

6. **LRB 430** – Notice of Review Against Refusal of Full Planning Permission for Formation of Access at Kinloch Manor, St Fergus, Aberdeenshire, AB42 3EN – Reference: APP/2018/0933.

(iii) Further Representation submitted by Consultee.



TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006

FORMATION OF ACCESS ON LAND AT KINLOCH MANOR, ST FERGUS,
ABERDEENSHIRE.

WRITTEN STATEMENT BY KEN AITKEN
TRANSPORT SCOTLAND
NETWORK OPERATIONS: TRUNK ROAD AND BUS OPERATIONS
DEVELOPMENT MANAGEMENT

Local Review Ref: LRB430
LA Ref: APP/2018/0993
TS Ref: NE/91/2018

Introduction

This statement is submitted by Transport Scotland in response to the notification, on the 10 September 2018, from Aberdeenshire Council that an application for a Notice of Review for the above application had been submitted by the applicant.

At the time of the original consultation Transport Scotland were consulted on the formation of an access at Kinloch Manor, St Fergus on to the A90 trunk road. Transport Scotland responded to Council, on the 24 May 2017, recommending refusal based on the following reason.

“There is an existing access that serves this plot. The proposed access is too close to the existing one and would require a departure from standards to be granted.”

Previous Application

A previous application (Council Ref: APP/2016/1041) was submitted for planning in principle for this site and forwarded to Transport Scotland by the Council. This previous application did not show any new access on to the A90 and indicated that the access to the site would be by means of an existing road at the rear of the site connecting on to the Inverquinzie access road. This previous application also included the full area of the site unlike the current application which only uses the south end of the site.

Transport Scotland responded to this previous application with a recommendation for a condition relating to visibility.

“No part of the development can proceed until the applicant has provided and is able to maintain visibility splays on each side of the new access to the satisfaction of the local Planning Authority. These splays are the triangles of ground bounded on 2 sides by the first 4.5 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.”

Application

The plans submitted with the application were somewhat unclear and showed both the proposed access and the old link to the existing Inverquinzie road which then links to the A90.

The Inverquinzie access road does not meet current design standards in a number of ways, such as corner radii, approach gradient, surfacing, drainage, etc., but the previous applicant had agreed to bring this up to standard to mitigate against the reduced visibility to the south.

The visibility to the south, from the existing Inverquinzie road, as indicated on the submitted plan is 4.5 metres x 189 metres, which is below the standard required for a 60 mph road of 4.5 metres x 215 metres. This may be considered to be acceptable if evidence was provided to demonstrate that the actual speed on the A90 was less than 60 mph and the actual traffic speed was slow enough for the visibility which can be achieved.

However, in the response to the recent application, Transport Scotland only considered the proposed access and therefore there was no need to address the condition relating to the visibility as specified in the previous application (Council Ref: APP/2016/1041) for the existing Inverquinzie road and its junction with the A90.

It would not be possible to add conditions to ensure that the proposed access would be acceptable as two aspects of the design would require Departures from Standards which are the visibility from the proposed access and how this interacts with the visibility from the existing junction serving Inverquinzie. The submitted drawing shows that the visibility from the existing road serving Inverquinzie cuts across the proposed access in such a manner that any vehicle waiting to exit from the proposed access would interfere with the visibility for a vehicle waiting to join the A90 from the existing Inverquinzie junction. In addition the visibility required from the proposed access would be 2.4 metres x 215 metres and no indication was provided on the submitted drawing to show if this can be achieved or what visibility actually can be achieved.

It is considered unlikely that the appropriate visibility can be achieved from the proposed access and the reduction to the visibility and the interaction with the existing Inverquinzie access road will require Departures from Standards. Departures from Standard have to be approved by Transport Scotland's Standards Branch and are not something that can be dealt with through planning. This requirement was highlighted in Transport Scotland's response to the recent planning application which is the subject of this appeal.

Appeal

The applicant has submitted a statement for the appeal highlighting that other properties have individual accesses. Transport Scotland may be able to consider a separate access for the property if Departures from Standard are submitted and approved by Transport Scotland's Standard Branch, outwith the planning process. If this was granted then this would require to be the only access and the link to the Inverquinzie access road would need to be removed.

The applicant has also referred to the other access on the other half of the site. It is not totally clear what this means. The applicant is either suggesting that there is currently an access at the north end of the site which can be relocated to the proposed location (with the existing closed off); or that the proposed access can be relocated to the location of the existing access. These options can only be considered to be hypothetical as there is currently no access to the north of the site, despite it being shown on the applicant's plan. The old road alignment appears to head for the trunk road but stops well short of the trunk road edge and there is no evidence that this old road was ever used as an access to the A90.

Notwithstanding this, Transport Scotland would be prepared to consider an access to the whole site at the north end should the applicant wish to think through this option further. Although it should be noted that there is still a slight overlap of the visibility splay with the existing Inverquinzie junction and therefore a Departure from Standard would be required for this option as well.

Conclusion

As the highlighted aspects relating to visibility were not addressed in the planning submission Transport Scotland could only recommend refusal. As such Transport Scotland must maintain the current position and would therefore respectfully request that the Local Review Body dismisses the appeal.

Supplementary Advice

However, it should be pointed out to the applicant that there are a number of options which may permit this development to proceed at a later date if a new application is submitted.

1 The applicant can seek Departures from Standards from Transport Scotland's Standards Branch for the visibility from the proposed access and the overlapping

visibility with the existing Inverquinzie road. This would require supporting information to be submitted by the applicant;

2 Revert to the access arrangement already approved for the previous application (Council Ref: APP/2016/1041), subject to achieving the required visibility;

3 Consider the feasibility of relocating the access to the north end of the site to access the whole site, which again would be subject to the granting of a Departure from Standard.

The applicant should also be advised that if this is to be considered, then the appropriate Departures should be sought and granted prior to resubmitting a new Planning Application.

Ken Aitken
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