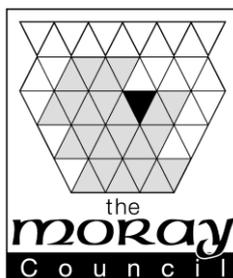


**CONFIDENTIAL**

Not for publication by virtue of paragraph of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973



---

**REPORT TO: ECONOMIC DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE ON 6 SEPTEMBER 2011**

**SUBJECT: ELGIN TRAFFIC MANAGEMENT – WESTERN DISTRIBUTOR ROAD: REPORT 1**

**BY: CORPORATE DIRECTOR (ENVIRONMENTAL SERVICES)**

**1. REASON FOR REPORT**

1.1 This report compliments the Elgin Traffic Management – Western Distributor Road: Report 2, later on in the Agenda. Report 2, in the public section of this Committee Agenda, asks the Committee to evaluate various options in relation to the Western Distributor Road. Some of the information which the Committee needs to consider in looking at each of the options relates to details of properties affected by the proposed Scheme and the position of particular householders in relation to acquisition. This information is confidential however there is a clear public interest in the wider issues being debated in the public section of the Committee. Rather than put the whole matter into the confidential section of this Committee it was considered prudent to separate out the confidential property issues into this Report. It is intended that this report is considered prior to Report 2 so that a fully informed decision can be made on the Report 2 in the public section.

1.2 This report is submitted to Committee in terms of Section G (18) of the Council's Administrative Scheme relating to dealing with the preparation and implementation of traffic management schemes.

**2. REASON FOR CONFIDENTIALITY**

2.1 This report contains information relating to details of potential property acquisition.

**3. RECOMMENDATION**

**3.1 It is recommended that the Committee:**

- (a) note the economic development and planning issues and associates risks;**

- (b) **note the detailed appraisal work undertaken since the decision of this Committee in June 2011;**
- (c) **consider the three options including land survey work carried out by Council's consultants and Council staff on the junction options for the distributor road to the A96 West Road;**
- (d) **Note the property acquisition implications of each of the 3 Options for the Wittet Drive/West Road junction.**
- (e) **Consider these implications as part of the option evaluation required by Elgin Traffic Management – Western Distributor Road: Report 2, later on the Agenda.**

#### **4. ECONOMIC AND PLANNING BACKGROUND**

##### 4.1 National Economic context:

The Scottish Government's Economic Strategy has the following purpose:

*“to focus the Government and public service in creating a more successful country, with opportunities for all of Scotland to flourish through increasing sustainable economic growth”.*

Local Economic context

- 4.2 There has been significant progress recently in addressing local economic development, with the Council playing an important role. This is now the responsibility of the Council. As recently as Monday 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.
- 4.3 In addition, two former Scottish Ministers with responsibility for Transport (i.e. Tavish Scott and Stewart Stevenson), during past visits to Elgin, have emphasised the importance of The Moray Council delivering on their own road infrastructure programme, including a distributor road in the west of Elgin, if the Council are to expect Government to improve the A96 in Elgin.
- 4.4 The Draft Moray Economic Strategy recognises the importance of good transport links in general to the economy of Moray, both now and in the future. Our reliance on good external transport links is obvious, but the report also stresses the importance of accessibility within Elgin, as the main centre of economic activity.

The report identifies key transport interventions to enable the Elgin City for The Future to perform its regional function efficiently, and one of these is the need to create

*“an effective method of traffic distribution outside of the town centre that enables the urban road network to function efficiently.”*

- 4.5 The Draft Elgin City for The Future (ECF) report states clearly that

*“this study recognises the need for a complete and functional distributor road network to ensure that the traffic related to the proposals in the town centre can be managed.”*

- 4.6 The main ECF proposals for the town centre are unlikely to be achieved if the transport requirements cannot be delivered. One of the mainstays of the masterplan is that the severance effect of Alexandra Road on pedestrians must be significantly reduced. The report recognises that an A96 bypass of Elgin will not achieve this as the need for managing local traffic, which makes up approximately 75% of the volume, is more critical.

*“A more effective solution would be to complete a series of distributor roads around the town to allow better access to non-central parts .....would remove a greater proportion of vehicles from the town centre than the bypass proposals”.*

*“Furthermore, many of the problems within the town centre are caused by the conflict of east-west and north-south traffic..... the distributor road system would also benefit traffic on the north-south axis, thereby providing yet more benefit.”*

*“By allowing ease of movement around the town periphery, the distributor roads would remove the dominance of the A96 and A941 opening up development opportunities elsewhere in Elgin. They would also distribute traffic more evenly and remove pressure in a number of key congestion hotspots such as Edgar Road, as well as the town centre”.*

- 4.7 The report also refers to development of the “twin” centres of Edgar Road and the town centre, as a dual centre model, sharing investment .... *“and with improved linkages.”*

- 4.8 Transportation consultants, Buchanans, who did the traffic modelling work required to support the transport elements of the ECF report, found that without a Western Distributor road in place, the traffic flows at junctions on A96 Alexandra Road would be considerably higher, and advises that

*“This would increase the size of the junctions required and could require the use of third-party land and Compulsory Purchase procedures”.*

This is consistent with the findings of our framework consultants Jacobs.

- 4.9 Local Plan 2000 included proposals for a number of major developments mainly in the south of Elgin, and this required significant major transport infrastructure improvements (TSP's) to be provided alongside the developments to cater for the generated traffic. The approved 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. On the basis of this, 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.

- 4.10 This situation has continued into the current Local Plan. The proposed road infrastructure improvements (TSP's) are still clearly identified in the Plan but the delivery of them has not kept pace with the traffic generators. The road improvements on the southern edge of the town, which were regarded as "easy wins," have been completed, but the essential links with the remainder of the road network, one of which requires some 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, and is now a real constraint for developing even those sites which are currently designated in the Local Plan.

## **5. BACKGROUND TO APPROVED ROAD OPTIONS**

- 5.1 Reference is made to the Economic Development and Infrastructure Services Committee on 28 June 2011 (para 4 of the minute refers) where approval was given for the Inner (Urban) route to form the Western Distributor Road. This will include a new bridge crossing the railway as well as a major junction improvement on the A96 at or near the north end of Wittet Drive and will use Wittet Drive as part of the route.
- 5.2 The approved route is shown on **Appendix A**. Three junction options have been considered at the two locations shown on the plan.
- 5.3 Subsequently, additional work has been done by Jacobs consultants on the junction options for joining the Western Distributor Road to the A96 and this has been done in the knowledge that the design will have to comply with Transport Scotland's standards. This includes ensuring that significant vehicle delays are not introduced on the A96 trunk road.
- 5.4 In addition Moray Council staff have carried out a more detailed topographic survey of the area in order to provide a greater level of confidence in the findings.
- 5.5 It has previously been reported to the Committee on a number of occasions that an effective junction with the A96, acceptable to Transport Scotland, will require the acquisition of some residential property. Every effort has been made to minimise, where possible, the potential impact to property when considering the junction options. This however has to be weighed against technical acceptability, cost and value for money.
- 5.6 It is acknowledged that the Elgin Designing Streets Action Group has been set up and subject to approval of the proposals today we will begin to communicate with this group on the more detailed aspects of the scheme

design. It is considered that the work undertaken by Jacobs so far will not adversely affect the forthcoming discussions with the group.

- 5.7 The junction appraisal findings are outlined below and plans will be shown on-screen at the meeting.

Option A: Signalised Junction (Est. Cost £2.8m)

- 5.8 Design standards for the traffic flows and turning volumes means that this option requires the A96 to be widened to provide a right-turning lane and the signals heads, together with their associated stop lines, set back from the junction to allow HGVs to turn safely.
- 5.9 As a result, three houses would have to be acquired in order to provide adequate junction design. In addition garden ground of five other properties would be required.
- 5.10 Transport Scotland have previously indicated that they would not accept driveways close to the junction if under traffic signal control and vehicle accesses to five properties may well have to be closed off. Alternative vehicle access to some of these properties may be difficult to provide and if arrangements could not be agreed the Council may be forced to acquire or compensate some or all of these properties as well.
- 5.11 The traffic model provides relatively coarse indications of projected traffic flows. Consequently all the junction options have been designed with spare capacity and to cope with a certain amount of growth. The traffic signals option has less spare capacity than the roundabout options and should the signals be selected, it is possible that the junction may have to be further improved in the future. This would require the acquisition of additional property.
- 5.12 At this stage of the design the individual properties affected are as follows:

House Acquisition:

- Wolsey Lodge, West Road: Entire property required.
- Braeview, West Road: Entire property required.
- 2 Wittet Drive, Entire property required.

Substantial Land Impact:

- Firbank, West Road: Part of the front garden required. Existing driveway would have to be closed.
- North View, West Road: Part of the front garden would be required together with closure of the existing driveway.
- 39 West Road: Existing vehicle driveway would have to be closed.

- Armadale, West Road: Part of the front garden would be required together with closure of the existing driveway.
- St. Margarets, West Road: Part of the front garden would be required together with closure of the existing driveway.

Minor Land Impact:

- Minor impact to front garden of property on corner of A96 and Braelossie Place.

Option B: On-Line Roundabout Junction (Wittet Drive Roundabout)  
(Est. Cost £4.8m)

- 5.13 Various scenarios for an acceptable roundabout junction at this location have been considered in the past, all require varying combinations of house acquisition and complex earthworks to the north of the A96 in order to meet the design and safety standards that would be required by Transport Scotland.
- 5.14 The best solution is with the roundabout centred on the existing junction. This results in a roundabout that requires the acquisition and demolition of four residential properties together with garden ground from up to ten other properties.
- 5.15 Transport Scotland is unlikely to accept driveways close to the roundabout and consequently vehicle accesses to four of these properties may have to be closed off. Alternative access to these properties may be difficult to provide and if arrangements could not be agreed the Council may be forced to acquire or compensate some or all of these properties as well.
- 5.16 At this stage of the design the individual properties affected are as follows:

House Acquisition:

- Wolsey Lodge, West Road: Entire property required.
- Braeview, West Road: Entire property required.
- 2 Wittet Drive, Entire property required.
- North View, West Road: Entire property required.

Substantial Land Impact:

- Firbank, West Road: Significant part of front garden required. Possible closure of vehicle driveway.
- 3 Wittet Drive: Significant part of the front garden required.

ITEM:

PAGE:7

- 39 West Road: Garage and significant amount of garden required.
- Northview, West Road: Significant part of the front garden required. Possible closure of vehicle driveway.
- Armadale: Significant part of the front garden required. Possible closure of vehicle driveway.
- St. Margarets, West Road: Significant part of the front garden required. Possible closure of vehicle driveway.

Minor Land Impact:

- A number of properties fronting Wittet Drive will require driveways amended.
- Minor impact to front garden of property on corner of A96 & Braelossie Place.

Option C: Off-Line Roundabout Junction (Sheriffmill Roundabout)  
(Est. Cost £3.0m)

- 5.17 The design necessitates the acquisition of two houses on Wittet Drive as well as garden ground from six other private properties and a portion of the field to the west of Wittet Drive.
- 5.18 The owner of one of these houses has attempted to sell and they have confirmed verbally to officers that they would be keen to reach an agreement with the Council. In the case of the other property, it may be possible, if the owners wished to remain at this location, for a house to be constructed in the remaining (or extended) garden ground, clear of the proposed road.
- 5.19 This option involves the realignment of Sheriffmill Road at its junction with the A96. It moves the construction of the roundabout away from the existing junction and may reduce the amount of public utility diversion work required.
- 5.20 Transport Scotland is unlikely to accept driveways close to the roundabout and consequently vehicle accesses to one of the properties may have to be closed off. Alternative access to these properties may be difficult to provide and if arrangements could not be agreed the Council may be forced to acquire or compensate this property as well.
- 5.21 Transport Scotland has also indicated that with this option, they may be agreeable to retaining the existing Wittet Drive junction with the A96 providing some form of suitable traffic management is implemented. This may result in the north end of Wittet Drive being one-way to ensure it is only used for access by local traffic.
- 5.22 At this stage of the design the individual properties are affected as follows:

House Acquisition:

- 15 Wittet Drive: Entire property required. (Verbal confirmation of desire to negotiate with the Council).
- 13 Wittet Drive: Entire property required.

Substantial Land Impact:

- 11 Wittet Drive: Significant amount of garden required however this could be offset by granting them ground from #13.
- Connet Hill: Significant area of garden and large trees required together with a revised vehicle access.
- R8 Housing site: area of land required to allow construction of road and roundabout.

Minor Land Impact:

- 19 Wittet Drive: very small part of garden ground required.
- 17 Wittet Drive: revised access driveway to be formed.
- 16 Wittet Drive: revised access driveway to be formed.
- 9 Wittet Drive: small part of garden ground required.

5.23 As previously identified this option would have a number of additional benefits compared with alternatives:

- Additional house sites could be made available from R8 designated housing site if the displaced household wished to remain close to Wittet Drive.
- Better access to R8 – Hattonhill (Designated site suitable in principle for up to 20 houses)
- A relatively traffic-free section for residents at the north end of the existing Wittet Drive.
- Reduced utility diversions compared with the other options.
- Reduced disruption during construction.

5.24 Summary of options

The options are summarised below:

		<b>Option A: Existing Junction Signalised</b>	<b>Option B: Wittet Drive Roundabout</b>	<b>Option C: Sheriffmill Roundabout</b>
<b>Technical aspects</b>	<b>Junction</b>	<p>Geometric layout compliant with DMRB** standards.</p> <p>Side road junctions and private accesses in vicinity of signalised junction departs from DMRB standards.</p> <p>Limited capacity to accommodate future traffic growth.</p> <p>Limited Statutory Undertaker diversions envisaged</p>	<p>Geometric layout of roundabout compliant with DMRB** standards.</p> <p>Side road junctions and private accesses in vicinity of roundabout departs from DMRB standards.</p> <p>Significant earthworks required to north of A96 and an associated adverse visual impact is envisaged.</p> <p>Capacity to accommodate future traffic growth.</p> <p>Extensive Statutory undertaker diversions.</p>	<p>Compliant with DMRB** standards.</p> <p>Favoured by Transport Scotland Standards Branch and acceptance that the existing Wittet Drive junction could remain in place following the introduction of traffic calming measures to restrict movements.</p> <p>Capacity to accommodate future traffic growth.</p> <p>Limited Statutory Undertaker diversions envisaged.</p>
	<b>Link</b>	Not applicable to this option.	A reduced standard of vertical geometry approaching the proposed roundabout and the incorporation of the existing Wittet Drive regime which has reduced standards.	Reduced standard of horizontal and vertical geometry to minimise property impacts, also reduces through visibility and junction egress visibility. However geometric standards are an improvement to the existing Wittet Drive regime.
<b>Estimated Cost*</b>		£2.8M	£4.8M	£3.0M
<b>Property/Land Impact</b>	<b>House Acquisition</b>	<p>3 Properties required.</p> <p>(2 properties on A96 and 1 on Wittet Drive).</p>	<p>4 Properties required.</p> <p>(3 properties on A96 and 1 on Wittet Drive).</p>	<p>2 Properties required.</p> <p>(1 property may be offered for purchase and the other could be rebuilt in a similar location nearby)</p> <p>(Both on Wittet Drive).</p>
	<b>Substantial Land / Driveways Impacts</b>	<p>Substantial impact to 4 front gardens including stopping up of driveways as located on A96 and within junction layout</p> <p>Stopping up of additional driveway on north side of A96</p>	<p>Substantial impact to 4 front gardens and a single garage including stopping up of driveways as located on A96 entry or exit flares of roundabout</p> <p>Substantial impact to</p>	<p>Substantial impact to garden &amp; garage of No.11. Potential excambion with surplus front garden of adjacent property</p> <p>Substantial impact to landscaped garden area west of existing</p>

		<b>Option A: Existing Junction Signalised</b>	<b>Option B: Wittet Drive Roundabout</b>	<b>Option C: Sheriffmill Roundabout</b>
			1 front garden and driveway on Wittet Drive	Sheriffmill road junction  Potential TS may request closure of driveway onto A96 adjacent to east entry of roundabout.
	<b>Minor Land/Driveway Impacts</b>	Minor impact to front garden of property on corner at A96/Braelossie PI junction	Minor impact to 4 front gardens and driveways on Wittet Drive.  Minor impact to front garden of property on corner at A96/Braelossie PI junction	Minor impact to No.19 (corner of garden 3.6sqm)  Minor impact to No.9 (corner of rear garden)  Driveway realignment of No.17  Driveway extension of No.16  2 driveway alterations leading onto Sheriffmill access arm of roundabout.

\* Costs are based on Q4 2010 and are estimates prior to detailed design.

\*\* Design Manual for Roads and Bridges.

### Western Distributor Road Strategy

- 5.25 The delivery of the Western Distributor Road (WDR) is crucial to the continued development of Elgin and will require a significant investment over a number of years. The route from Edgar Road to the A96 involves the construction of a new rail bridge, two major junctions and about 1km of new road. As part of this, road access will be provided to the designated affordable housing site at Bilbohall.
- 5.26 Successful delivery of this project will require a number of technical, economic and environmental challenges to be overcome. Planning approval, land & property acquisition, public utility consultation and diversions, environmental surveys and assessments, traffic Orders and contractor procurement are all required.
- 5.27 Subject to the approval of this Committee, The Stage 3 route assessment will now progress in parallel with detailed design. A planning application will be submitted once the design process has progressed sufficiently. This process will include engaging with the public as well as public utility and other statutory consultations. Preliminary discussions have already taken place with SEPA and SNH.
- 5.28 Early engagement with severely affected property owners is required to discuss impact and acquisition as recommended by Scottish Government

guidelines. There is always the possibility that less severely affected property owners request the Council to purchase their home, and if that route is agreed, then there is always a possibility that the Council suffers a loss from purchase, compensate and resale.

- 5.29 The project should be considered as a whole with a single planning application being promoted as this will deal with all the issues at once. Only building part of the project will not deliver the full range of benefits required.
- 5.30 It is likely that, even if all the individual aspects of the project run smoothly, delivery would take between 3 and 4 years to complete. However delays to any of the key aspects such as the need for a planning Inquiry, compulsory purchase orders or budgetary difficulties could extend this period significantly.
- 5.31 Regular reports on progress will be submitted to this Committee as the scheme develops.

## **6. SUMMARY OF IMPLICATIONS**

### **(a) Single Outcome Agreement/ Service Improvement Plan**

This report is in line with National Outcome 1 and Local Outcome 3: "Moray will benefit from an improved and safer transportation infrastructure".

Service Priority 2 (Elgin Traffic Management Plan) of the Service Improvement Plan.

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 Distributor Road will enable access to land designated for much needed affordable housing in Elgin.

### **(b) Policy and Legal**

None.

### **(c) Financial implications**

Once the route has been approved, some affected landowners, in particular circumstances, could request that the Council should purchase their land or property outright, and consequently the Capital Plan allocation for 2011/12 may have to be reviewed. This would be the subject of a future report to the appropriate Committee.

Capital allocation covering delivery of the scheme in subsequent years will form part of the Capital Plan Review process later this year. Property costs have been included in the estimated costs.

Further details of property acquisition and compensations will be reported back to the appropriate Committee for consideration.

**(d) Risk Implications**

By submitting a single Planning Application for the whole route there is a risk that should the application be delayed there would be a knock-on impact on the delivery of the access to the affordable housing site at Bilbohall.

The two options located at the existing Wittet Drive / A96 junction will both severely impact on a number of existing driveways as outlined above. There is a significant risk that if either of these solutions is selected, additional residential properties may have to be acquired as forming alternative driveways may not be possible.

Protracted delivery of the project as a result of lengthy delays between phases will reduce efficiencies associated with a single project and increase construction costs. It would also lead to severe traffic congestion on other parts of the road network, with ensuing constraints on many development proposals and on the progress of the next Moray Local Plan.

**(e) Staffing Implications**

Delivery of the scheme will require work to be shared between in-house staff and Jacobs. Work kept in-house will depend on the availability of resources and other priorities and on any specialised expertise needed.

**(f) Property**

A number of properties will be affected by any of the junction options as indicated above. In addition there will be some impact to a few properties at the south end of Wittet Drive due to the likely close proximity of the realigned road. It is expected that this will involve the acquisition of some garden ground only.

Should a junction option be selected and therefore the whole route approved, the Council would be obliged to enter into negotiations with any owner of land we need, should they wish to sell.

It is hoped that all property or land required for the scheme could be acquired through negotiation however should this not be possible, a compulsory purchase order (CPO) will have to be considered. Compensation costs are based on 2008 estimated and require to be updated to current values.

**(g) Equalities**

None.

**(h) Consultations**

Alex Burrell, Estates Surveyor has been consulted and comments have been incorporated into the report.

Lorraine Paisey, Principal Accountant has been consulted and is in agreement with the financial implications.

Alasdair McEachan, Principal Solicitor has been consulted and comments have been incorporated into the report.

Graeme Davidson, Housing Strategy and Development Manager has been consulted and supports the recommendations as this will remove any constraint on delivery of the access to the affordable housing site.

Beverly Smith, Principal Planning Officer has been consulted and any comments may be made at the meeting.

Mark Cross, Principal Planning Officer has been consulted and any comments may be made at the meeting.

**7. CONCLUSIONS**

**7.1 All acceptable junction options for joining Wittet Drive to the A96 trunk road require the acquisition of residential property. Option C, the off-line roundabout option (near Sheriffmill Road) provides the best technical solution, has the least impact on property both during construction and in the long-term and is comparable in cost to the other options. This should be selected as the preferred option.**

**7.2 General property implications are identified above however in order to make a fully informed decision further details are given in Report 2 also submitted to this Committee. The points identified in both reports should be considered before a decision on the junction option appraisal is made.**

**7.3 The delivery timetable of this project is dependant on a number of aspects. Key amongst these are the planning process, property acquisition and finance. Should these proceed smoothly, this scheme could be delivered in its entirety in 3 to 4 years.**

Author of Report: F Knight, Senior Engineer

Background Papers:

Ref:

Signature: \_\_\_\_\_

Date: 30 August 2011

Designation: Head of Direct Services

Name: A Ritchie

ITEM:

PAGE:14

