
Local Review

LRB Ref 85

Planning Application Reference 13/00482/APP

Proposal Description: Erection of hotel at Easter Coltfield Farm Alves Moray

Response from Transportation, Moray Council

1. Development Plan and Transportation Considerations
 - 1.1. Policy IMP2 b) requires a Transport Assessment for developments that raise significant transport implications. The applicant was invited to submit an updated Transport Statement. The applicant did not submit a new Transport Statement.
 - 1.2. Policy IMP1 c) also requires that adequate provision of transport infrastructure must be available at an appropriate level to serve the development. The development is some distance from the network of two-lane roads where there are public transport services. Access to the proposed development is via the U58E single track road which has limited passing places and sections with poor forward visibility. This application has been considered on its merits and has been deemed not to comply with this policy.
 - 1.3. Policy T2 requires a safe and suitable access to be provided to the development, including provision for all transport modes. This application has been considered on its merits and deemed not to comply with this policy.
 - 1.4. Transportation Service Requirements for Small Developments in the Countryside was approved by Committee in April 2010. This document highlights the need for the provision of good access visibility and, where appropriate, the provision of passing places. <http://www.moray.gov.uk/downloads/file87786.pdf>
 - 1.5. Road Design Standards chapter 23 Rural Areas highlights the requirement for all passing places to be intervisible and up to a maximum of 150 metres apart.
2. 13/00482/APP Considerations
 - 2.1. Transportation anticipated highlighting the relevant documents for this application by referring to the Planning Portal at Moray Council web site. The information that is available at the Planning Portal for 13/00482/APP is shown on submission TMC01. Unfortunately the Transportation consultation responses are not uploaded.
 - 2.2. Transportation returned an initial consultation response dated 02 April 2013 identifying the infrastructure requirements and also highlighting the opportunity for the applicant to submit an updated Transport Statement (TMC02).
 - 2.3. The appointed officer confirmed that the applicant was not going to submit an updated Transport Statement. The updated Transportation consultation response was submitted to Planning on 21 April 2013 (TMC03).
 - 2.4. The appointed officer completed the Report of Handling on 13 May 2013 (TMC04) and this is available via the Planning Portal.

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- 2.5. The applicant has made reference to an earlier planning application 10/02055/APP which was refused and it is noted that the applicant did not submit a Local Review within the prescribed timescale.
3. 10/02055/APP Considerations
- 3.1. Transportation intended to highlight the relevant documents for this application by referring to the Planning Portal at Moray Council web site. The information that is available at the Planning Portal for 10/02055/APP is shown on submission TMC05. Unfortunately the Transportation consultation responses are not uploaded.
- 3.2. Transportation received the consultation for this application on 21 January 2011. The initial consultation response was returned on 03 February 2011 (TMC06). The response highlighted a lack of information relating to the development traffic and the extent of upgrading required along the U58E.
- 3.3. Following interactions with the applicant a scope for a Transport Statement was issued. The applicant commissioned consultant Fairhurst to undertake the Transport Statement. A pre-start meeting was held with the consultant. The Transport Statement was received by Transportation on 14 June 2011.
- 3.4. A further consultation response was returned to Planning on 11 July 2011 (TMC07). In this response a comprehensive audit of the submitted Transport Statement was provided to the appointed officer. Seventeen parties submitted representations raising concerns about traffic impact and road safety. The applicant/consultant was requested to consider the representations as part of the Transport Statement. This was not done. It should be noted that the audit of the Transport Statement was also provided to the consultant and at no stage were comments received.
- 3.5. The Report of Handling prepared on 05 April 2012 (TMC08) identifies the seventeen parties making representations. The observations section (T2 and IMP1) summarises the access policy issues.
4. Grounds For Review – Comments
- 4.1. The applicant has submitted the Grounds for Review with many references to an earlier planning application. Transportation deals with this in section 3 above.
- 4.2. In the Grounds for Review Doc 6 (paragraph 7) the applicant states in relation to private land that he would have to purchase the land from individual land owners.
- 4.3. The applicant states in the Grounds for Review Doc 6 (paragraph 11) that the cost (of road department requirements) could run in excess of £250k. Despite this evaluation the applicant has offered a developer contribution less than one-third of this value.

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- 4.4. The applicant has submitted a number of emails relating to the earlier application that pre-date the letter sent to the applicant by the Head of Development Services on 21 March 2012 (Grounds for Review Doc 11C). The letter clearly sets out the updated position in relation to passing places (paragraph 2) and also the situation in respect of the use of developer contributions secured through section 75 agreement (paragraph 3).
- 4.5. A report relating to developer contributions for passing places and other infrastructure was submitted to the Economic Development and Infrastructure Committee on 13 March 2012. The report presented prevailing values and proposed new valuations.

		Current	Revised
Passing Place	Residential Development	£8,700	£11,345
	Commercial Development	£12,600	£16,440

- 4.6. It was noted that for the majority of planning applications the developer provides all infrastructure requirements for the proposed development which is secured through appropriate planning conditions. However, in some instances subject to checks and approval by Transportation, the requirement for passing places may be dealt with through the mechanism of developer contributions. The Committee decided to defer consideration and await a wider scope report on developer contributions to the Planning & Regulatory Services Committee. The wider scope report has not yet been presented to the Committee.
- 4.7. The position summary provided in the letter from the Head of Development Services dated 21 March 2012 (Grounds for Review Doc 11C) remains valid. For the benefit of the Local Review Body the text is copied below.

For the avoidance of doubt and in the interests of clarification a developer contribution secured via a section 75 agreement towards the provision of the passing places cannot be accepted in this situation either given the high number of passing places required and the short timescale for delivery of the places to make the single track roads safe prior to commencement of the development. Accepting a contribution and entering into a section 75 agreement for the Council to provide the passing places would place an unreasonable burden on the Council with the corresponding risk that some passing places may not be provided prior to the expiry of the planning permission. In fact the Council may not be able to acquire land for many of the passing places at all. It is for this reason that this option is not considered to be competent or viable.

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- 5.1. This is an initial response to the notice of review (14 day deadline). Transportation will provide more information, as required, to assist the Moray Council Local Review Body with the ongoing review process.
- 5.2. Transportation requests the Local Review Body to uphold the decision by the appointed officer.

Transportation

02 September 2013