

**REPORT TO: PLANNING & REGULATORY SERVICES COMMITTEE ON  
19 APRIL 2011**

**SUBJECT: ELGIN SOUTH DEVELOPMENT PLANNING CONDITION TO  
CARRY OUT WORKS AT A941, NEW ELGIN ROAD/EDGAR  
ROAD/LINKWOOD ROAD JUNCTION, ELGIN**

**BY: PLANNING & ECONOMIC DEVELOPMENT MANAGER &  
TRANSPORTATION MANAGER**

**1. REASON FOR REPORT**

- 1.1 To provide Committee with a status update and advise on enforcement action.
- 1.2 This report is submitted to Committee in terms of the Council's Administrative Scheme to exercise the statutory functions of the Council as Planning Authority under the Planning Acts, the Local Government (Scotland) Act, 1973; the Local Government Act 1994 and other relevant legislation.

**2. RECOMMENDATION**

**2.1 Members are requested to agree :**

- a) To note the engagement to date with the relevant parties;
- b) To note the initial appraisal results prepared by transportation consultants;
- c) To approve the junction performance results for the 2010 Base as the performance levels that should be used for the A941 Junction Appraisal and appropriate design and contributions evaluation.
- d) To continue to hold in abeyance enforcement of the current breach of condition allowing continued construction while improvements to the road infrastructure are agreed.

**3. BACKGROUND**

- 3.1 The Committee was presented with a report advising on the breach of condition in relation to the Elgin South development at its meeting on 30 November 2010.
- 3.2 The minute of the meeting (item 7 refers) states that a report would be brought back to Committee providing a status update and recommendation concerning enforcement action if no satisfactory conclusion has been reached.
- 3.3 Since that Committee meeting the junction appraisal process has been developed by the Council's transportation consultants Jacobs along with Transportation officers. Due to the significant number of variables and the need to separate out the Elgin South and proposed Sainsburys development traffic there is a requirement for a staged appraisal process to be undertaken.

- 3.4 The appraisal process is further complicated by the judicial review being undertaken for application 07/02272/FUL (Non-food Retail, Linkwood Road).
- 3.5 A meeting was held with representatives of Sainsburys in late January 2011.
- 3.6 Information relating to the appraisal process was issued to Springfield Properties and Sainsburys with a request for them both to consider the appraisal process and advise their position in respect of the process and the evaluation of their respective contributions towards the appraisal process.
- 3.7 The overall estimated contribution towards the appraisal costs for each party is less than £10k. Both parties have now indicated their acceptance of the appraisal process in principle; however, there are still ongoing discussions over the proportions of the appraisal process costs. This is not seen as an obstacle to the appraisal process.
- 3.8 Jacobs have undertaken initial appraisal work in preparation for technical liaison meetings. The meeting with Springfield is scheduled for 20 April 2011 and the meeting with Sainsbury's is scheduled for 21 April 2011. The findings from an initial appraisal using traffic flow information from the permanent traffic counter on New Elgin Road (North) are shown at **Appendix 1** to this report.
- 3.9 Observed annual average peak hour flows for 2008, 2009 and 2010 have been used along with forecast traffic for the various developments. It should be noted that the reason for the 2010 figures being lower than 2009 figures is probably due to the closure of Reiket Lane during the construction of the new railway bridge.
- 3.10 In order to undertake an appraisal that considers the impact of the Elgin South development and the Sainsburys proposal it is necessary to identify a common base scenario for the appraisal. This has been done for the initial appraisal work and is referred to as the '2010 BASE' (existing Elgin South and Edgar Road Retail - Robertson traffic has been removed). This common base is the situation that should be considered for the future no-net detriment.
- 3.11 Two development scenarios have been considered. The '2010 Base with committed development' includes observed and forecast traffic from Edgar Road Retail (Robertson), Elgin South (Springfield) and Linkwood Road Non-food Retail (Elphinstone & Broom Estates). The '2010 Base with committed development and appraisal development' includes all of the above and the forecast traffic from the proposed Sainsburys development.
- 3.12 Combining the information from these initial traffic flow assessments, from a limited data source, it shows an increase of 20% in the PM traffic flows and an increase of 27% in the Saturday Peak hour traffic flows, compared to the 2008 level. This is based on no other development, such as R5 Bilbohall South, R6 Southwest of Elgin High School, R9 Birnie Road, and R10 Glassgreen, and no additional crossing of the railway line.

- 3.13 The performance of the A941 junction has been assessed for the 2010 Base, 2010 Observed, and the 2010 Base with Committed Development. The ratio of flow to capacity (RFC) values for the '2010 Base with Committed Development' indicates levels far in excess of the standard threshold of 0.85 used for junction assessment. Without a modification to the junction or an alternative route for traffic there will be significant queues and delays at the A941/Linkwood Road/Edgar Road junction arising from the developments that have already been given consent.
- 3.14 It is essential that the A941 Junction Appraisal is robust and considers the full impact of development traffic. Therefore the Committee is requested to approve the use of the 2010 Base performance levels that should be used for the A941 Junction Appraisal and appropriate design and contributions evaluation.
- 3.15 It is recommended that enforcement action continues to be held in abeyance for housing development at Elgin South while agreement is reached with the parties on the measures to mitigate the New Elgin Road/Edgar Road/Linkwood Road junction.
- 3.16 Committee is advised that further information is to be provided and about the strategic importance of this junction in relation to the road network at the Economic Development and Infrastructure Services Committee on 3 May 2011 as part of a further report on the Elgin Traffic Management Western Distributor Road.

#### **4. SUMMARY OF IMPLICATIONS**

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

###### **National Outcomes –**

The approach agreed by the Committee in November was to hold enforcement in abeyance to balance the following three commitments contained in the Corporate Development Plan, Affordable Housing, Roads Infrastructure and Traffic Management and Economic Development and Tourism. The agreed approach will assist in meeting the following National Outcomes:

National Outcome 1 – “We live in a Scotland that is the most attractive place for doing business in Europe.”

National Outcome 10 - “We live in well-designed, sustainable places where we are able to access the amenities and services we need”.

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

Planning permission for the Elgin South Area includes a condition requiring the provision of a new roundabout at the A941 New Elgin Road/Edgar Road/Linkwood Road junction. Enforcement is at the discretion of the Local Planning Authority.

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

The cost of commissioning a design for the roundabout is being recovered from the parties required to upgrade the roundabout. If the Elgin South developer does not pay for its share of the road improvements, the burden will be passed to the Council. The Council will also have to pay its share as it too is a developer.

**(d) Risk Implications**

There is a risk to the Council's reputation if unable to deliver affordable housing for Scottish Government. There is a risk that Springfield properties and other responsible parties will not make improvements to the A941 New Elgin Road/Edgar Road/Linkwood Road junction roundabout if the condition is not enforced and thereby set a precedent with other developers.

**(e) Staffing Implication**

The assessment procedure is being undertaken within existing staffing arrangements.

**(f) Property**

Any land required for the road improvements will be provided within the adopted road or property acquired for such purposes.

**(g) Equalities**

No impact

**(h) Consultations**

Gordon Holland (Transportation Manager), Aileen Scott (Principal Solicitor; Commercial and Conveyancing); and Jill Stewart (Head of Housing and Property) have been consulted.

**5. CONCLUSION**

**5.1 The Council's transportation consultants Jacobs have established a baseline for the assessment of the impact of development on the A941 New Elgin Road/Edgar Road/Linkwood. Discussions are ongoing with the parties that are required to mitigate the impact of developments at the junction. The Committee is requested to approve the junction performance results for the 2010 Base as the performance levels that should be used for the A941 Junction Appraisal and appropriate design and contributions evaluation. The Committee is also requested to continue to hold enforcement action in abeyance while the appraisal and contributions evaluation is concluded.**

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Background Papers Report to Policy and Resources Committee 25<sup>th</sup> August 2009 Subject: Developer Contributions

ITEM: 5(a)

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