

Our Ref: 2018/0004159
Your Ref:

Scottish Ministers
Victoria Quay
Edinburgh
EH6 6QQ
By Email: Chief.Planner@gov.scot

Please ask for Robert Gray
Direct Dial: 01467 539722
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13 February 2018

Robert Gray
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If you have difficulty reading this document please contact the admin team on 01467 532195

Dear Sirs

I write with reference to the decision taken by Aberdeen City Council on 29 January 2018 regarding the proposed football stadium, sports and community facilities at Kingsford, Aberdeen. Aberdeenshire Council formally objected to the proposal and as a consequence, it requires to be notified to Scottish Ministers.

Background

Aberdeenshire Council recognises that Officers from Aberdeen City Council may make any recommendation they see fit on an application within their administrative area and that the Council has the ability to depart from the Development Plan if they consider there to be sufficient material considerations. In this case, the proposed 25 hectare site lies immediately adjacent to the shared boundary between the two Authorities and within very close proximity of the community of Westhill.

Aberdeenshire Council has provided four separate consultation responses at the request of Aberdeen City Council (dated 22 March, 13 July, 30 August and 12 December 2017); each lodged an objection to the application and cited a range of other concerns about the potential impact on the residents and infrastructure of Westhill and the immediate area.

Aberdeenshire Council's position on the development remains that the application should be refused and the Council would urge the Scottish Ministers to call in the application and refuse it Planning Permission for the reasons stated in the letter of objection.

However, should the Scottish Ministers call in the application and be minded to approve the development, Aberdeenshire Council would wish to draw the attention of the Ministers to those conditions which specifically affect Aberdeenshire Council.

The condition of greatest concern that is proposed to be attached to the grant of any planning permission requires the granting of a traffic order for a Controlled Parking Zone (CPZ) within a 30 minute walk time of the stadium before development of the stadium can commence and implementation of the CPZ before the stadium is brought into use (Condition 5). Further conditions require submission of a scheme detailing a safe means for pedestrians to cross the A944 (Condition 6) and that the stadium cannot be brought into use unless the agreed scheme is implemented in full (Condition 7).

Condition 5 – Controlled Parking Zone

In terms of the CPZ, I would draw Ministers attention to a number of issues. There is entirely separate legislation in place for promotion of a CPZ, the Road Traffic Regulation Act 1984, and only Aberdeenshire Council or the Scottish Government can promote a CPZ. Should the Council seek to pursue a CPZ, there is no provision in the decision made by Aberdeen City Council for the applicant to fund this process. It is anticipated that a 30min walk time CPZ as required by Condition 5 would take in almost all of Westhill. Investigating, promoting and delivering a CPZ on this scale is estimated to cost approximately £600,000 initially. Should a CPZ be successfully implemented, there is no known provision for funding the administration of several thousand parking permits for residents or maintenance of the scheme in perpetuity.

Aberdeenshire Council would also question the effectiveness and enforceability of a CPZ of this scale. The Council very recently took a decision not to decriminalise parking, meaning responsibility for this remains with Police Scotland. It is understood that Police Scotland has recognised this, but no detailed discussions have taken place on how or if this would be resourced. Indeed, indications are that public safety always takes priority and therefore policing resources will be deployed at the stadium and not on the streets of Westhill protecting local residents from the inconvenience of fans ignoring the CPZ.

If a Controlled Parking Zone is the Ministers' preferred way forward there should be a mechanism to ensure that the developer pays the cost of the CPZ, both capital and revenue. The revenue costs could be commuted into a capital sum. There is no provision in the Conditions for cost recovery and this may need a separate Legal Agreement between Aberdeenshire Council and the developer. The Ministers' support in ensuring that the cost of a CPZ does not fall on the public purse and advice on the most appropriate mechanism for cost recovery would be welcomed.

Conditions 6 & 7 – A944 Footbridge (or other option)

A drawing of a footbridge submitted during the application process and seen by Aberdeenshire Council is not considered to be adequate and requires planning permission from Aberdeenshire Council and Aberdeen City Council. If a bridge is the favoured solution to ensure safe pedestrian access from off-site parking to the west of the A944, it would have to be designed to be fully accessible in order to meet equalities legislation and to be desirable and effective for anticipated capacities; the bridge previously seen was not. It is unclear what other options may be available, but the outcome of any development requiring planning permission or consultation with the Council cannot be certain until more details are provided.

Aberdeen City Officers have stated in their Report that the CPZ and a safe crossing option for the A944 are critical to the viability of the proposal and without them would have objected to the application. Aberdeenshire Council must agree with this assertion, but is concerned how the City Council may deal with an application to remove or vary the relevant conditions or the

situation whereby non-delivery of either or both elements occurs and what role Aberdeenshire Council should have in that process.

Status of Conditions 5, 6 and 7

An initial legal review of the status of the three conditions is appended to this letter (Appendix 1) which provides more detail of Aberdeenshire Council's concerns.

Conclusion

Aberdeenshire Council maintains its objection for the reason stated in the letters of objection. These are attached for ease of reference (Appendix 2).

In the event that Scottish Ministers are minded to see the development proceed, Aberdeenshire Council would primarily wish to protect the amenity of its residents at Westhill and consequently would welcome an opportunity to discuss solutions to traffic, parking and pedestrian access. Any solutions should not put pressure on public funds.

It is a matter of regret that Aberdeen City Council did not engage with Aberdeenshire Council on the wording of the three conditions which specifically relate to Aberdeenshire Council and at this stage there is no alternative but to raise the matter in the context of a potential 'call in' and request that the conditions be amended if the Ministers are minded to grant planning permission for the proposal development.

Yours faithfully

A large black rectangular redaction box covering the signature area.

Robert Gray
Head of Planning & Building Standards

Copy: Alex Kerr - Alex.Kerr@gov.scot

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APPENDIX 1

Status of Conditions 5, 6 & 7

There is commentary within the planning report which went to the City that these conditions are legally competent based upon the assertion they are suspensive Grampian conditions. It is acknowledged that the use of a Grampian condition is competent but they still require to meet the tests for a valid condition and there is some dubiety as to whether these conditions meets those tests.

Condition 5 States:

That no development within phase 2 (stadium) shall take place unless a Traffic Regulation Order (TRO) has been granted for the implementation of a Controlled Parking Zone (CPZ) extending to an area which covers all roads and streets within Westhill and Elrick which lie within a 30 minute walk time of the application site.

Thereafter, the stadium shall not be brought into use unless a CPZ has been so implemented – in the interests of delivering the overall Transport Strategy relating to this development, and to control on-street car parking within the surrounding residential streets.

Aberdeenshire Council Response:

A CPZ cannot simply be conditioned as promotion and operation of a CPZ is a matter for separate legislation and Aberdeen City as Planning Authority is not the body responsible for operational control over this (this is confirmed as Police Scotland) and accordingly Aberdeenshire Council cannot ensure it will be exercised properly.

The ability to enforce the condition is also of concern. Aberdeenshire Council has expressed concerns about the success of promoting a TRO, which must leave doubts about whether the CPZ could ever be implemented. If the applicant commenced the development without complying with the condition, then Aberdeen City as the Planning Authority most likely would face difficulty in enforcing the condition.

Unenforceable Grampian conditions include those concerned with matters over which the applicant has no control. It is noted, the law and guidance on such conditions does give some latitude in respect of imposing actions on the applicant in respect of matters which are outwith the applicant's control e.g. obtaining a consent, land or infrastructure from a third party even if there is limited prospects of these being implemented.

Grampian Conditions however should not be used where **there are no prospect at all** of the action in question being performed within the time-limit imposed by the permission.

Aberdeenshire Council, as the party who these conditions need to be agreed and actioned with, formally objected to the application and no consultation on these conditions were undertaken, by the City or the applicant, with Aberdeenshire Council. The City, accordingly had no evidence before it when it made this decision that there was any prospect of these conditions been purified and particularly given the stance of Aberdeenshire Council.

The reasonableness of the condition is also questioned for the same reasons highlighted above, i.e. the condition requires non-planning controls to be carried out that are outwith the control of the applicant, and potentially outwith the control of Aberdeen City, the Enforcing Planning Authority should it require to enforce conditions.

It is also noted that no reason is provided for this condition. Circular 4/1998 states that conditions should only be imposed where they will meet clear land use planning objectives; as stated and should not be used to duplicate controls available under other legislation. Reasons must be given for the imposition of every condition.

Condition 6 States:

That no development within phase 2 (stadium) shall be undertaken unless a scheme detailing a safe means for pedestrians to cross the A944 between Arnhall Business Park and the application site has been submitted to and agreed in writing by the Planning Authority – in the interests of pedestrian accessibility and safety.

Condition 7 States:

That the stadium shall not be brought into use unless the agreed means (secured by Condition 6) of ensuring safe pedestrian crossing over the A944 between Arnhall Business Park and the application site has been implemented in full – in the interests of pedestrian accessibility and safety.

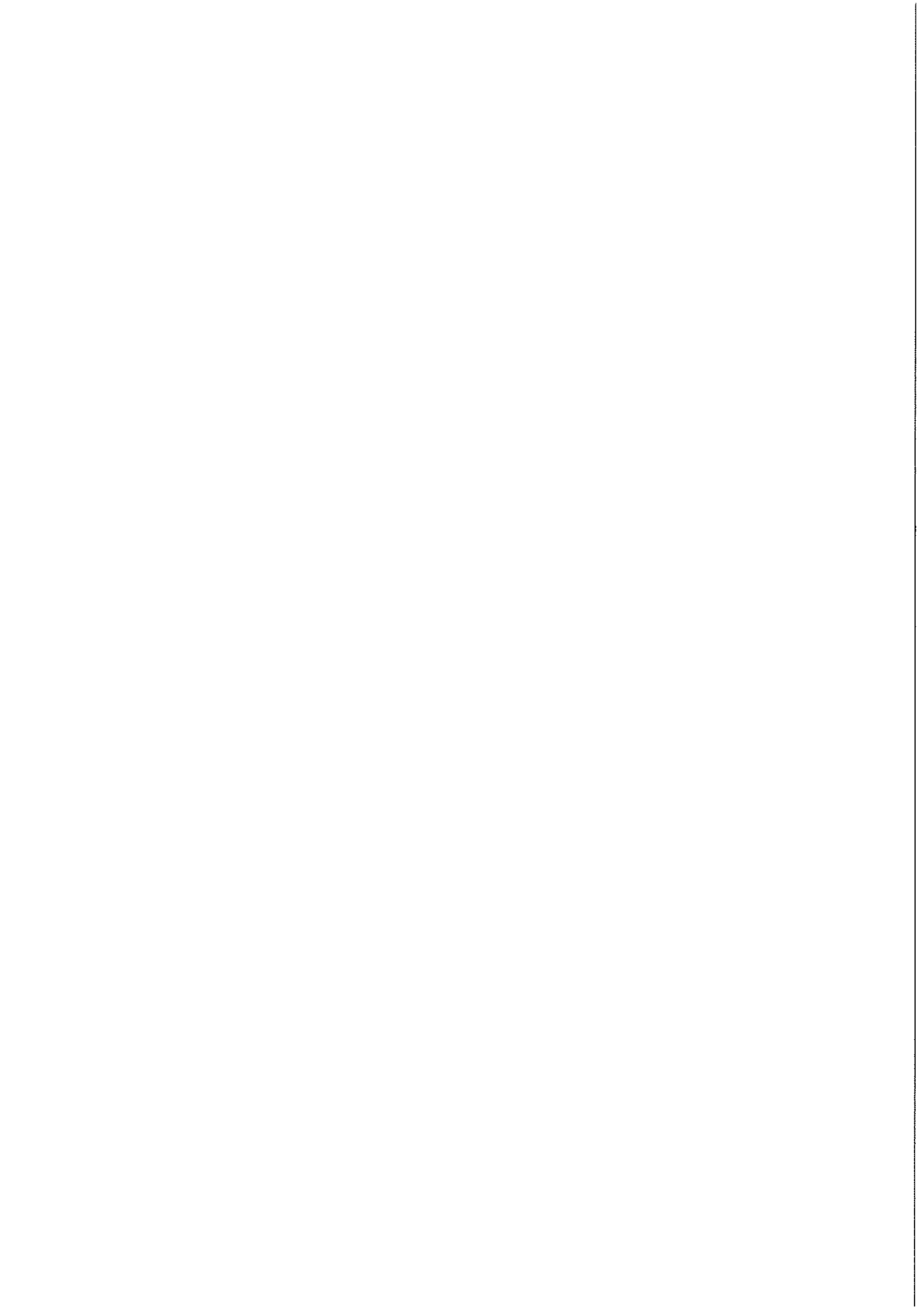
Aberdeenshire Council Response:

Aberdeenshire Council, in a consultation response, highlighted that any footbridge could not simply be conditioned as it would require planning permission in its own right. Where a scheme of work is to be agreed, which in itself requires planning permission (a footbridge, any structures or engineering works), this should not be the matter of details to be agreed by condition. Agreeing the detail of such works by condition (which are not matters specified in conditions) would be procedurally questionable and this approach lacks public scrutiny and the ability for a full and fair hearing of the proposal.

If a bridge was the favoured solution to ensure safe pedestrian access from off-site parking to the west of the A944 and this is the drawing previously seen by Aberdeenshire Council, it has a footing in Aberdeen and Aberdeenshire and would require planning permission from both Planning Authorities.

It is also noted that no reason is provided for these conditions. Circular 4/1998 states that conditions should only be imposed where they will meet clear land use planning objectives, as stated and should not be used to duplicate controls available under other legislation. Reasons must be given for the imposition of every condition.

In short, Aberdeenshire Council is of the view at this time that the above conditions may fail to meet a number of tests set down in law and Circular 4/1998 and accordingly be open to challenge. Investigations are on-going in this regard. The Council is aware that more recent publications and rulings may have a bearing on these matters, but this is a unique case where a Planning Authority is attempting to impose a Grampian condition on the the applicant, to undertake actions to purify those conditions which can only be delivered by the neighbouring planning authority which has lodged a formal objection to the application confirming they object to those actions as they require other statutory processes and costs to be incurred.





Our ref SA/ED
Your ref

22 March 2017

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FAO - Garfield Prentice, Team Leader (South Area)

Dear Sir

CONSULTATION REQUEST FOR FULL PLANNING PERMISSION FOR PROPOSED COMMUNITY AND SPORTS FACILITIES, FOOTBALL ACADEMY (COMPRISING OUTDOOR PITCHES, PAVILION, ANCILLARY BUILDINGS), STADIUM (20,000 CAPACITY), ANCILLARY USES, FORMATION OF ACCESS ROADS, PARKING AND ASSOCIATED LANDSCAPING AND ENGINEERING WORKS AT LAND AT WEST KINGSFORD, SKENE ROAD, ABERDEEN, AB15 8QR

Thank you for the consultation request on the above development which we received on the 17 January 2017. As previously advised the Council's formal response required to be agreed by the Infrastructure Services Committee meeting on 16 March 2017.

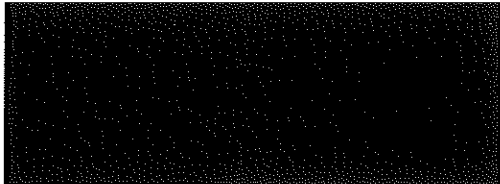
At this meeting it was agreed:

To object to the application on the grounds that the proposal in its current composition and location would be contrary to the Aberdeen City and Shire Strategic Development Plan (2014), which is up-to-date and relevant to this application. The proposal will result in the loss of greenbelt land, the coalescence of urban areas, inappropriately located development giving rise to unsustainable travel patterns and have a negative impact on the City Centre in terms of its mix of uses and lost revenue. The application is not in one of the two locations identified in the SDP and the applicant has not adequately justified why the stadium and training pitches etc. need to be co-located or why sequentially preferable sites have been dismissed as unsuitable.



I trust that the above is order but should you have any questions or wish to discuss any of the above then please contact Mairi Stewart, Planning Manager on 01569 768266 or mairi.stewart@aberdeenshire.gov.uk

Yours faithfully



Stephen Archer
Director of Infrastructure Services

ing permission that is not a requirement

ed that no reason is provided for the conditions should only be imposed if necessary; as stated and should be in accordance with legislation. Reasons are not provided

deenshire Council is of the opinion that a number of these conditions are open to challenge. It is noted that some of these conditions were recent proposals, but there is a unique set of circumstances which can only be resolved if a formal application is made by the applicant. It is noted that the Council is of the opinion that the majority of these conditions are not necessary and should not be imposed. It is also noted that the Council is of the opinion that the majority of these conditions are not necessary and should not be imposed. In short, the majority of these conditions are not necessary and should not be imposed. It is also noted that the Council is of the opinion that the majority of these conditions are not necessary and should not be imposed.



Our ref SA/LS
Your ref

13 July 2017

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FAO - Garfield Prentice
Team Leader (South Area)

Dear Sirs

Consultation Response on AFC Additional Information

Thank you for the consultation request for the above development which we received on 24 May 2017. Having reviewed the further information submitted in support of the application, I can advise that Aberdeenshire Council maintains its objection to the development on the grounds set out in our letter dated 22 March 2017.

In addition and following a review of the Transport Assessment Addendum, it is considered that further analysis and clarification is still needed on much of the underlying assumption used in determining the travel generation, and thus the impact analysis, to be satisfied that it is sufficiently robust for a development of this scale. Please refer to the appendix for full comments.

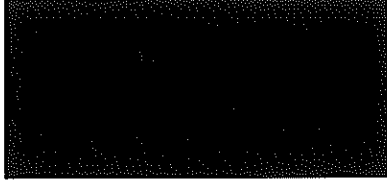
With regard to noise, the noise addendum appears to cover outstanding queries relating to potential noise issues and, if granted, conditions related to hours of operation of the training pitches (not to be used after 9pm) and the siting of food vans (not within 150m of a dwelling) will mitigate potentially detrimental impacts. It is understood that full consideration of information regarding the lighting of the site and pitches and the potential air quality impact of the development will be undertaken.

Noise will likely be audible on occasion at properties within Aberdeenshire, however, due to the intermittent use of the site for large matches this is not expected to give rise to significant complaints. If there are any outdoor music events in the future these will be dealt with through the licensing process.



I trust the above is in order, but should you have any questions or wish to discuss any of the above in greater detail then please contact Mairi Stewart, Planning Manager on 01467 530649 or mairi.stewart@aberdeenshire.gov.uk

Yours faithfully



Stephen Archer
Director of Infrastructure Services

Appendix – Detailed Transportation Comments

1. The additional car trips derived from the new supporter's survey appear to have been pushed to the Park and Ride sites at Dyce and Kingswells. This is predicated on a fixed number of parking spaces being available within a given distance of the stadium as well as responses on the preferred mode of travel taken from the original survey. However, the propensity for supporters to walk a given distance to a parked vehicle is directly proportional to the cost/time of the alternative mode (including wait times at the stadium) and that information is not fully known, and was not known to participants of the surveys. There is a risk, therefore, in using these surveys to determine the preference to use a bus, or park and ride, instead of driving to the periphery and parking and walking. This affects the robustness of the vehicle trip generation, the numbers of pedestrians using the local footways or crossing the A944, and the extent of the CPZ.
2. The AGCC survey establishes the profile of supporters arriving in Aberdeen but has not been carried through to show the arrival profile at the actual stadium. We do not believe that the proposed 'fan zone' can replicate the pre-match amenity offered by the entire City of Aberdeen; this is one of the major differences between the two locations. Consequently, we consider that the arrival profile at Kingsford is more likely to match that occurring at Pittodrie Stadium, rather than the city itself, and is critical in order to fully assess the potential pre-match pedestrian profile across the A944, with the clear inference being that greater numbers will turn up over a shorter period. This needs to be fully explored as it represents a significant risk.
3. The assessment of pedestrians crossing the A944 has not alleviated our concern regarding the potential pedestrian-vehicle conflict and the potential impacts to traffic of large number of pedestrians crossing the road. The analysis of the crossing situation as presented in the TA hinges on various factors, all of which are largely outwith the control of the Club and any of which could create significant conflict risk as a result of even a small change, for example:
 - The pedestrian arrival profile does not represent the likelihood of larger numbers of pedestrians crossing over a shorter timescale, in line with what we expect will be the current profile at Pittodrie. The assessment also assumes that arrivals are uniform over a 60-minute period;
 - The assumption is based on 600 parking spaces only being available in Arnhall but in reality there are thousands of potential spaces available and AFC have no control over their provision or use. Due to the proximity to the stadium, and the unknown costs of the bus strategy we consider the potential for greater numbers using this area to be high and this requires further assessment;
 - There appears to be no allowance for an effective 'intergreen' time within the pedestrian calculations - this is typically around 13 seconds for a 14m wide crossing. This will reduce the available crossing time and/or overall green time available to vehicles and thus increase delays;
 - Where pedestrians move en-mass, particularly during exit, they are likely to overwhelm any crossing point - people will tend to follow a mass of people in front of them already on the crossing rather than conform to a green man;

- Police enforcement of a crossing point cannot be assumed and Police Scotland will not confirm that they will cover this activity. Notwithstanding, we believe that road safety issues associated with a major access into a new stadium of this scale should be designed out rather than require police control from the outset.
- If the proposal is to synchronise pedestrian crossing times with red signal times at the 6-Mile Fork, this can be incorporated into the traffic model, along with proper intergreen allowances to provide a clearer picture of potential delays and queueing on the A944. Notwithstanding the potential pedestrian flow assessment issues listed above, this would at least form a basis from which to assess the potential delays and to sensitivity test alternative scenarios.
- The above can also be used to determine delays and dwell times for pedestrians - longer waiting times will inevitably lead to attempts to cross outwith the designated crossing points with obvious implications to road safety.

This remains a serious concern the use of the proposed at-grade crossing cannot be accepted based on the evidence presented in the TA Addendum.

4. A key requirement of Aberdeenshire Council is the provision of full details of the proposed Controlled Parking Zone in Westhill as this is a key concern of local residents and businesses. This needs to include all signing and road marking requirements, details of how the zone will be administered and operated, details of how local residents will be informed of restriction periods and evidence of Police Scotland's agreement and commitment to carry out enforcement. We also need to be satisfied that the extent of the CPZ ties into the success of the Bus Strategy, Arnhall parking strategy etc.
5. Clarification and updating of the Bus Strategy has been provided, with proposed route plans and numbers and this requires to be further assessed to determine its suitability in meeting the travel forecasts. However, we maintain that the successful operation of the Bus Strategy is wholly dependent on some of the issues listed above; the availability of parking in Arnhall, the enforcement of the CPZ, the overall cost of providing the number of buses involved and how this will be met by the club and passed onto supporters. This, in turn is a key factor in limiting the number of car trips on the network that have been assumed in the analysis.
6. The traffic impact analysis results presented in the Addendum Executive Summary suggest that during Old Firm matches, the queue lengths from the AWPR South Roundabout appear to stretch back through the 6-mile fork junction. This will clearly interfere with the operation of the 6-Mile fork junction and the extent of this interaction requires to be examined, particularly in the context of any pedestrian proposals on the A944. This, in turn, raises concerns regarding any 'knock-on' impacts to the local road network, i.e. the Arnhall roundabout. We will request that the junction modelling files used in the analysis be provided for audit.
7. It is recognised that the TA represents a snapshot of a single, particular transportation scenario. It is also recognised that the peak attendances occur only infrequently. However, the inter-dependency of each aspect of the Transport Strategy, particularly those that require third-party commitment (Police Scotland,

Arnhall businesses, Westhill business, bus operators etc.) highlights how difficult, if not impossible it will be to fully deliver the Transport Strategy as presented in the TA. The consequences of non-delivery of the CPZ in Westhill, or parking throughout Arnhall, neither of which can be controlled by AFC, we believe inevitably will be fans driving to the stadium and parking in Westhill and Arnhall. We also believe that this will remain the first choice of travel for ALL matches and therefore car generation will remain largely constant on each matchday, with the Bus Strategy primarily dealing with variances in match attendances.



Our ref SA/ED
Your ref

30 August 2017

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FAO - Garfield Prentice, Team Leader (South Area)

Dear Eric

CONSULTATION REQUEST FOR FULL PLANNING PERMISSION FOR PROPOSED COMMUNITY AND SPORTS FACILITIES, FOOTBALL ACADEMY (COMPRISING OUTDOOR PITCHES, PAVILION, ANCILLARY BUILDINGS), STADIUM (20,000 CAPACITY), ANCILLARY USES, FORMATION OF ACCESS ROADS, PARKING AND ASSOCIATED LANDSCAPING AND ENGINEERING WORKS AT LAND AT WEST KINGSFORD, SKENE ROAD, ABERDEEN, AB15 8QR

Thank you for the consultation request for the above development which we received on 1 August 2017. Having reviewed the further information submitted in support of the application, I can advise that Aberdeenshire Council maintains its objection to the development on the grounds set out in our letter dated 22 March 2017; this being that:

Aberdeenshire Council object to the application on the grounds that the proposal in its current composition and location would be contrary to the Aberdeen City and Shire Strategic Development Plan (2014) which was up-to-date and relevant to the application. The proposal would result in the loss of greenbelt land, the coalescence of urban areas, inappropriately located development giving rise to unsustainable travel patterns and have a negative impact on the City Centre in terms of its mix of uses and lost revenue. The application was not in one of the two locations identified in the SDP and the applicant has not adequately justified why the stadium and training pitches etc. needed to be co-located or why sequentially preferable sites had been dismissed as unsuitable.



With regard to the further information submitted, I can offer the following comments:

Statement on Co-Location, Site Selection & Sequential Test

The document promotes a number of advantages and benefits of co-location, with many of these more generally about the potential benefits a new stadium and / or training facilities could bring. The over-riding justification for co-location appears financial, with reductions in capital and operational expenditure.

The comparison with other land-locked stadia, constrained nature of the existing site and lack of alternative unallocated sites is not considered persuasive. Whilst financial benefits are accepted and some operational benefits can be envisaged, the scale of unallocated site required for co-locating the facilities is extensive and if alternative solutions were capable of being considered, other potential sites may not have been discounted so readily.

Transportation Response (Fairhurst)

Travel Plan Framework

Technical Note: Updated Shuttle Bus Strategy

Having reviewed these documents there is no material change in the underlying reasons for Aberdeenshire Council objecting to the proposal.

Whilst the Transport Assessment presents a sufficient assessment of one particular scenario, the applicant has no control over whether that scenario will exist or not. There is considered to be a strong probability that it cannot be realised, due to the factors listed in detailed comments below and in the attached Appendix.

Firstly, the proposed controlled parking zone (CPZ) lies wholly within Aberdeenshire. The promotion of a CPZ would require the creation of Traffic Regulation Orders (TRO) under the Road Traffic Regulation Act 1984 for it to be legally enforceable. The Orders can only be promoted and implemented by Aberdeenshire Council and would require statutory consultation and committee approval.

It is the view of Aberdeenshire Council that, if Aberdeen City Council is minded to grant the proposal, it can only be considered acceptable if the likely impact is sufficiently mitigated through a legally enforceable CPZ that remains in place in perpetuity and is funded by the Applicant. The planning and legal process for achieving this would have to be fully demonstrated by the applicants and considered acceptable by Aberdeenshire Council.

Secondly, the proposed footbridge over the A944 lies partly within Aberdeenshire and partly within Aberdeen City. It is understood that this has been proposed as a safer route for pedestrians making use of additional parking within the Arnhall / Kingshill Business Park, however, Aberdeenshire Council has a number of concerns about this aspect of the project and such a structure would require planning permission in its own right and could not simply be conditioned. Again, if Aberdeen City Council is minded to grant the stadium, this may only be acceptable if the overbridge (or an alternative acceptable solution) can be delivered. Aberdeenshire Council would have a role in determining any application, but at this time has not had the opportunity to fully consider whether such a proposal would be acceptable in this location.



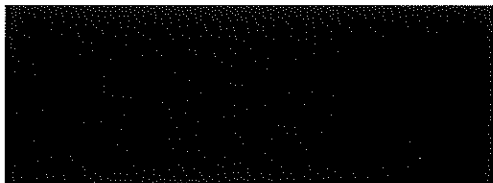
The provision of these measures are crucial to the success of the Transport Strategy and even if they progress to a point where both are capable of being delivered, the mechanism requires detailed discussions. It is therefore considered that the risk of significant adverse impacts to the Aberdeenshire transport network remains too great for the proposal to be accepted.

Response to ACC Economic Development Memo (EKOS / AGCC)

It remains the position of Aberdeenshire Council that the economic impact on Aberdeenshire is likely to be fairly modest. There is no specific consideration of the impact on Westhill town centre and whilst it can be envisaged that some businesses may benefit from trade associated with the proposal, the negative impact due to loss of trade from customers avoiding or being unable to enjoy the existing level of convenience within the town centre is an area of concern.

I trust the above is in order, but should you have any questions or wish to discuss any of the above in greater detail then please contact Mairi Stewart, Planning Manager on 01467 530649 or mairi.stewart@aberdeenshire.gov.uk

Yours faithfully



Stephen Archer
Director of Infrastructure Services



Appendix – Detailed Transportation comments

- The operation of the Controlled Parking Zone (CPZ) is central to the success of the Transport Strategy. However, neither the applicant nor Aberdeen City Council has any control over its implementation, which can only be instigated by Aberdeenshire Council but without guarantee of success due the statutory process involved. Local opposition to parking controls is highly likely.
- Police Scotland would have responsibility for enforcing the CPZ but state that “an ongoing disturbance or public safety issues would be prioritised before a minor parking issue or obstruction”;
- If the CPZ cannot be delivered, or enforced, it is considered inevitable that supporters will park throughout Westhill, as close to the stadium as possible, in preference to using the Park and Ride shuttle bus network. This has significant implications for the residents of Westhill in terms of disruption due to on-street parking and additional traffic movements.
- The applicant proposes an agreement with businesses in Arnhall to provide an additional 600 controlled spaces within the business park. However, this is another aspect of the proposal that is outwith the control of the applicant as it is reliant on businesses maintaining that agreement in perpetuity. Notwithstanding, there are over 2000 parking spaces available within Arnhall and use of the remaining spaces is reliant on individual businesses applying their own controls, which also cannot be guaranteed. It is considered highly probable that a large number of uncontrolled spaces will be available and that supporters will use these in preference to the Park and Ride shuttle buses.
- If a significant number of additional spaces are available within Arnhall and Westhill, the credible assumption is that driving to the stadium will be the first choice of supporters. This would undermine the success of the bus strategy, which would likely be diminished to serving only the residual demand of those choosing not to drive. This would significantly increase the traffic levels compared to those used in the traffic impact assessment of the TA, which are predicated on a set level of parking being available.
- The proposed pedestrian overbridge only begins to address concerns related to high numbers of pedestrians crossing the A944, but as a late addition to the proposal insufficient detail has been provided upon which to base even an ‘in principle’ acceptance. It is considered that the numbers of pedestrians will be higher than reported in the TA, as a result of available parking in Arnhall as stated above, and no data has been provided to show that a 3m wide bridge can accommodate several thousand supporters over a concentrated period. The bridge is not DDA compliant and assurances would be needed that this is acceptable even with the proposed alternative disabled route via the traffic signal junction. The bridge straddles the boundary of both Councils, therefore issues with responsibility for planning approval and ongoing maintenance need to be clarified. In addition, an assessment needs to be made of the visual impact and landscape setting.



Our ref SA/ED
Your ref

12 December 2017

Mr Eric Owens
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FAO - Garfield Prentice, Team Leader (South Area)

Dear Eric

Proposal: Proposed Community and Sports Facilities, Football Academy, (comprising outdoor pitches, pavilion, ancillary buildings), Stadium (20,000 capacity), ancillary uses, formation of access roads, parking and associated landscaping and engineering works | Land At West Kingsford (North Of The A944 Road) Skene Road Aberdeen AB15 8QR

Thank you for the consultation request for the above development which was received on 21 November 2017. Aberdeenshire Council has reviewed the further information submitted in connection with the planning application. Comments on the four key areas covered by the new supporting statement are:

Alternative sites and co-location

Our previous response concluded that the over-riding justification put forward for co-location appeared to be financial with reductions in capital and operational expenditure and other arguments not considered to be persuasive. It was highlighted that *if* alternative solutions were capable of being considered, other potential sites may not have been discounted so readily. It is noted in the Supporting Statement that it asserts that the stadium and training facilities each require at least 12.5ha, this would appear excessive compared to the requirements of other clubs.

It is noted that further justification has been provided for the selection of Kingsford as a site. The issues with delivery of the facility at Loirston and Kings Links are also noted and in the absence of any contrary information, must be accepted by Aberdeenshire Council. Ultimately it is for Aberdeen City Council to assess the case put forward and consider the acceptability of the proposal as a significant departure to the development plan.



Public benefits

The work of Aberdeen Football Club Community Trust (AFCCT) and its contribution locally must be recognised and commended. It is noted that reference is made to a range of policy documents which the proposal is claimed to accord with.

One benefit that is less clear is the accessibility of the facility for community use. This was raised by Westhill & Elrick Community Council and the Garioch Area Committee in March 2017 and no further information appears to have been provided to clarify if the new facility would have a direct positive impact on affordable access for residents and local community or sports groups.

Economic benefits

In terms of economic benefits, the new economic analysis prepared by Aberdeen & Grampian Chamber of Commerce (AGCC) suggests that substantially more jobs would be supported by the move to Kingsford than were previously anticipated by the EKOS report. This appears to be based on some major assumptions around the ability of AFC to attract a number of major events on an annual basis e.g. European football matches, men and women international football matches, an international rugby match, a music concert, eight conferences a year, fine dining etc.

Clearly opportunities exist and would arise from a new stadium and Aberdeenshire Council would wish AFC success with such a venture. However, other scenarios are possible and whilst the AGCC analysis is more attractive and if realised would create many more jobs, some assumptions made are optimistic and any extra jobs created are more likely to be created in Aberdeen City than in Aberdeenshire. Conversely, the 'do nothing' scenario appears to predict a steady decline in attendance from the current base of 13,083 attendance to 8,500-10,000 attendance with resulting differentials on jobs sustained and GVA generated by the development.

Infrastructure improvements (pedestrian overbridge)

The information submitted states that it has been confirmed that there will be sufficient pedestrian capacity with the footbridge proposed over the A944. Aberdeenshire Council does not agree that this is the case and is not satisfied that the footbridge as proposed is developed or designed to an acceptable level to accommodate the required level of pedestrian transit over the A944.

This is due to assumptions in the Transport Assessment with regards to the level of traffic generation, which do not fully reflect the potential traffic levels or resulting pedestrian flows associated with the full extent of available parking in Arnhall or lack of delivery / enforcement of a controlled parking zone (CPZ) in Westhill. The information is deemed to be both insufficient and inappropriate (in the comparison to the Glasgow SSE Hydro footbridge) to address the clear risk of there being a significantly higher number of pedestrians crossing the A944 than has been assessed. In addition to this, there is no form of crowd control designed into the layout of the footbridge. Finally, the footbridge as currently shown demonstrates a lack of compliance with national standards which would present a real disincentive to many users, especially those with reduced mobility and similar disabilities.



Other matters

Aberdeenshire Council would ask that previous concerns about traffic impact, the controlled parking zone, impact of a pedestrian overbridge as an entrance to Westhill and the potential negative impact on Westhill town centre on match days as outlined in previous consultation responses are noted.

Conclusion

Having reviewed the further information submitted in support of the application, it is accepted that work has been done to attempt to justify why Kingsford is the preferred site. Reservations however remain about the scale of public and economic benefits the proposal claims will result and significant concerns remain about the proposed footbridge and access arrangements. I can therefore advise that Aberdeenshire Council maintains its objection to the development for the reason given below:

Aberdeenshire Council object to the application on the grounds that the proposal in its current composition and location would be contrary to the Aberdeen City and Shire Strategic Development Plan (2014) which was up-to-date and relevant to the application. The proposal would result in the loss of greenbelt land, the coalescence of urban areas, inappropriately located development giving rise to unsustainable travel patterns and have a negative impact on the City Centre in terms of its mix of uses and lost revenue. The application is contrary to the development plan and it is not considered that sufficient material considerations have been demonstrated that indicates the application should be supported.

I also refer to your letter of 29 November 2017, with regards to the forthcoming Pre-Determination Hearing to be held on 17 January 2017. I can confirm that there will be no representation from Aberdeenshire Council.

I trust the above is in order, but should you have any questions or wish to discuss any of the above in greater detail then please contact Mairi Stewart, Planning Manager on 01467 530649 or mairi.stewart@aberdeenshire.gov.uk

Yours sincerely



Stephen Archer
Director of Infrastructure Services