

Reasons for the Notice of Review.

09/01/2014

The decision to refuse this application is primarily due to the refusal of Transport Scotland to allow this development.

For your information I start with a brief summary of the main sequence of events to date.

In 2000 I had initial discussions with the bypass design engineers and the expansion of the caravan park onto the redundant A96 was discussed.

In 2007 I had a consultation meeting with Transport Scotland and others at which the expansion of the caravan park was again discussed.

In 2008 I again met and discussed with Scott Wilson (Bypass Design Engineers) who were to discuss the development with Transport Scotland.

In 2009 I had discussion with Moray Council and Transport Scotland(TS) about applying for planning permission for the extension of the caravan park. The indication was that the final design for the cycle path would be up to Morrison's(the bypass builders) as this was a" design and build" project.

In May 2010 I discussed the caravan park expansion with Morrison's and TS representatives and the suggestion was that the cycle track could be moved to the verge of the existing road.

In Nov 2011 discussion took place with myself and MC roads and TS to agree the design of the turning circle on the old A96 near the caravan park entrance.

In 2012 to my surprise and without consultation or further discussion the current cycle path was constructed , using more than a 5 metres width of the old A96 road, a post and wire fence erected and a 1 metre wide drainage ditch installed.

As you can see I have discussed this proposal with Transport Scotland on many occasions both before the bypass was build, during construction and subsequently. I have copies of all documents and minutes of meetings to prove it.

The suggestion by TS that I had not discussed this planning application with them is insulting and preposterous.

Unfortunately despite my continual efforts and false promises I have ended up with an access to the caravan park which is neither finished nor safe and the construction of a cycle path which was never agreed with myself as the adjacent business owner . The current position has been described by planners as a Rolls Royce of cycle paths! It covers over 5 metres of the redundant road and issues have already arisen about who is going to maintain it. TS are also required to hand the remaining redundant land back to me in a condition which I have to agree to. This subject has not been mentioned by TS yet.

Dealing with the current application, I disagree with TS's statement in the Report of Handling that "the development would result in increased interference with the safety and free flow of cyclists." The development plan clearly shows that the cycle path would retain a separate independent two metre wide cycle track adjacent to the 2.4 metre wide access track. This would even be safer than the current position as the service vehicles would also use the access track to maintain services and not share the cycle track as is the current position. I have also checked with the then MC officer responsible for cycle tracks and a 2 metre wide track is more than adequate for a cycle track in Moray. Having a business adjacent to the track and also living 200 yards from the caravan park, on the same road, I know the number of cyclists who use this track and during the last year we estimate that there would be no more than 6 cyclists per week using this track. i.e. less than 1 cyclist per day. This development is not going to impinge on the safety or free flow of cyclists.

We do encourage cyclist on the caravan park and they are an important tourist grouping which we do encourage and we hope there will be more in the future. I have included in my plan, 5 parking spaces specifically for cyclists at the entrance to the development in anticipation of increased use and would promote this in the future. We are fortunate that there are so many different routes for cyclists around Fochabers with the Spey side Way, Whiteash Hill and also Ordiquish Woods. This is one reason why the numbers using this path is so low, i.e. due to the abundant choice of alternative routes.

I also disagree with their statement " the development would create a demand for parking, which would lead to uncontrolled parking and increase interference with the safety and free flow of cyclists". My development plan clearly shows, on a scale of 1:100, the typical static caravan stance which has a requirement to have a car parking area within each caravan pitch. It is a condition of our site licence that a parking space must be designated for each static pitch and I also ensure that caravan owners always park off the road and in their parking area. This is essential to allow access for bin lorries and emergency vehicles. Therefore I cannot foresee any situation where there would be "uncontrolled parking" and "interference with the safety and free flow of cyclists".

With this type of holiday accommodation, vehicle movements are very few with many occupants arriving for the weekend on a Friday night and not moving their car until they leave on a Sunday night. Sometimes, if they are staying for a longer period, they may take a trip out to a local attraction or to the shops but this equates to very few traffic journeys per day. I estimate that with all the pitches occupied, and these are only for holiday use remember, the number of traffic journeys per day would, at most, average 2 per hour. Most of our holiday static owners walk to the facilities in Fochabers or take a walk in the surrounding woods and this is what attracts them to the caravan park in the first place.

As stated in the Report of Handling, the Local Plan designation has recognised, in relation to the Caravan Park T1, that the disused roadway would be incorporated as an extension to the caravan site. In discussions with the planning officer and his managers the indications were that this was an appropriate development.

I was therefore astonished when the refusal notice arrived as I felt this was an expected and sensible development which would encourage economic activity in Moray and would attract a significant number of extra tourists. It represents an investment of over £250000 by myself in this caravan park and has a knock on effect during the construction of the serviced pitches with

additional employment for Moray. Once operating there is the added benefit to other businesses in the area with the increase number of tourists staying in the area and spending money.

I do not accept that this development is contrary to MC local plan policies either for the following reasons;

Policy T2 Road access. You will notice on my development plan I show a separate detail for the Park entrance which was a design that was agreed with your roads department and TS in Nov 2011, when the bypass was being built. I expected this to be built as part of the bypass works but to date there are still arguments about it as only half a turning circle has been added adjacent to the old road and the road marking still show the 3 lanes at the caravan park entrance . The left hand lane still exists and leads direct into 5 metal posts across the road and I have warned MC and Transport Scotland that this is extremely dangerous. They have improved it slightly after I consistently complained by adding signage and markings on some of the posts but somebody will be seriously injured if this is not changed. The original wooded post and wire fence was demolished within weeks of being installed and the remains can still be seen on site.

I noticed on the 6th January 2014 one of the metal posts was damaged by another unsuspecting driver crashing into it. I have even offered to pay for the alteration at the entrance as detailed in my development plan if it is given approval.

Policy T5 Parking standards. As explained before, parking is controlled under my caravan site licence and there is one parking space for each of the static pitches and I have also added 5 designated parking space for cyclists in my development plan.

Policy T7 Cycling. I agree that cycling should be encouraged and my plan certainly does that with a separate designated 2 metre cycleway, additional parking and a safer road design at the park entrance. We will also promote cycling holiday at the caravan park and we have been involved in the annual summer weekend gathering for cyclists that have take place in the area in recent years and welcomes over 100 cyclists for bike rides through the woods.

I do not believe that a cycling policy should ever be used as a reason to prevent the development and improvement of any local business where it is obvious they can both exist together. Economic Development in Moray is key to all our future success.

Policy IMP1 Development Requirements. I am unclear why my development is contrary to this policy. The development is making use of a redundant tarred road and will only improve the current position with the placing of static caravans which will be looked after by their owners. Many owners take a lot of pride in their pitches as can be seem on the rest of the caravan park and this can only be a benefit to the area.

If this development is not allowed then the area that is returned to myself would have to be dug up and returned to its original condition as it is not wide enough to place static caravan on with the removal of the 5m wide cycle path. It has been suggested that caravans could be placed end to end but I know this is not worth considering as it would not create an attractive setting and the customers would not buy them therefore it is not worth the investment.

Policy ED9 Tourism Facilities. Again I fail to see how my proposal contravenes this policy and it has not been explained either in the decision letter nor the Report of Handling document. This development in my view support this policy 100%. The planning application specifically asks for a change of use for a HOLIDAY caravan park extension. Burnside Caravan Park has provided thousands of quality holidays to numerous families for over 30 years and we are delighted when we now welcome back the families of the children who were customers when the site was first established. That is what I identify as a quality family tourist business working in Moray for Moray.

As I stated at the start as far as I can ascertain this development has been refused because TS claim at first it was premature and now they claim it is a risk to safety. Neither of these are true.

Our economic development should not be decided by a faceless bureaucrat working for Transport Scotland in Edinburgh.

In conclusion I do not believe that with the limited number of cyclists and the infrequent car movements there is a need for a designated cycle path at this development. I believe that under standard requirements a shared access road and cycle way would be perfectly acceptable. TS chose to design a cycle path with no regard to my requirements or numerous requests to use the redundant road as an extension to my caravan park. They have their own reasons for doing so but it was certainly not on safety grounds alone. Cyclists have no designated cycle way on the road leading up to the caravan park (Lennox Crescent) and they also have to negotiate crossing the main entrance to the caravan park where all the traffic passes. This has caused no concern for any MC department nor TS. If safety was such a concern you would have expected TS to make some provision for cyclists on this redundant part of the A96 also.

Never the less a separate cycle path has always been designed into my proposal and is easy to accommodate therefore I respectfully request you overturn the decision to refuse planning permission for this development.

