



REPORT TO: THE MORAY COUNCIL ON 17 DECEMBER 2014

SUBJECT: ELGIN WESTERN LINK ROAD

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

1. REASON FOR REPORT

- 1.1 To ask Council to consider the recommendation of Economic Development and Infrastructure Services Committee on 25 November 2014 relating to Elgin Western Link Road (WLR).
- 1.2 This report is submitted to Council in terms of Section I (4) of the Administrative Scheme.

2. RECOMMENDATION

2.1 It is recommended that the Council: -

- (a) considers the recommendation of Economic Development and Infrastructure Services Committee on 25 November 2014 to reaffirm the Council's commitment to the WLR as a strategic project for the reasons set out in this report, instructing officers to undertake work with Jacobs to address/mitigate the grounds for refusal and to work towards submission of an amended application as soon as possible, all other work related to the WLR continuing to be progressed in accordance with previous instructions;**
- (b) confirms whether future reports relating to the WLR should be submitted to the relevant Service Committee or to the Council.**

3. BACKGROUND

- 3.1 Elgin Western Link Road (the Scheme) is a key part of the Elgin Traffic Management programme which has been the subject of many reports to the Council and its Committees over the past 12 years and has been identified as a strategic project for the Council.

3.2 On 12 November 2014 Planning and Regulatory Services Committee refused planning permission for the Scheme for the reasons set out in Section 4 of the report to Economic Development and Infrastructure Services Committee on 25 November 2014. To minimise repetition, the report from the meeting on 25 November is reproduced as the **APPENDIX** to this report. The **APPENDIX** and this report require to be read together.

3.3 At the meeting of Economic Development and Infrastructure Services Committee on 25 November 2014, the Committee agreed to recommend to the Council meeting on 17 December 2014 that the WLR be reaffirmed as a strategic project of the Council, instructing officers to work to mitigate the reasons for refusal of planning permission and to submit a fresh planning application. The alternatives to that decision were set out in the **APPENDIX** but are repeated for convenience below:

“that Committee accepts the decision of Planning and Regulatory Services Committee to refuse planning permission on 13 November 2014 as signalling the end of the WLR as a strategic project, noting the implications of such a decision as set out in Sections 6 to 7 {of the **APPENDIX**}, and as a result instructing officers to progress one of the following alternatives: -

- (i) Do nothing/do minimum option – high school access and Bilbohall connecting road
- (ii) Network enhancements
- (iii) Rural inner route
- (iv) Rural outer route
- (v) Another alternative identified by committee”

3.4 There were several key issues considered during the debate on 25 November 2014 which are listed below and further information provided to assist the Council in reaching a decision:

- (i) Traffic flows
- (ii) Relative costs of options
- (iii) Existing Network enhancements
- (iv) Crossing the Aberdeen – Inverness Railway
- (v) Access to Elgin High School

4. **Traffic Flows**

4.1 The Motion to refuse planning permission on 13 November cited uncertainty over potential increased traffic numbers created by differing figures suggested by the Council in a “Fact Sheet” issued in 2011 when compared with the numbers referred to by the applicant. This uncertainty was considered to support refusal in terms of policy EP8 in relation to noise pollution.

4.2 This issue was addressed in the applicant’s summing up at the planning hearing and described by the Head of Direct Services at Economic Development and Infrastructure Services Committee on 25 November 2014 in the terms below:

The 2011 figure was based on projections from traffic counts in 2006. Traffic models are normally updated every five years, and the surveys later in 2011 and early 2012 found a substantial decrease in traffic, demonstrating the established link between economic activity and traffic. The recession had caused traffic to reduce instead of increase, and that divergence produced the difference between 2011 and 2014 forecasts. The planning application contained the most recent information. The traffic model has been validated in accordance with the Design Manual for Roads and Bridges (DMRB). It follows standard practice and has been accepted by Transport Scotland.

The applicant's noise assessments used these more recent traffic forecasts and therefore provide the most reliable basis for assessing noise pollution.

5. Relative Costs of Options

- 5.1 The DMRB sets out the process for option appraisal. A Stage 2 Option appraisal was carried out in sufficient detail to differentiate among options and to indicate the return on investment for each – the benefit: cost ratio (BCR) which provides the rate of return on the investment. The outcome was approved in June 2011 as set out in Section 7 of the **APPENDIX**.
- 5.2 Costs were estimated as at 2010 (fourth quarter) for each option that provided an additional railway crossing (note: the “existing network enhancements” assessed at that time provided no additional crossing) and these included risk/optimism bias relative to the stage of development, and the section of road needed to provide an access to Elgin High School. These are tabulated below alongside the BCR for each.

Option	2010 Q4 cost estimate	Benefit: Cost Ratio
WLR - Urban Inner Route	£12,600,000	1.1
Rural Inner Route	£24,500,000	0.2
Rural Outer Route	£68,200,000	0.1

- 5.3 The differential between WLR and other options was substantial for both costs and benefits. While costs for other options might change if reassessed now, the significant difference in costs are such that any change would not be sufficient to alter the outcome of the BCR option appraisal.
- 5.4 Since the 2010 estimates, costs for WLR have reduced to £8,600,000 (2013 fourth quarter). The main reasons are as follows : -
- (i) Development costs to date are now “sunk costs” i.e.as they have already been incurred, they are no longer included using accepted cost appraisal methodology;
 - (ii) Changing junctions from roundabouts to signals;
 - (iii) Design is better defined; and
 - (iv) Excluding Elgin High School access from the estimate because it will be required irrespective of which of the three above options is adopted.

- 5.5 From the above, (iv) would also apply to the Rural Inner and Outer Routes, reducing their cost by £1.1million.
- 5.6 Costs of developing WLR to date, other than property resale, would not be recoverable.
- 5.7 In March 2013, the WLR was identified as having a BCR of between 1.14 (low growth) and 1.88 (high growth).

6. Existing Network Enhancements

- 6.1 During the debate on 25 November 2014, there was some uncertainty as to whether “network enhancements” was a generic term which could be used for unspecified improvements or only for those listed in paragraph 7.4.1 of the **APPENDIX**. While the elements detailed in paragraph 7.4.1 of the **APPENDIX** had a collective BCR of 1.2, they did not include an additional railway crossing and so they did not fulfil the same function as WLR. The reference to “network enhancements” in paragraph 3.3 above are to those detailed in 7.4.1 of the **APPENDIX**. Members were however invited on 25 November to consider any other enhancements in recommendation 2.1 (ii) (e) – “another alternative identified by Committee”.
- 6.2 At the Meeting on 25 November 2014 there was a motion and an amendment put forward, both of which included reference to a railway crossing at a point to be identified. The question was where the railway crossing might be located if not as per the WLR proposal.
- 6.3 Among the network enhancements detailed in paragraph 7.4.1 of the **APPENDIX** was the junction between the A96 and Wittet Drive. The most appropriate option for this forms the northern section of WLR.
- 6.4 When this was considered by Economic Development and Infrastructure Services Committee on 28 June 2011 (paragraph 4 of the Minute refers) it was noted that more than half of all the benefit which would be derived from the Existing Network Enhancement package accrued from improving the A96/Wittet Drive junction. However, without the railway crossing there would remain a growth in traffic along Wittet Drive and Wards Road. This would be without the benefits and other associated improvements such as pedestrian, cycling and speed reduction measures that would be derived from the inclusion of a railway crossing.

7. Crossing the Aberdeen – Inverness Railway

- 7.1 To try to assist with the issue identified in 6.2 above, since 25 November 2014, officers have considered in outline three further options for providing an additional railway crossing towards the west of Elgin. These are:-
- (i) From Hay Street
 - (ii) Close to The Wards
 - (iii) West of Wittet Drive

- 7.2 A crossing at **Hay Street**/Station Road would make it difficult to maintain the link between Hay Street, Station Road and Wards Road. The route would severely affect the Fire Station, the TA Centre and commercial properties before emerging at Edgar Road.
- 7.3 Avoiding the wetland means linking to **The Wards**. Providing a bridge would involve a viaduct beginning in Wards Road west of the Wards, curving through and/or over properties on the south side, the railway and properties on The Wards. This would be expensive, intrusive and have a similar traffic impact on Wittet Drive as WLR. A tunnelling option would mean working well below the water table, requiring pumped drainage, whilst a viaduct would retain the same issues in relation to fitting with the character of the area. The junction at the northern end of Wittet Drive would still have to be included.
- 7.4 **West of Wittet Drive**, it had been suggested that the Bilbohall Railway Bridge could be widened. The problem that then arises is connecting the bridge to the road network without having a substantial impact on properties nearby, in terms of acquisition and demolition, or an unacceptable traffic flow function. In any case traffic would have to use Wittet Drive for part of the route and the junction with the A96 would require improvement as per WLR. No site has been identified further west other than the Rural Inner Route.
- 7.5 While officers consider these are the only alternative crossing points, Members may wish to consider others.

8. **Access to Elgin High School**

- 8.1 In any scenario a revised access to the Elgin High School (Edgar Road Extension) is required as part of the proposed new school infrastructure.

9. **Future Committee Pathway for WLR**

- 9.1 WLR has been referred to the Council on several occasions in the past. Paragraph 8 of the **APPENDIX** provides the background to this issue in terms of the Council's governance arrangements. The Council must now decide whether future reports relative to the WLR should continue to be directed to Economic Development and Infrastructure Services Committee and Planning and Regulatory Services Committee as appropriate or should instead be considered by the Council.
- 9.2 There are arguments both for and against the latter option, some of which are presented below: -

Advantages

- Involves all 26 members in a very significant, complex and highly contentious strategic issue

- Promotes strategic clarity between service Committees
- Avoids referral reports, speeding up decision making

Disadvantages

- Change may be viewed as tactical rather than based on principle
- If Council is to hear any future planning application, some Members would require planning training
- May be seen to undermine the Committee system

10. SUMMARY OF IMPLICATIONS

(a) Moray 2023: A Plan for the Future/Service Plan

The Moray 2023 plan identifies that the top priority is a growing, diverse and sustainable economy. It identifies that this needs to be supported by infrastructure and that the economy of Moray is heavily dependent of roads infrastructure.

(b) Policy and Legal

The Council, in progressing a strategic priority, cannot appeal against its own decision. The Council can submit a revised application, addressing the stated reasons for refusal, which would be considered afresh.

(c) Financial implications

To date the Council has spent £3.08 million on this project. £740,000 has been in property costs which would have a resale value which the Council would try to recoup.

Should the Council decide not to pursue the Do-Minimum option (refer to **APPENDIX**) or any option that does not provide a link to the affordable housing site then repayment of £2.7 million for buying back the site plus interest must take place.

If Council is minded to do something other than submit a fresh, revised application then the associated design and development costs of alternatives may be significant and time-consuming.

(d) Risk Implications

The risks of not implementing the WLR or any other option are articulated at the relevant points throughout the **APPENDIX**.

(e) Staffing Implications

There are no staffing implications related to the recommendations.

(f) Property

Property implications are discussed in the **APPENDIX**.

(g) Equalities

Equalities implications are discussed in the **APPENDIX**.

(h) Consultations

The Acting Corporate Director (Economic Development, Planning and Infrastructure), the Acting Head of Legal and Democratic Services, the Legal Services Manager (Property and Contracts), Head of Financial Services, the Head of Development Services, the Principal Accountant, the Transportation Manager, the Consultancy Manager and the Senior Engineer (Design) have been consulted and their comments reflected in this report.

11. CONCLUSIONS

- 11.1 The WLR has long been a fundamental part of development of the Moray economy. It addresses a number of transportation needs and supports the Local Plan, Moray 2023 and Moray Economic Strategy.**
- 11.2 Its purpose is to support existing and future development and its absence will impact on congestion and potentially restrict housing development and economic growth.**
- 11.3 A fundamental feature of the WLR was a crossing over the Aberdeen to Inverness railway in the south west of Elgin.**
- 11.4 In terms of cost and effectiveness relative to the provision of an additional railway crossing, retaining the WLR as a strategic project for the Council and submitting a revised planning application addressing the reasons for refusal in a resubmission has very clear advantages. It is accepted however that the public perception presented at the Planning Hearing reflected concerns on a number of fronts. Officers are of the view that these concerns could be adequately addressed in the revised submission.**
- 11.5 Alternative options have previously been dismissed as not delivering the traffic improvements required to provide a sustainable infrastructure for the south of Elgin.**
- 11.6 The Scottish Government supports capital expenditure on infrastructure that supports sustainable economic growth. The WLR clearly meets this policy and growth.**

- 11.7 The Economic Development and Infrastructure Services Committee has recommended that the Council reaffirms its commitment to the WLR as a strategic project and that officers work towards a resubmission.**
- 11.8 During the debate at Economic Development and Infrastructure Services Committee on 25 November 2014 Members were in agreement that an additional railway crossing is required whether as part of network enhancements or WLR. Officers have to date been unable to identify a practicable or feasible alternative site for this crossing other than that proposed for WLR.**

Author of Report: Head of Direct Services