that it would be inappropriate to delete these proposals from the Local Plan as they are linked with wider, strategic access considerations and he overturned the objections (document reference C012).

Comment [F4]: Document

4.7. The Scheme passes through a number of areas designated in the 2008 Local Plan (pages 134 to 147). These are identified in the Plan as follows:

- CF2: Edgar Road

The line of the new road west from Edgar Road will allow for access to the R5 Bilbohall South housing site, the proposed redevelopment of Elgin High School and associated playing fields and to R6 for future potential housing.

- ENV5: Sports Areas

This includes Greenwards Primary School.

- R5: Bilbohall South

The part of this site designated for housing was sold by the Council to Grampian Housing Association for the provision of affordable housing. Development of this site requires the completion of the Western Link Road.

- R1: Bilbohall North

Development of this site is only partially completed. Full completion is however subject to there being a new access to the site. The Western Link Road will provide the necessary infrastructure to allow an access to be provided. The developer's title for this site includes the reservation of a line for the new road.

- R8: Hattonhill

The Local Plan states that upon resolution of the road line there is potential for the release of up to 20 houses.

4.8. The Scottish Government's "Designing Streets" policy document is being used to produce a design that is appropriate not just to the aims of the Scheme but also to the community. Designing Streets moves away from a prescriptive standards approach which tended to result in streets with a poor sense of place. The policy promotes an integrated design approach that aims to balance potential conflicts between different users and objectives without compromising the quality or sense of place.

4.9. Designing Streets is applicable to all thoroughfares within an urban setting and within rural boundaries. It is predominantly used for new streets but is also applicable to existing streets subject to redesign. Whilst the technical advice within the Designing Streets document is particularly aimed at residential and lightly trafficked streets, many of the key principles are applicable to other types of street. In the case of busier streets the movement function may become more significant and any conflicts with other objectives or users should be resolved through an integrated design approach and should not compromise the quality or sense of place.

4.10. The Scheme will require planning approval and following a period of community engagement, the detailed design is being developed with a view to submitting a planning application in late 2013. Due to the nature of the project, it is expected that pre-application consultation will take place in autumn 2013.

5. The Economic Context for the Scheme

5.1. On 20 June 2011, whilst on a ministerial visit to Moray, Fergus Ewing MSP and Minister for Enterprise confirmed the significance of transport infrastructure to sustainable economic growth.

5.2. The Moray Economic Strategy – Final Draft Report (document reference C008) recognises the importance of good transport links in general to the economy of Moray, both now and in the future. The reliance on good external transport links is acknowledged, but the report also stresses the importance of accessibility within Elgin, as the main centre of economic activity.

5.3. The above was outlined in the report to the Council's Economic Development & Infrastructure Services Committee on 28 June 2011 (document reference A017) and gave details of the economic and planning background to the project as well as looking at the planning and development implications. The report sought and received approval in principle for the preferred route.

5.4. Section 9 of this document outlines the links with the Council's strategic aims and objectives.

6. Design and Option appraisal process

6.1. The Elgin Western Link road forms a significant part of the Elgin Traffic Management Programme.

6.2. The key objective of this programme is:

“To provide a quicker, safer and more reliable transport system in and around Elgin while accommodating future development.”

6.3. The need for a strategic perspective at the traffic issues in Elgin started with a STAG (Scottish Transport Appraisal Guidance) assessment in 2002/03. The STAG process culminated in two scenarios being taken forward in 2009 into the Design Manual for Road and Bridges (DMRB) Option Appraisal process. This looked at a number of options to deliver the required solution and culminated with the current scheme approved by the Council in 2011.

6.4. The following outlines the development of the Scheme by way of a timeline:

2002

6.4.1. A report to the Council's Environmental Services Committee on 13 March 2002 (document reference A001) identified the need to discuss, with Scottish Executive representatives, an Elgin bypass and to develop and promote the case for this, or other such traffic management proposals which would reduce congestion on Elgin's road network.

2003

6.4.2. The Babbie Group (consultants) undertook a STAG Part 1 study (document reference B002) into the potential Elgin bypass routes identified in the Local Plan. The outcome of this was reported to the Council's Environmental Services Committee on 6 August 2003 (document reference A002). The report indicated that a bypass *“would not provide a significant benefit to strategic road users nor to the inhabitants of the town”*.

6.4.3. It noted that *“a bypass should be pursued as a long-term objective within a strategy to provide network improvements to support the development of Elgin”*.

2004

6.4.4. In 2004 it was agreed (Committee report/minute of 28 April 2004 - document reference A003) that public consultation should be carried out on a proposed link road. The responses received from this preliminary consultation were reported to the Environmental Services Committee on 1 September 2004 (document reference A004).

6.4.5. The exercise indicated that there was confusion over the respective roles of an internal road link over the railway and an A96 bypass. The Committee recognised the overwhelming weight of public opposition to the proposal and agreed to *“commission a STAG report to evaluate options, other than those proposed for Wittet Drive, in so far as they required the use of compulsory purchase powers and demolition of property”*.

2005

6.4.6. In November 2005 the Council approved the commissioning of a traffic model for Elgin and to carry out a *“full and proper STAG Report without any pre-conditions”* (document reference A005). It was acknowledged that the proposed

STAG report may be used for any future Local Public Inquiry in connection with the Moray Local Plan.

2006

6.4.7. The Elgin STAG Part 1 report was submitted to the Council in August 2006 (document reference A006). Whilst various themed groups were considered, the report advised that the “Traffic Management” and the “Link & Junction Improvements” were taken forward. This resulted in 18 Options (see the table below) and these were to be sifted prior to the Final Option Testing.

Group		Option Ref.	Modelling Options
Appraisal Benchmark	Future Do Nothing	1	Committed Development and Forecast Development
Traffic Management		2	Gyratory System
		3	HGV Routing
		4	Traffic Signals
Link & Junction Improvements	Edgar Road to A96	5	Wittet Drive
		6	The Wards
		7	Line of Bypass South (Part)
	A96 Improvements	8	A96
		9	(2 model tests estimated)
		10	Partial dualling of Alexandra Road
	A941 Improvements	11	A941
		12	(2 model tests estimated)
		13	TSP Scheme (Local Plan) test (1 model)
		14	Additional Junction Tests
		15	(2 model tests estimated)
	Bypass	16	Bypass North
		17	Bypass South
		18	Southern Distributor

STAG Part 1 Options

2007

6.4.8. The eighteen options identified in STAG Part 1 were subject to initial option testing using the new Elgin Traffic Model and seven options were taken forward to full STAG Part 2 appraisal. These were:

- Option 4: Wittet Drive Link (TSP 10-12)
- Option 6: Morriston Road link (part TSP2)
- Option 13: Bypass North (TSP1)

- Option 14: Bypass South (short) (TSP2)
- Option 15: Bypass South (long) (TSP2)
- Option 16: Southern Distributor + Wittet Drive link (TSP10-12)
- Option 17: Southern Distributor + Morriston Road link (part TSP2)

6.4.9. The Elgin STAG Part 2 Report in 2007 considered these seven options and the findings were presented to the Council's Environmental Services Committee on 30 August 2007. (document reference A007)

6.4.10. At this meeting Committee agreed to the development of an Elgin Traffic Management Plan and to consider two options identified in the STAG process in more detail.

These were:

- Option A (Option 4 above): Edgar Road to A96 via Wittet Drive. (Amended to include only an on-line A96/Wittet Drive junction to avoid the need for property demolition.)
- Option B (Option 6 above): Edgar Road to A96 at Morriston Road Junction.

2009

6.4.11. Following further investigation and discussions with Transport Scotland, it was clear that any acceptable junction solution for Option A would require the acquisition and demolition of property. On 3 February 2009 the Environmental Services Committee approved the inclusion of all acceptable options in any consideration of an A96 / Wittet Drive junction. (document reference A008 and A009)

6.4.12. The DMRB Scheme Assessment process (TD37/93 - document reference C001) was used to develop the two route corridors. This nationally recognised three stage process considers the existing and proposed traffic conditions as well as an assessment of the engineering, environmental, traffic and economic aspects.

2010/2011

6.4.13. The DMRB option assessment considered the two route corridors and investigated a number of solutions for each. Options A and B above, were identified at Stage 1 as the Urban (Inner) and Rural (Outer) routes respectively. These were compared with a "Do-Nothing" and a "Do-Minimum" option of minor improvements to the existing road network. The Stage 1 Main Issues report (document reference B004) was submitted to the Economic Development and Infrastructure Services (ED&IS) Committee on 24 August 2010 (document reference A013).

6.4.14. During Stage 2 a value engineering exercise was carried out on the Rural (Outer) route and an amended corridor option was included for assessment and consultation. This was known as the Rural (Inner) option and its inclusion was approved by the ED&IS Committee on 19 October 2010 (document reference A014).

6.4.15. In January 2011 a public exhibition was held outlining the options under consideration. These being:

- Existing Network Enhancements (Do-Minimum)
- Urban (Inner) Route
- Rural (Outer) Route
- Rural (Inner) Route
- Do-Nothing

6.4.16. Following the submission of a number of reports to the ED&IS Committee, Members agreed to discount from further consideration the rural route options on the basis of their poor value for money. (ED&IS report of 8/3/11- document reference A016). These options cost significantly more and provided less traffic relief for the existing New Elgin railway bridge than the urban options.

6.4.17. The Stage 2 DMRB report (document reference B007) was submitted in June 2011 and the Economic Development and Infrastructure Services Committee meeting of 28 June 2011 (document reference A017) approved the selection of the route from Edgar Road to the A96 via Wittet Drive as the line of the "Western Distributor Road". Further reports to the same Committee in September 2011 (document reference A018 and A019) resulted in approval of the option of a roundabout near the junction between the A96 and Sheriffmill Road as the preferred junction solution. The option selected required the demolition of the fewest properties.

2012

6.4.18. Prior to detailed design commencing, a design workshop was held in June 2012 and attended by representatives of the various community groups and other key stakeholders. Following this a number of changes were incorporated including the replacement of the roundabout on the A96 with a signalised junction at the same location. Likewise replacing the proposed roundabout near Elgin High School with a signalised junction. These changes would improve the facilities for pedestrians and cyclists in line with the Designing Streets policy.

6.4.19. The Council's bid for part funding of a new Elgin High School was approved in August 2012. Construction of this is scheduled to start in spring 2014 and will include the extension of Edgar Road to form a new access to the school.

6.4.20. Following the stakeholder engagement the outline design of the WLR was approved by the ED&I Committee on 18 December 2012 (document reference A023). Some of the key design changes were:

- A signalised junction on the A96 in lieu of a roundabout. This provides benefits for pedestrians and cyclists in addition to requiring less land and avoiding the removal of large trees.
- Following consultation with the residents at the north end of Wittet Drive, it is proposed to streetscape the section that will become redundant as a through-route. This will help discourage its use by all except residents.
- A "gateway" will be incorporated to highlight to drivers turning off the A96 that they are entering a different type of street.
- Wittet Drive will be reduced in width from 8.3m to 6.6m to accommodate parking, streetscaping and to help manage traffic speeds.

- Pedestrian crossing facilities will be provided at various locations and include traffic signals at Pluscarden Road junction.
- A single-span bridge over the railway will be masonry clad and be screened where practicable.
- Pedestrian crossings of the road be “at-grade” (road level) rather than by way of an underpass.
- The extension of Edgar Road will allow parking and will include a new signalised junction allowing access to the proposed High School and future housing sites subject to further consultation.
- There is now an opportunity for provision of an off-carriageway parent drop-off / pick-up facility shared between both Greenwards Primary and the new Elgin High School. This will provide parking and safe access for pupils to and from the schools.

6.4.21. The Council's ED&IS Committee agreed on 18 December (document reference A024) that there was justification for making a CPO and recommended to the Moray Council that it promotes the Order.

Comment [F5]: Once agreed include decision of Council.

7. Communication and engagement with the Public

- 7.1. A Communication and Engagement Plan has been produced for this project. (document reference C010) It identifies how the Council plans to engage with the community and other bodies and communicate the plans to the wider public.
- 7.2. A public exhibition was held in January 2011 on the various route options. This was well attended by nearly 500 people with about 180 responses received. Feedback from this event is summarised in the DMRB Stage 2 Public Consultation Report (document reference B006) and was considered in the option appraisal process. The public consultation report identified that the option using Wittet Drive was the least popular and the perception was that it was a bypass that the town required. Despite the lack of justification for a bypass (Section 2 of this document), there was still a public perception that traffic should be taken out of the town.
- 7.3. Following the public exhibition, a report to the ED&IS Committee on 8 March 2011 (document reference A016) explained that a bypass would have only limited connection to the local road network and would not fulfil one of the aims of this Scheme by reducing congestion on the New Elgin railway bridge.
- 7.4. As mentioned in Section 6 above, the rural route options represented poor value for money and were accordingly discounted by the Council.
- 7.5. Following the Council's approval of the preferred route option in June 2011 (ED&IS report 28 June 2011 - document reference A017), a number of workshops were held with various community representatives and other key stakeholders. These are detailed in the Communication and Engagement Plan (document reference C010).
- 7.6. A public exhibition was held on 10 and 11 October 2012. This again set out the background to and the need for the Scheme as well as its relationship within the wider Elgin Traffic Management Programme. The exhibition outlined the process

undertaken through the option appraisal and scheme assessment phases and sought views on the various design changes resulting from the stakeholder workshop in June 2012.

7.7. Following the exhibition in October 2012, further information has been made available on the Council's website. A dedicated section for the Western Link Road has been set up including a comprehensive list of Frequently Asked Questions (FAQs). These FAQs have been selected in order to counter some of the misunderstandings which were evident at the exhibition.

7.8. The website also contains a comprehensive list of both Committee and technical reports since 2002.

7.9. During the decision-making process the Council has strived to limit the need for land from residential properties. It recognises the Human Rights of the land owners along the route to enjoy ownership of land without interruption. However, with a road scheme of this nature within an established town, some requirement for land has proven to be inevitable. Elgin is growing and provision needs to be made for the resulting increase in traffic. The Council considers that it has achieved a reasonable and proportionate balance between the benefits of the Scheme versus the impact on property owners and has tried to minimise the land required.

7.10. The owners and occupiers have been consulted at several stages in the schemes evolution including face-to-face meetings, during winter 2011/12, when the scheme was explained in detail and the Council's intentions regarding acquisition of property in advance of the scheme was outlined. It confirmed that the Council would likely pursue a CPO and that they would try to acquire property by agreement in advance of the scheme, under the same compensation code as would apply if the acquisition took effect under a CPO.

8. Risks, Justification for making the Order and Potential Barriers to Completion

8.1. As the Council is required to invest about £10 million over 5 years, this scheme will form the largest road project that Moray Council will have undertaken. A suitable risk management strategy will form part of the project analysis. One of the largest risks is all the owners being able and willing to transfer title to the lands required in exchange for compensation. Uncertainty in such matters could place the schemes at risk. To allow the Council to proceed with the scheme without creating such an unacceptable risk, the Council requires the certainty that only full and unfettered ownership can provide. The Council can ensure ownership either by delaying the scheme until all owners transfer title voluntarily, which might result in significant delays or it may rely upon a CPO. Indeed the Council can never be certain that acquisition by agreement can ever be achieved given the large number of interests involved, complex title issues in relation to some sites (Bilbohall Housing Site) and probable difference of opinion on compensation rights.

8.2. Whilst some 21 owners will be directly affected by the scheme and any related CPO, not all are objecting to the acquisition of their property and there are more than 70 owners on Wittet Drive, West Road and nearby who will have to continue living with the uncertainty and worries associated with the unknown outcomes of the scheme. This will not only be a distressing situation for the families involved but will have difficult to assess financial burdens associated with these unknowns should any of them wish to sell their property meantime. Assuming the scheme can proceed without the assurance of a CPO, the Council would be required to adjust the construction

Comment [F6]: Check

timetables and budgets to reflect the probable delays and uncertainty. The scheme time table will also remain at risk of further delays as explained above. Whilst wishing to avoid further pressure on the owners directly affected by the scheme, the certainty given to Moray Council by the promotion of a CPO will allow it to better control this timetable and avoid further unknown delays. This would allow the Council to give assurances to the owners in the area that the scheme will be resolved in a much reduced timeframe thereby minimising the impact on the larger group.

8.3. The Council has acquired **one house** and is in the process of negotiating to acquire **three** others. There are possible abortive costs of acquiring these properties in advance of a CPO; however, the Council would be able to recover much of these costs by resale if the scheme failed to proceed. Acquisition of all the remaining lands would be effectively irrecoverable losses if the scheme failed to proceed. The Council would therefore be unable to acquire even one further property unless it can be assured all the remaining properties are available. As a consequence the remaining owners will be in limbo even after agreeing terms of sale with the Council until the last owners settles.

Comment [F7]: Two properties?

Comment [F8]: two

8.4. The promotion of the CPO will therefore allow the Council to begin land acquisition at the earliest opportunity on a case by case basis in the hope the negotiation are successful but in the knowledge it will be able to use the CPO if all else fails. The design of the Scheme relies on land along the route being available and design costs may be abortive without certainty scheme can proceed.

8.5. As above, costs incurred in designing and tendering the scheme as well as in pursuing planning and other consents, remain at risk of being abortive costs until all the owners have agreed to sell. These preliminary costs on a scheme of this scale are not insignificant and will leave the Council placing its financial position at risk for several years. Given the benefits of the scheme to the wider community it is felt that the early completion of the scheme outweigh the rights of the few owners who are possibly going to object to the scheme. Some of the benefits of the scheme include:

- Release of around 120 housing units in R 1 and R5 would provide in the region of 100 social housing units.
- Releasing pressure on the New Elgin Bridge and other pressure points in Elgin will allow Moray Council to undertake a range of road improvements across Elgin as part of the Elgin Traffic Management Programme.
- Completing the last missing link road in the South West of Elgin will help balance the traffic pressures across Elgin and will allow the release of further sites for development.
- Further bids from developers are being considered in the review of the Moray Local Development Plan.

8.6. Some design details of the scheme are still to be finalised and a planning application has yet to be submitted. It would be preferable to promote a CPO when all design details are finalised and planning consent was issued. Submission of a CPO at that stage could however further extend the period of uncertainty for landowners. The Council consider that submission of the CPO at this stage provides a reasonable balance between certainty of the CPO process and minimising blight, uncertainty and disruption to landowners.

8.7. Although the Scheme has been in the Moray Local Plan for a considerable time, there is a significant amount of local opposition. It is therefore likely that a number of objections to the planning application will be received. There is a risk that the application may be refused.

Comment [F9]: Potential barriers to completion

9. Link with Council's strategic priorities

9.1. This Scheme is in line with the following Council priorities:

- The Scheme will unlock land designated for affordable housing. This complies with National Outcome 10 (We will live in well designed, sustainable places where we are able to access the amenities and services we need). Local Priority 4 (Housing and Homelessness – more people in Moray will have access to affordable housing).
- The Moray Economic Strategy acknowledges the importance of providing an effective road network to distribute traffic across Elgin.
- Single Outcome Agreement – National Outcome 1 and Local Outcome 3: "Moray will benefit from an improved and safer transportation infrastructure".
- National outcome 9 "We live in well-designed, sustainable places where we are able to access the amenities and services we need." Local priority 4 "housing and homelessness – more people in Moray will have access to affordable housing" – completion of the Western Link Road will enable access to land designated for much needed affordable housing in Elgin.
- Service Priority 2 (Elgin Traffic Management Programme) of the Service Improvement Plan.

9.2. The Scheme is important in the context of the proposals in both the Moray Economic Strategy and the Elgin City for the Future reports. The continued development and delivery of the Elgin Traffic Management Programme is identified in the Draft Local Transport Strategy 2010 (document reference C004).

9.3. The Council has demonstrated that the new road is justified on planning, transportation and economic grounds. It will bring benefit to the wider public by

- relieving traffic congestion at certain locations
- improving driver choice by providing another high quality rail crossing
- improving traffic distribution within Elgin
- providing access to existing development
- allowing future development to proceed
- Improving access to businesses within Edgar road.

9.4. The Council recognise that the new road will have detrimental effects including

- the requirement for residential properties and land to construct the road
- increased traffic on Wittet Drive and Edgar Road
- increased traffic past Greenwards Primary School – currently at the end of a cul-de-sac.

10. Use of Enabling Act

- 10.1. The Council is relying on Roads (Scotland) Act in making this order. This is considered to be the most appropriate.

11. Funding

- 11.1. The total estimated cost of the Scheme, including compensation costs as assessed by the District Valuer (DV) in consultation with the Council's valuer, is in the region of £10 million. There are a number of developer contributions (in excess of £750,000) already held by the Council that are conditional on traffic relief in the south of Elgin. This project would meet these conditions and it is proposed that the relevant contributions will be used to reduce the burden on the Capital Plan.
- 11.2. Adequate funds to complete the scheme are identified in the Council's Capital Plan with this allowance being spread over the 5-year period from 2012/13 to 2016/17.

12. Related Orders and New Rights being Created

12.1. Related Orders

Location	Order(s)
A96 Aberdeen – Inverness Trunk Road: New junction.	Speed Limit change
A96/Wittet Drive Junction (existing)	No entry
Wards Road: Between Forteath Avenue and Fleurs Road.	Stopping-up & Closure
Wittet Drive / Pluscarden Rd Junction	Traffic signals
Wittet Drive / Mayne Rd Junction	Traffic signals
Wittet Drive to Edgar Rd	Speed limit
Greenwards Primary School	Part-time 20mph limit

12.2. New Rights Being Created

Plots 20 and 21 relate to the section of Wards Road west of Wittet Drive which will be stopped-up. It is proposed that

Comment [F10]: Comment from AB

13. List of Documents

13.1. Inspection of Documents

The documents relating to this Order can be viewed on the Council's website and, during the consultation period, at Moray Council's Elgin Access Point and Elgin Library.

All public documents relating to the Scheme are available on the Council's website (www.moray.gov.uk). The Western Link Road has a dedicated section on the website:

http://www.moray.gov.uk/moray_standard/page_76809.html

This section includes links to the various reports published since 2002 as well as general background information on the Scheme, advice for affected land owners and Frequently Asked Questions.

DRAFT

13.2. Supporting Documents

Reference Number	Document	Version / Date
	<i>Committee / Council Reports and Minute Extract</i>	
A001	ES Committee: Elgin Bypass	13 March 2002
A002	ES Committee: Elgin Bypass and Traffic Management	6 August 2003
A003	ES Committee: Proposed New Road Link – Edgar Road to A96**	28 April 2004
A004	ES Committee: Proposed New Road Link – Edgar Road to A96	1 September 2004
A005	Moray Council: Transport Model and STAG Procurement	9 November 2005
A006	ES Committee: Elgin STAG Part 1	30 August 2006
A007	ES (Special) Committee: Elgin STAG Part 2	30 August 2007
A008	ED&IS Committee: Elgin Traffic management - Report 1	3 February 2009
A009	ED&IS Committee: Elgin Traffic Management - Report 2**	3 February 2009
A010	ED&IS Committee: Capital Plan 2009/10	26 May 2009
A011	ED&IS Committee: Elgin Road Hierarchy – Primary and District Distributor Roads	8 December 2009
A012	ED&IS Committee: Capital Plan 2010/11	15 June 2010
A013	ED&IS Committee: Stage 1 Option Appraisal Report	24 August 2010
A014	ED&IS Committee: Value Engineering on the Rural Corridor**	19 October 2010
A015	ED&IS Committee: Option Appraisal Progress and Approval for Public Exhibition	14 December 2010
A016	ED&IS Committee: Stage 2 Option Appraisal Report	8 March 2011
A017	ED&IS Committee: Route Approval	28 June 2011
A018	ED&IS Committee: Western Distributor Road - Report 1**	6 September 2011
A019	ED&IS Committee: Western Distributor Road - Report 2	6 September 2011

Reference Number	Document	Version / Date
A020	ED&IS Committee: Approach for Compensation and Acquisition of Property**	1 November 2011
A021	ED&IS Committee: Capital Plan 2012/13 and Project Execution Plan	13 March 2012
A022	ED&IS Committee: Progress Update and Communication & Engagement Strategy	28 August 2012
A023	ED&IS Committee: Report 1: Outline Design	18 December 2012
A024	ED&IS Committee: Report 2: Compulsory Purchase Order	18 December 2012
A025	The Moray Council: Compulsory Purchase Order	22 May 2013

ED&IS: Economic Development and Infrastructure Services Committee

ES: Environmental Services Committee

** Originally a confidential report

Reference Number	Document	Version
	Technical Reports	
B001	Elgin STAG Part 1 (Bypass Routes)	2003
B002	Elgin STAG Part 1	August 2006
B003	Elgin STAG Part 2	August 2007
B004	DMRB Stage 1 Main Issues Report	July 2010
B005	Value Engineering of Rural Corridor – Summary Report	September 2010
B006	DMRB Stage 2 Public Consultation Report	March 2011
B007	DMRB Stage 2 Option Assessment – Option Assessment Report	March 2011
B008	Stakeholder Design Options Appraisal Report	November 2012

Reference Number	Document	Version
	Reference Documents	
C001	TD 37/93: Scheme Assessment Reporting	August 1993
C002	Moray Local Plan	2000
C003	Moray Local Plan	2008
C004	Draft Local Transport Strategy	April 2010
C005	Designing Streets	2010
C006	Boards and Handouts for Public Exhibition on Route Options	27/28 January 2011
C007	Elgin City for the Future – Final Draft Report	June 2011
C008	Moray Economic Strategy – Final Draft Report	June 2011
C009	Project Execution Plan	March 2012
C010	Communication and Engagement Strategy	July 2012
C011	Moray Local Development Plan – Extracts from the Main Issues Report	
C012	Extract from Inquiry report into Local Plan 2008	