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To: All Members of the Council

Town House,
ABERDEEN, 30 September 2014

COUNCIL MEETING

The Members of the **COUNCIL** are requested to meet in Council Chamber - Town House on **WEDNESDAY, 8 OCTOBER 2014 at 10.30am.**

JANE G. MACEACHRAN
HEAD OF LEGAL AND DEMOCRATIC SERVICES

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BUSINESS

- 1 Members are requested to agree that any exempt business on this agenda be considered with the press and public excluded
- 2 Requests for Deputations

MINUTES OF COUNCIL

- 3(a) Minute of Meeting of Council of 20 August 2014 - for approval (circulated separately)

BUSINESS STATEMENT, MOTIONS LIST AND OTHER MINUTES

- 4(a) Business Statement (Pages 1 - 10)
- 4(b) Motions List (Pages 11 - 12)
- 4(c) Minutes of Meetings of City Centre Regeneration Board of 23 July and 15 September 2014 - for information (Pages 13 - 20)
- 4(d) Minute of Meeting of Homelessness Strategy Working Group of 9 September 2014 - for approval (Pages 21 - 24)

REFERRALS FROM COMMITTEES IN TERMS OF STANDING ORDER 36(3)

- 5(a) Planning Development Management Committee of 21 August 2014 - ALDP Site OP58, Countesswells (Pages 25 - 118)

GENERAL BUSINESS

- 6(a) Former St Nicholas House site, Broad Street (140698) (Pages 119 - 268)
Mixed use development including office, hotel, retail, restaurant, leisure, civic space including car parking, access, landscaping, infrastructure and public realm improvements
- Minute of meeting of Planning Development Management Committee of 28 August 2014
- 6(b) Council Governance (Pages 269 - 442)
- 6(c) Appointments (Pages 443 - 444)
- 6(d) Treasury Management Policy and Strategy - to be referred by Finance, Policy and Resources Committee of 30 September 2014 (Pages 445 - 450)
- 6(e) Bon Accord Care Annual Report (Pages 451 - 478)
- 6(f) Shadow Integration Board Remit (Pages 479 - 482)

6(g) Camping in Designated Places Update (Pages 483 - 484)

6(h) Local Authority Community Covenant - Motion by Councillor Thomson (Pages 485 - 488)

6(i) Annual Accounts (to follow)

MOTIONS

7(a) Councillor Reynolds

"That Council requests officers to investigate options for and the installation of a cash machine within Marischal College, for use by staff and members of the public."

BUSINESS THE COUNCIL MAY WISH TO CONSIDER IN PRIVATE

8(a) Former Summerhill Academy Site (to follow)

8(b) Minute of Meeting of Social Work Complaints Review Committee of 10 September 2014 - for approval (Pages 489 - 498)

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Martyn Orchard, tel. (52)3097 or email morchard@aberdeencity.gov.uk

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**COUNCIL
BUSINESS STATEMENT
8 OCTOBER 2014**

Please note that this statement contains a note of every report which has been instructed for submission to Council. All other actions which have been instructed by the Council are not included, as they are deemed to be operational matters after the point of decision.

Reports which are overdue are shaded.

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>
1.	Council 06.02.14 Article 2	<p><u>Aberdeen Sports Village - Sports Pitch and Ancillary Services</u></p> <p>The Council instructed the Director of Education, Culture and Sport to report back to Council with a proposal to further develop the sports pitch and ancillary services which would provide the North East with a true Olympic style village.</p>	<p>The Pitches Phase of the Aberdeen Sports Village (ASV) development involves a proposal to build an artificial pitch and possibly upgrade an existing pitch at the far end of the site on Golf Road, along with the development of associated ancillary facilities. This is Council owned land, but is not currently part of the ASV lease.</p> <p>ASV are developing business cases for four possible options for this development. To ensure that the business case development and appraisal process is as robust as possible, the Council has provided a temporary Licence to Occupy to enable ASV and their Contractors onto this land to carry out site investigation works. These site investigation works will be paid for by ASV and the Council has provided a letter of comfort confirming that it will reimburse ASV for these costs (up to a maximum value of £10,000) if</p>	Director of Education and Children's Services	25.06.14

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>
2.	Council 05.03.14 Article 21	<p><u>Broad Street Civic Square Assessment</u></p> <p>The Council, amongst other things, resolved (1) to agree that option C - full pedestrianisation of Broad Street between Upperkirkgate and Queen Street - best meets the objectives of the project and acknowledge that this option is reliant on additional traffic management measures; (2) to instruct officers to report back on the details of the draft Traffic Regulation Order within six months; and (3) to instruct officers to also report back within six months on the outcomes of the future year traffic and air quality model testing for 2023; and (4) to instruct officers to investigate the feasibility of reopening the Castlegate to traffic and opening Queen Street at the junction of West North Street and include their findings in the above</p>	<p>the overall pitch development is not approved by the Council to proceed.</p> <p>ASV was awarded £250,000 in June 2014, following a successful Cashback application. This funding will go towards the development of an artificial rugby pitch on the site.</p> <p>It is hoped that the business case development process will be at a stage where it can be brought for consideration by the Council in December 2014.</p>	Director of Communities, Housing and Infrastructure	<p>20.08.14</p> <p>Expected once the planning application has been determined</p>

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>
		<p>report, and enter into discussions with Muse Developments with regard to maximising views of Provost Skene's House from Broad Street.</p>			
3.	<p>Council 14.05.14 Article 24</p>	<p><u>Big Noise Centre</u> The Council, amongst other things, instructed the Chief Executive to liaise with all Directorates of the Council to consider how the introduction of a Big Noise Centre in the city, its principles and experience could be integrated into all aspects of the Council's work and that a report on this be submitted to Council.</p>	<p>The Chief Executive and Directors are addressing this matter as part of their discussions on the development of the revised organisational structure.</p> <p>The Partnership Agreement has been signed between the City Council and Sistema Scotland; work is ongoing to have Big Noise Torry up and running next year.</p> <p>Sistema Scotland has advertised for a Team Leader and an Operations Manager; interviews are scheduled in early September and will take place in conjunction with community members, and the Head Teachers of the local schools, the latter who will be on the interview panel. These are crucial appointments and the interview process will be thorough. Induction for the successful candidates is planned for October/November/December.</p> <p>Adverts for musicians will be placed later in the calendar year and Sistema Scotland will open recruitment for volunteers in March, with a view to appointments being confirmed in May, with induction immediately following.</p>	Chief Executive	20.08.14

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>
4.	<p>Council 21.08.13 Article 9</p>	<p><u>Establishment of Short-term Halting Sites for Gypsies/Travellers and Proposed Byelaw Regarding Camping in Designated Areas</u></p> <p>The Council instructed officers to commence without delay consultation with the Scottish Government on a potential byelaw to prohibit camping on sensitive areas such as public places.</p> <p>In addition, the Council (a) instructed officers to prepare a detailed design with cost estimates for construction and ongoing costs for a short-term halting site at Howes Road; (b) instructed officers to prepare a planning application including details of costings (capital and revenue) for establishing the site; (c) approved the process for consultation as set out in the report acknowledging that strong views and opinions were likely to be part of the process; and (d) instructed officers to continue to conduct property searches with a view to establishing a further site or a more suitable site within the city.</p> <p>The Council instructed officers to report back to every Council meeting on the progress or otherwise on the consultation with the Scottish Government on the potential byelaw and on the suitability or otherwise of other potential sites.</p>	<p>Officers will be attending meetings of the Heathryfold Residents Group and Northfield Community Council meetings to discuss, scope and agree the consultation events to progress the Howes Road site. A planning application will be prepared once architects complete a draft specification design for the site and any mitigation issues will be discussed with the community too. The Asset Management team are continuing to identify alternative and additional sites both in the public and private sector.</p> <p>The Council, at its meeting on 14 May 2014, agreed to move forward with the byelaw as appended to the report.</p> <p>A report is on the agenda.</p>	<p>Director of Communities, Housing and Infrastructure</p> <p>Director of Corporate Governance</p>	<p>Every Council meeting</p>

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>
5.	Council 31.10.13 Article 14	<p><u>City Centre Regeneration Board</u></p> <p>The Council approved the creation of a City Centre Regeneration Board and instructed the Board to report back to Council at its meeting on 25 June 2014 with recommended project(s) to regenerate the city centre, and to provide updates on progress to Council each cycle.</p>	<p>The Council, at its meeting of 25 June 2014, resolved:-</p> <p>(i) to note the work of the City Centre Regeneration Board;</p> <p>(ii) to approve the proposed nine month programme for the preparation of the City Centre Masterplan and Delivery Programme; and</p> <p>(iii) to approve the outcome of the evaluation process and the appointment of Tenderer B, in line with the recommendation of the City Centre Regeneration Board.</p> <p>Minutes of meetings of the City Centre Regeneration Board will be on the agenda when available.</p>	Director of Communities, Housing and Infrastructure	Every Council meeting
6.	Council 21.08.13 Article 17	<p><u>Street Begging</u></p> <p>The Council, amongst other things, instructed officers to commence without delay consultation with the Scottish Government on a potential byelaw to prohibit street begging, and report back to every Council meeting on the progress or otherwise of the consultation with the Scottish Government.</p>	<p>The Council, at its meeting of 25 June 2014, resolved:-</p> <p>(i) to note the decision of the SNP Scottish Government to reject the request for the Prohibition of Begging in Designated Areas Byelaws 2014 as set out in the letter dated 20 June 2014;</p> <p>(ii) in light of the response from the Scottish Government declining to support a proposed byelaw, to instruct officers to develop alternative sustainable solutions to the use of the proposed byelaw working in partnership with Police</p>	Director of Communities, Housing and Infrastructure Director of Corporate Governance	08.10.14

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>
			<p>Scotland and other appropriate stakeholders; and</p> <p>(iii) to instruct the Chief Executive to write to the appropriate Scottish Minister seeking financial and non-financial support to develop sustainable solutions to tackle street begging.</p> <p>Officers are now liaising with partners to explore options for alternative solutions. Once preferred options have been identified, the support of the Scottish Government will be sought.</p> <p>The street begging partnership group met on 3 September 2014. Partners are already using a broad range of approaches to reduce street begging ranging from supportive to enforcement. The group are currently exploring need to deliver additional out-reach support services and proposals may be brought forward for consideration depending on the outcome from the survey of unmet needs.</p>		
7.	Council 14.05.14 Article 32	<p><u>Aberdeen Exhibition and Conference Centre (AECC) Development</u></p> <p>The Council requested officers to finalise the financial options to deliver the development at minimum cost to the Council and that such options be reported to Council at its meeting in October 2014.</p>	<p>The AECC financial options will be reported to Council in December. The reason for this is to allow officers more time to ensure that the financing arrangements and associated commercial sensitivities surrounding the development are fully determined before they are presented to Council.</p>	Director of Communities, Housing and Infrastructure	08.10.14 Expected 17.12.14

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>
8.	Council 25.06.14 Article 15	<u>Shadow Integration Board</u> The Council agreed to establish a Shadow Integration Joint Board from 1 October 2014 and agreed to receive a report on the remit of the Shadow Integration Joint Board.	A report is on the agenda.	Transitional Director - Social Care and Wellbeing	08.10.14
9.	Council 20.08.14 Article 6	<u>Council Governance</u> The Council, amongst other things, approved the revised committee structure to be effective from 8 October 2014, and instructed a report on amendments to Standing Orders and the Scheme of Delegation to Council on 8 October 2014, as part of a wider report on Council governance.	A report is on the agenda.	Director of Corporate Governance	08.10.14
10.	Council 20.08.14 Article 6	<u>Corporate Parenting Champions Board and Sistema Partnership Board</u> The Council agreed to receive reports on the remit and membership of the Corporate Parenting Champions Board and the Sistema Partnership Board at its meeting on 8 October 2014.	The Corporate Parenting Champions Board met in September 2014 and requested officers to report back on its remit, this will therefore be considered by the Council once the Board has considered the matter further.	Director of Education and Children's Services	08.10.14

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>
11.	Council 20.08.14 Article 11	<p><u>Former Summerhill Academy Site</u></p> <p>The Council instructed officers to bring proposals to the next meeting of Council for the Summerhill Academy site, such proposals to include options for (a) remarketing the site; (b) making the site available for affordable housing as part of the Strategic Infrastructure Plan; (c) building Council housing on the site; and (d) a combination of (b) and (c).</p>	<p>A report is on the agenda.</p>	Director of Communities, Housing and Infrastructure	08.10.14
12.	Council 31.10.13 Article 17	<p><u>Community Planning Aberdeen - Development Plan</u></p> <p>The Council agreed to receive six monthly updates on progress with the implementation of the Development Plan.</p>	<p>The Council received the last six month progress report at its meeting on 14 May 2014.</p>	Director of Corporate Governance	17.12.14
13.	Council 25.06.14 Article 14	<p><u>Legal Services Restructure</u></p> <p>The Council noted with disappointment that the new structure had only been operational for a few months; and in light of the delay in implementing the new structure and the insufficiency of evidence from services that they are satisfied with the new structure and the quality of service being provided, therefore instructed the Director of Corporate Governance to report back to the Council at its meeting in December 2014, providing evidence of levels of customer satisfaction and the financial</p>		Director of Corporate Governance	17.12.14

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>
		outturn in terms of expenditure on external legal resources.			
14.	Finance and Resources 12.11.09 Article 22	<u>Community Planning Partnership - Fairer Aberdeen Fund</u> The Finance and Resources Committee instructed the Director of Corporate Governance to provide twice yearly updates in February and October to the Aberdeen City Alliance (now Community Planning Aberdeen) and the Corporate Policy and Performance Committee on the outcomes achieved through the investment of the Fairer Scotland Fund (now Fairer Aberdeen Fund).	This item now falls under the remit of the Council following the decision to disband the Corporate Policy and Performance Committee. The Council received the last six month progress report at its meeting on 14 May 2014.	Director of Corporate Governance	17.12.14
15.	Council 25.06.14 Article 17	<u>Joint Inspection of Services for Children and Young People in the Aberdeen City Community Planning Partnership Area</u> The Council instructed the Chief Executive to submit a report to Council setting out progress and recommendations from the scrutiny process.		Director of Education and Children's Services Transitional Director - Social Care and Wellbeing	04.03.15
16.	Council 14.05.14 Article 30	<u>Corporate Parenting</u> The Council instructed officers to report back on the implementation and review of the Corporate Parenting Policy in May 2015.		Director of Education and Children's Services	13.05.15

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>
17.	Council 06.03.13 Article 16	<p><u>Welfare Reform</u></p> <p>The Council, amongst other things, approved the steps taken by officers to develop a policy and practice response and agreed to receive further reports in due course as measures were implemented.</p>	<p>The Scottish Welfare Fund has been successfully introduced and is operating well and meeting deadlines for decisions. Further changes to welfare reform are planned for later this year. The Hub joint project with the DWP is now open and being developed further over the coming weeks. Agreement has been reached with The Citizens Advice Bureau regarding the basis for a service level agreement. Claims for discretionary housing payments continue to be processed within the agreed scheme. The Financial Inclusion Manager has been appointed and took up his post on 1 July 2013.</p> <p>A progress report was noted by the Council on 21 August 2013. A further report was contained within the Information Bulletin for the Council meeting on 14 May 2014.</p>	Director of Communities, Housing and Infrastructure	As and when required

**COUNCIL
MOTIONS LIST
8 OCTOBER 2014**

Please note that this statement tracks all Notices of Motion (relevant to Council) submitted by members, until the point of disposal. The motion will remain on the statement until the Council has agreed to remove it.

<u>No.</u>	<u>Motion</u>	<u>Date of Council Meeting</u>	<u>Decision of Council</u>	<u>Action taken/Proposed Future Action</u>	<u>Responsible Officer</u>	<u>Due Date</u>
1.	<p><u>Motion by Councillor Thomson</u></p> <p>“That this Council:-</p> <p>(1) Restates its commitment to the Local Authority Covenant which ensures that Aberdeen City Council supports the local armed forces community.</p> <p>(2) Recognises the enormous contribution that the Armed Forces make and the sacrifices that the Armed Forces and their families make every day for the safety and security of our country.</p> <p>(3) To recognise the contribution made by our Armed Forces, agrees to request a report examining what more Aberdeen City Council can do to support our armed forces and veterans community across the services it provides.</p>	20.08.14 Article 10	The Council (i) instructed officers to submit a report to the next Council meeting; and (ii) accepted the offer from the Armed Services Advice Project to deliver a presentation to members at a future meeting.	A report is on the agenda.	Chief Executive Director of Communities, Housing and Infrastructure	08.10.14

<u>No.</u>	<u>Motion</u>	<u>Date of Council Meeting</u>	<u>Decision of Council</u>	<u>Action taken/Proposed Future Action</u>	<u>Responsible Officer</u>	<u>Due Date</u>
	<p>(4) Instructs officers to engage with neighbouring authorities on their allocation of housing to members of the Armed Forces.</p> <p>(5) Instructs officers to meet with Legion Scotland and to establish a protocol for an ongoing relationship between the Council, Legion Scotland and other pertinent organisations.</p> <p>(6) Congratulates and welcomes the Armed Services Advice Project (ASAP) provided by the Scottish Citizens Advice Bureau which is a focal point for the city's armed forces community for access to advice, information and support."</p>					

CITY CENTRE REGENERATION BOARD

ABERDEEN, 23 July 2014. Minute of Meeting of the CITY CENTRE REGENERATION BOARD. Present:- Councillor Boulton, Chairperson; and Councillors Laing, McCaig, Thomson and Young; and Derek McCrindle (Scottish Enterprise), Richard Noble (Aberdeen Inspired) and Professor Ferdinand Von Prondzynski (RGU). Officers in attendance:- Angela Scott, Gordon McIntosh, Rita Stephen, Andrew Win, Ciaran Monaghan, Dr Margaret Bochel, David Leslie, Angela Taylor and Stephanie Dunsmuir.

Also present:- Malcolm Hewines, Montagu Evans, and Russell Henderson and Scott Mackenzie, BDP.

MINUTE OF PREVIOUS MEETING OF 11 JUNE 2014

1. The Board had before it the minute of its previous meeting of 11 June 2014.

The Board resolved:-

to approve the minute as a correct record.

PRESENTATION - CITY CENTRE MASTERPLAN

2. The Board received a presentation from BDP, the successful team for the city centre masterplan bid which set out how they would take forward the masterplan process, particularly in terms of consultation and engagement.

Members of the Board then asked questions of BDP. One of the main themes for discussion was transportation and connectivity, particularly travel behaviours and pedestrian activity in the city centre. It was noted that the car was the predominant means of travel in Aberdeen. Mr Henderson explained that the team would look at essential access to the city centre, in connection with the Council's policies on modal shift. He added that at present, the city centre carried a lot of strategic through traffic, and issues such as access to the harbour for heavy goods vehicles would need to be considered. Dr Bochel advised that discussions on transport and connectivity would need to link up with her team's work in relation to the AWPR.

Mr McCrindle asked how BDP would consult with and feedback to the Board, and members were advised that BDP would shortly be meeting with Sandy Beattie to discuss timescales for the project. As a result, the Chairperson explained that future meetings of the Board would be set in conjunction with the masterplan timescales and would probably need to be more frequent. She added that she would expect representatives from BDP to also meet separately with each Board member.

The Chief Executive added that Board members needed to consider how they could assist in facilitating engagement with different communities and organisations, and requested that members discuss this with Sandy Beattie. Mr Noble advised that the Aberdeen Inspired Board was very keen to engage with BDP.

Councillor Thomson mentioned previous suggestions for the city centre and asked how BDP would ensure the involvement of key business representatives and organisations.

CITY CENTRE REGENERATION BOARD

23 July 2014

The Chairperson advised that information on how stakeholder information was to be progressed would be provided at a future meeting, once BDP had met with Sandy Beattie.

Mr McCrindle stated that it was a very aspirational presentation, and asked if areas of the brief might need to be reshaped given the scale of the geography involved. Mr Hewines advised that the process they had employed for the tender was tried and tested, and that the boundary being considered might expand or reduce once the process was underway. He added that it was important to revisit what the 'city centre' actually was.

Mr McIntosh highlighted that engagement with the energy industry was key, and Professor Von Prondzynski added that the developing industry of research and development also needed to be factored in to the engagement strategy.

Councillor Thomson noted that public confidence in the masterplan was vitally important and asked how BDP envisaged managing public expectation of deliverable projects. Mr MacKenzie explained that the engagement would comprise various strands, including open events, lectures and presentations from key individuals from other countries.

Mr McCrindle added that the business plan would be key to unlocking funding from other sources. The Chief Executive noted that the Council was currently bidding to the City Deal initiative and there would be discussions and workshops over the summer on the topic. She added that she would like BDP to connect to this strand of work through Rita Stephen and Gordon McIntosh.

The Board also noted the importance of a media strategy, and Mr MacKenzie advised that Kevin Murray would be the key person to take forward this strand of work. The Chief Executive suggested that Mr Murray make contact with the Council's Corporate Communications Team, and added that an early conversation on the masterplan with the media would be particularly important.

The Board thanked BDP for their attendance and presentation.

The Board resolved:-

- (i) to note that BDP and Sandy Beattie were to meet to discuss the masterplan, following which there would need to be discussion around the timing of the Board's meetings;
- (ii) to request that BDP link up with the Council's Corporate Communications team at an early stage; and
- (iii) to request that members consider how they could assist with engagement.

- COUNCILLOR MARIE BOULTON, Chairperson

**CITY CENTRE REGENERATION BOARD
MINUTE OF MEETING OF 15 SEPTEMBER 2014**

In attendance:

Councillor Boulton, Chair; Councillors Laing, Thomson (for part of the meeting), Young and Yuill; Bob Collier, Aberdeen and Grampian Chamber of Commerce; Sir Ian Diamond, University of Aberdeen; Steve Harris, Visit Aberdeen; and Richard Noble, Aberdeen Inspired. Officers – Angela Scott, Chief Executive; Gordon McIntosh, David Leslie, Angela Taylor, Louise MacSween, Margaret Bochel and Steph Dunsmuir.

Also in attendance: Scott Mackenzie, BDP.

No.	Agenda Item	Notes of Discussion	Action / Decisions	By Whom
1.	Welcome & Apologies	Apologies received from Derek McCrindle, Ferdinand Von Prondzynski, Colin Crosby, Rita Stephen, Paul Fleming and Andrew Win.	Noted.	
2.	Minute of Previous Meeting of 23 July 2014		The minute was confirmed as accurate and approved.	
3.	Presentation from BDP	<p>The Board received a presentation from Scott Mackenzie of BDP, setting out the work which had been undertaken to date in relation to the programming of consultation events; the identification of themes; a review of peer cities; and baseline studies. The Board heard that the public consultation would start with a series of events at the Academy from 24 to 27 September. The aim would be for the public to express their ideas, prompted by an exhibition.</p> <p>Mr Mackenzie advised the Board that ten peer cities had been identified – Glasgow, Cardiff, Manchester, Bilbao, Gothenburg, Lisbon, Stavanger, Freiburg, Calgary and Pittsburgh. These had been chosen for</p>	<p>Mr Mackenzie advised that he would take the comments in relation to the themes and peer cities back to the BDP team.</p> <p>The presentation slides would be emailed to Board members, and Ms MacSween would look into organising a OneHub account so that large documents did not have to be emailed in future.</p>	<p>S Mackenzie</p> <p>S Dunsmuir / L MacSween</p>

No.	Agenda Item	Notes of Discussion	Action / Decisions	By Whom
	<p>Presentation from BDP cont.</p>	<p>various characteristics, e.g. riverfront regeneration, compact city centre, governance, sustainability, working port, oil with diversified economy and integrated transportation.</p> <p>Mr Collier suggested that Belfast should be included ahead of Lisbon, and proposed that 'people' should also be added as a theme, in relation to how they occupied the city centre. Sir Ian Diamond agreed, noting that it was increasingly the case that people did not work in the city centre, and suggested that there should be some analysis of this.</p> <p>Mr McIntosh added that Stavanger actually had a narrower economic base than Aberdeen. He also had some concern about the inclusion of Calgary, as it was a modern city with a grid pattern, and so he did not feel it was a model for Aberdeen. Mr Mackenzie explained that it had been included for how the city had been connected up.</p> <p>Councillor Yuill agreed with the inclusion of Belfast, and added that there were a number of cities on the list which had big metropolis areas, which Aberdeen did not. He also referred to the physical regeneration mentioned in relation to some of the cities and stated that Aberdeen did not have any big empty sites.</p> <p>Mr Harris added that Visit Scotland undertook benchmarking against Bristol, and suggested that this might be something for BDP to consider. He also mentioned Rotterdam, noting that a percentage of the people there worked outwith the city centre. He stated that the 'hub' at Dyce also needed to be considered in</p>		

No.	Agenda Item	Notes of Discussion	Action / Decisions	By Whom
	Presentation from BDP cont.	<p>the context of connectivity between Dyce and the city centre.</p> <p>Councillor Laing supported the inclusion of the 'people' aspect in the themes, adding that it was important that people lived in the city centre. Councillor Boulton agreed, referring to the city's large student population and the wasted space above some shops. She added that 'culture' should also be a key theme, and it would be important to look at how the heritage of certain buildings in the peer cities had been blended with new buildings.</p> <p>Mr Mackenzie also set out the work which had been undertaken in terms of the economic and social baseline, and reviews of the current position with Aberdeen's market, townscape, utilities, culture and visitors. Mr Mackenzie advised that work was ongoing in relation to traffic and transport.</p> <p>Finally, Mr Mackenzie provided an update on the rest of the project timeline and advised that the conclusion of Stage 1 and the issue of baseline reports would be undertaken at the start of October, with the Stage 2 Options Appraisal commencing afterwards. He also set out proposed meeting dates into 2015.</p>		
4.	Roles for Board Members	<p>As part of the presentation, Mr Mackenzie set out the proposed areas of engagement for each Board member to take forward:-</p> <p>Aberdeen University : Sir Ian Diamond: Engagement with transient student population, AU senate/boards/partners/funders etc., specific AU</p>	<p>BDP would provide Board members with a set of prompts for discussion / engagement purposes.</p> <p>It was agreed that officers and BDP would contact the members who were not present to update them on the details of the presentation and engagement process.</p>	<p>S Mackenzie</p> <p>S Mackenzie L MacSween</p>

No.	Agenda Item	Notes of Discussion	Action / Decisions	By Whom
	<p>Roles for Board Members cont.</p>	<p>expertise</p> <p>Robert Gordon University : Ferdinand von Prondzynski: Transient student population, RGU boards/partners/funders etc., School of Architecture (Existing drawings, models, surveys of city centre), transportation</p> <p>Aberdeen City and Shire Economic Futures : Colin Crosby: Economy, Oil and Gas</p> <p>Visit Aberdeen : Steve Harris: Tourism partners</p> <p>Aberdeen Inspired (BID): Richard Noble: Retail partners</p> <p>Scottish Enterprise: Derek McCrindle: Business development, nationally, Economy, Oil and Gas</p> <p>Aberdeen and Grampian Chamber of Commerce : Robert Collier: Business development locally</p> <p>Aberdeen City Council Members: Communities via officers and BDP</p> <p>The Chairperson and Chief Executive advised the Board that the task for members was now to share information and to engage with the areas / sectors as set out above. The next meeting in November would then be used to feed back on progress. The Chief Executive added that by November, there would be an emerging process around the masterplan which the Board could then disseminate to the various sectors.</p>	<p>The proposed meeting dates were set out by BDP as follows:-</p> <ul style="list-style-type: none"> • 28 November 2014 – Workshop around emerging Draft Masterplan. Roles for the Group. • 18 February 2015 – Workshop around Final Draft Masterplan • 25 March 2015 – Workshop around Delivery Programme <p>Once these dates were confirmed, appointments would be issued via email.</p> <p>It was noted that additional meetings could be arranged between these dates if required, and the Chair suggested that members could request that a meeting be arranged if they felt it was necessary for the Board to get together outwith these dates.</p> <p>It was agreed that BDP would liaise with Mr Collier in relation to dates for another business breakfast towards the end of the masterplan process.</p>	<p>S Dunsmuir</p> <p>S Mackenzie</p>

No.	Agenda Item	Notes of Discussion	Action / Decisions	By Whom
	Roles for Board Members cont.	<p>Mr Collier added that the Chamber of Commerce had various network and sector groups which could be utilised, and also had specific research capabilities which could be made available to BDP. Mr Noble advised that engagement information could be shared on the Aberdeen Inspired website, and added that he also had access to other partners, as well as retail. The Chief Executive noted that members would have access to partners other than those listed against their names, and suggested that it was for each member to ensure that they used their contacts to engage as widely as possible.</p>		
5.	Date of Next Meeting - 11.00am, Friday 28 November 2014			

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HOMELESSNESS STRATEGY WORKING GROUP

ABERDEEN, 9th September 2014. Minute of Meeting of the HOMELESSNESS STRATEGY WORKING GROUP. Present:- Councillor Cooney, Chairperson; and Councillors Finlayson, Kiddie and Jean Morrison MBE; Mary Annal (Aberdeen Foyer), Matt Lock (Shelter) and Zara Strange (Citizens Advice Bureau).

Officers in attendance:- Aoife Deery (Housing Graduate Trainee); Graeme Gardner (Development Team Leader, Support Services); Kate MacDonald (Support Services Manager); Edward Thomas (Housing Access manager).

APOLOGIES

1. The Clerk advised that apologies had been received on behalf of Councillor Dickson, David Lappin (Castlehill Housing Association) and Susan Devlin (Head of Children's Services).

MINUTE OF PREVIOUS MEETING

2. The Working Group had before it the minute of its previous meeting of 8th May 2014.

There followed some discussion in connection with article 6 of the minute insofar as this related to Victoria House. Kate MacDonald advised that members were able to visit the site by contacting Kenny Paterson, Project Manager. The completion date for the build had now moved into 2015 and this was the subject of on going discussion with the contractor.

The Working Group resolved:-
to approve the minute as a correct record.

PRESENTATION FROM SPECIAL HOMELESSNESS STRATEGY OPERATIONS GROUP AUGUST 2014

3. The Working Group had before it, for its information, the slides from the Special Homelessness Strategy Operations Group meeting of 14 August 2014.

Kate Paterson spoke in furtherance of the slides which provided a summary of the Housing Support Project and the Project Team. The "go live" date for the project was 3rd November. Members were given an opportunity to ask questions on the content of the slides.

The Working Group resolved:-
(i) to note the information provided; and
(ii) thank officers for their work.

HOMELESSNESS STRATEGY WORKING GROUP

8 May 2014 19 February 2014

HOMELESS ELECTORAL REGISTRATION

4. The Working Group had before it, for its information, a report on homeless electoral registration.

The report set out practical steps which Council personnel and partner agencies are following to raise awareness with homeless persons of their eligibility to be registered to vote prior to the deadline for the forthcoming referendum, and to provide assistance where appropriate.

The Working Group resolved:-

to note the report.

PERFORMANCE INFORMATION

5. The Working Group had before it, for its information, performance information provided by the Housing Access and Homelessness Services for the period from April 2014 to August 2014. The performance information provided to the Working Group related to homeless applications; homeless assessments; homeless outcomes and housing advice cases and outcomes.

The members of the Working Group proceeded to ask questions of the officers in attendance in relation to the performance information presented, including:-

- the increase in the number of people presenting at homeless as a result of abandonment, particularly families which was of particular concern;
- the reasons cited for client outcomes, particularly whether health reasons were taken into account in recording file closures, whether there had been a rise in the citation of health reasons, and whether a breakdown of health reasons could be produced.

The Working Group resolved:-

- (i) to note the information provided; and
- (ii) to request officers to report on the matters raised during discussion to a future meeting of the Communities, Housing and Infrastructure Committee; and
- (iii) to request a report be prepared on health and mental health and what impact it has on homelessness for the next Communities, Housing and Infrastructure Committee meeting.

HOUSING ACCESS AND HOMELESSNESS SERVICE UPDATE

6. The Working Group had before it, for its information, a report that provided an update on the Housing Access Service and the Homelessness Service.

HOMELESSNESS STRATEGY WORKING GROUP

8 May 2014 19 February 2014

The purpose of the report was to provide an update on developments/actions since the last Working Group meeting on 30 April 2014.

The members of the Working Group then proceeded to ask questions of the officers in attendance in relation to the report. Kate Paterson advised that a peer review on the services was to be undertaken with other local authorities.

The Working Group resolved:-

to note the information.

CASE STUDIES ARISING FROM THE EARLY IMPLEMENTATION OF THE HOUSING BENEFIT (HABITUAL RESIDENCE) AMENDMENT REGULATIONS 2014

7. The Working Group had before it, for information, an update on case studies arising from the early implementation of the Housing Benefit (Habitual Residence) Amendment Regulations 2014.

The members of the Working Group then proceeded to ask questions of the officers in attendance in relation to the case studies. Edward Thomas explained measures which were being taken by the service to address cases of high rent arrears, including use of Homeless Prevention Fund, discretionary homeless payments, close work with Finance colleagues on debt recovery, and reviewing provisions for debt write-off.

The Working Group resolved:-

to note the information provided.

CLOSING REMARKS BY CHAIRPERSON

8. The Chairperson thanked all members for their contributions during the lifetime of the Working Group, which had made a vital contribution to improving the systems and processes around homelessness and was a good example of partnership working. Members of the Group joined with the Chairperson in thanking staff for all their efforts.

- **NEIL COONEY, Chairperson**.

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

21 AUGUST 2014

ABERDEEN LOCAL DEVELOPMENT PLAN SITE OP58, COUNTESSWELLS - 140438

2. The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee express a willingness to approve the application for a residential-led mixed use development, including approximately 3000 homes, employment, education, retail, leisure and community uses and associated new and upgraded access roads, landscaping and ancillary engineering works in respect of Aberdeen Local Development Plan Site OP58 – Countesswells, lying west of Hazlehead Park, planning reference 140438, but to withhold the issue of the consent document until the applicant had entered into a legal agreement with the Council to address the following matters:- the provision of 25% affordable housing on site in accordance with the Development Framework and including a range of delivery options, including contributions towards a gypsy traveller halting site; developer contributions towards primary education provision (one two stream and one three stream school) and a new secondary school plus serviced land for the foregoing; developer contributions towards community facilities, library, sports provision, playing fields and healthcare; developer contributions towards the Strategic Transport Fund; developer contributions towards mitigation on the local roads network together with the provision of mitigating infrastructure if necessary, following analysis of: existing and proposed junctions along Lang Stracht; Queens Road/Kings Gate; Springfield Road/Countesswells Road; Kirk Brae/A93 North Deeside Road; and, Friarsfield Road/Kirk Brae; and developer contributions towards the Core Paths Network, subject to the following conditions:-

- (1) That no development shall be undertaken in any phase unless a detailed phasing programme outlining the delivery of buildings, open space and roads infrastructure across the entire application site has been submitted to, and approved in writing by the planning authority via a formal 'Matters Specified in Conditions' application - in order to ensure development is progressively accompanied by appropriate associated infrastructure, and to inform the timescale for submission of further applications for 'Matters Specified in Conditions' specified in the planning authority's direction stated in this notice;
- (2) No development in connection with each respective block of the planning permission hereby approved shall take place until full details of the siting, design, external appearance and landscaping within the relevant phase of the development and the means of access serving the relevant block of development have been submitted to and approved in writing by the Planning Authority. The development shall then be implemented in complete accordance with the approved details, or those subsequently approved. Depending on the block, and unless otherwise agreed in writing with the planning authority, the MSC applications shall include:- a) a detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point within

the relevant block of development; b) a detailed Drainage Plan for the relevant block of development, including full details of the proposed means of disposal of surface water from the relevant block of development, including how surface water run-off shall be addressed during construction, as well as incorporating the principles of pollution prevention and mitigation measures. The final location of SUDs, including ponds, should be appropriately positioned in accordance with an agreed flood risk assessment; c) full details of the connection to the existing Scottish Water foul water drainage network for the relevant block of development; d) details of all cut and fill operations in the relevant block of the development; e) the details of all roads, footpaths and cycleways throughout the relevant block of the development; f) details of any screen walls/fencing to be provided within the relevant block of the development; g) details of all landscaping, planting and screening associated with the relevant block of the development; h) full details of the layout, siting, design and finish of all residential properties, throughout the relevant block of development; i) full details of the layout, siting, design and finish of all non-residential properties throughout the relevant block of development. This shall include but is not limited to; community facilities, health centre, schools, commercial premises, energy centres, pumping stations, and water treatment works; j) full details of all waste/recycling collection points, for residential and non-residential properties in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006; (3) The landscaping details to be submitted pursuant to Condition 2 above shall include:- a) existing and proposed finished ground levels relative to a fixed datum point; b) existing landscape features and vegetation to be retained; c) existing and proposed services including cables, pipelines and substations; d) the location of new trees, shrubs, hedges, grassed areas and water features; e) a schedule of plants to comprise species, plant sizes and proposed numbers and density; f) the location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment; g) an indication of existing trees, shrubs and hedges to be removed; h) a Biodiversity Action Plan; i) a Management Plan detailing appropriate management measures for all watercourse buffer strips; j) a programme for the completion and subsequent maintenance of the proposed landscaping. All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of each respective phase of the development or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of each phase of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted - in the interests of protecting trees and ensuring a satisfactory quality of environment; (4) The details to be submitted pursuant to Condition 2 for each respective block of the development shall show the proposed means of disposal of foul and surface water from the relevant block of the development within the form of a Sustainable Urban Drainage System and include a development impact assessment and detailed design and methodology statement. Unless otherwise agreed in writing by the Planning Authority, in

consultation with SEPA, the development shall connect to the public sewer and the relevant block of the development shall not be occupied unless the agreed drainage system has been provided in its entirety and maintained thereafter throughout the lifetime of the consent in accordance with the approved maintenance scheme. The details required shall also include details of the future long term maintenance of the system covering matters such as:- a) inspection regime relating to matters such as outlets/inlets; b) frequency and method of cleaning of filter trenches, removal of silt etc.; c) grass cutting (and weeding) regime for swales; d) means of access for future maintenance; e) how to ensure that planting will not be undertaken over perforated pipes; f) details of the contact parties for future factoring/maintenance of the scheme to protect the water environment and help reduce flooding; (5) Prior to the commencement of any phase of development, as identified in the approved phasing plan required by condition 1, for each respective phase full details of the proposed street design for each block, which shall contain, but not be limited to, a parking strategy, road junctions and visibility splays, cycleway provision, gradients, level details, finishing/surfacing materials and crossing points, shall be provided for the further written approval of the Planning Authority in consultation with the Roads Authority. The development shall be carried out in complete accordance with such a plan and buildings shall not be occupied unless the streets and parking areas for the respective block are complete and available for use unless otherwise agreed in writing by the planning authority as part of an occupancy plan - in the interests of road safety; (6) Unless otherwise agreed in writing by the Planning Authority, no more than 300 residential units within the development shall be occupied until an upgraded Jessiefield roundabout, and connecting road into the application site has been constructed in complete accordance with a scheme to be submitted to, and approved in writing by, the planning authority - In the interests of road safety; (7) Prior to the opening of the AWPR, a scheme for the provision of a bus gate on Kirk Brae (C128C) close to the Kingswells roundabout shall be submitted to, and approved in writing by, the planning authority. Thereafter the scheme shall be implemented in complete accordance with the details as so agreed, unless otherwise approved in writing by the planning authority - In the interests of road safety; (8) Unless otherwise agreed in writing by the Planning Authority, no more than 2000 residential units within the development shall be occupied until a further upgrade solution to the Jessiefield roundabout or an equivalent financial contribution, has been constructed in complete accordance with a scheme to be submitted to, and approved in writing by, the planning authority - In the interests of road safety; (9) That no development shall commence until details of an appropriate segregated cycle connection to the crossing on the A944 towards the Prime 4 Business Park, has been submitted to, and approved in writing by the Planning Authority. Thereafter the approved connection shall be provided in complete accordance with the details as so agreed - in the interests of road safety and sustainable transportation measures; (10) Prior to the occupancy of each block, parking spaces, surfaced in hard standing materials shall be provided within the site in accordance with the agreed parking strategy in accordance with the Council's Car Parking Standards, unless otherwise agreed in writing with the planning authority - in the interests of road safety; (11) That prior to the commencement of development, a Framework Travel

Plan, setting out proposals for reducing dependency on the private car, shall be submitted to and approved in writing by the Planning Authority – in the interests of reducing travel by private car; (12) That no commercial / employment or residential element of the development shall be occupied unless there has been submitted to and approved in writing by the Planning Authority, a comprehensive Travel Plan for that part of the development, setting out proposals for reducing dependency on the private car. Each Travel Plan shall identify measures to be implemented, the system of management, monitoring, review and reporting, as well as the duration of the plan - in the interests of reducing travel by private car; (13) That no development shall take place within any individual block unless there has been submitted, to and approved in writing by, details identifying safe routes to schools within the proposed development. This shall include details of measures, including a timetable for implementation, required to help ensure safe travel to school and the measures shall be implemented fully in accordance with such a plan - in order to promote sustainable and safe travel; (14) That no dwellings shall be occupied until such time as a public transport strategy, including proposals for the provision of either new or extended bus services linking the development with the existing public transport network, and details of the phased implementation of the strategy, have been submitted to and approved by the Planning Authority. Thereafter the agreed strategy shall be implemented in full in accordance with such a scheme, unless otherwise agreed in writing with the Planning Authority - in the interests of encouraging the use of public transport; (15) The proposed development shall be limited to Phase 1, comprising 1000 residential units; 1000 square metres GFA Class 4 office space; 2500 square metres GFA Class 1 retail space; and associated ancillary uses, for the period prior to the Aberdeen Western Peripheral Route being open to traffic, and the consequent removal of trunk road status for the A90 Anderson Drive - to limit the scale of the development to that considered within the supporting Transportation Assessment, in order to minimise the impact of development on the safety and free flow of traffic on the trunk road; (16) That no commercial development within the block that includes the 'town centre' (including the 2500m² single unit of retail floorspace indicated in the approved Countesswells Development Framework) shall take place unless there has been submitted to and approved in writing by, the planning authority a Retail Impact Assessment (RIA) for the Town Centre The RIA shall assess the proposed scale and mix of town centre uses (Class 1, 2, 3, 7 and 11) and any impact on nearby town, district and neighbourhood centres and the city centre, together with an assessment of the scale and mix of town centre uses that are required to meet the retail and leisure needs of Countesswells residents and adjacent residential communities. The Assessment should also demonstrate how town centre uses should be phased to ensure the vitality and vibrancy of the Town Centre. The precise level of retail and town centre uses shall be informed by the outcome of the RIA to ensure that there is no significant adverse impact on pre-existing centres - in order to ensure that the level of retail floorspace is appropriate to the size of settlement; (17) No development in any individual block shall take place unless it is carried out in full accordance with a scheme to address any significant risks from contamination on the site that has been approved in writing by the planning authority. The scheme shall follow the procedures outlined in "Planning

Advice Note 33 Development of Contaminated Land" and shall be conducted by a suitably qualified person in accordance with best practice as detailed in "BS10175 Investigation of Potentially Contaminated Sites - Code of Practice" and other best practice guidance and shall include: (a) an investigation to determine the nature and extent of contamination; (b) a site specific risk assessment; (c) a remediation plan to address any significant risks and ensure the site is fit for the use proposed; and (d) verification protocols to demonstrate compliance with the remediation plan. No building(s) in the respective block shall be occupied unless (a) any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken and (b) a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out unless the planning authority has given written consent for a variation - to ensure that the site is suitable for use and fit for human occupation; (18) Notwithstanding the indicative layout in figure 96 of the Design and Access Statement (110342_das, Rev 140324), prior to the commencement of any works in any phase of the development, the location (NGR of source) and type (surface water or groundwater) of the Private Water Supplies serving BogskeAthy and Upper Kingshill shall be identified. Should they be groundwater fed and fall within 100m of roads, tracks or trenches or within 250 m of foundations as proposed within the development, a quantitative hydrogeological assessment shall be submitted and, where appropriate, a scheme of protection and/or mitigation shall be developed by the applicant and agreed with the planning authority in writing in consultation with SEPA. Once approved, the agreed scheme shall be implemented in full - in order to protect the water environment and its users; (19) That no development in each independent block pursuant to this planning permission shall commence unless: (a) a detailed and finalised Construction Environment Management Plan including site specific construction method statements, measures to minimise the risk of sediment entering watercourses on the site, and the mechanism for compliance, for that block; and (b) details of the SUDS scheme, its adoption and maintenance, in order to manage sediments and pollutants from construction and operation of the development have been submitted to and approved in writing by the planning authority in consultation with SEPA. The mitigation measures outlined in the CEMP shall be informed by the result of a full ground (water and soil) investigation study. All works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing with the planning authority - in order to prevent potential water pollution and to minimise the impacts of construction works on the environment; (20) Prior to the commencement of any work in any block of the development, a detailed scheme for the protection and enhancement of the water environment shall be submitted to, and approved in writing by, the Planning Authority in consultation with SEPA. This shall include: (a) Confirmation of the location of all existing water bodies on site and demonstration of how they have been positively incorporated into the layout of the development, including appropriate buffer zones between the top of the bank of the watercourse and the development; (b) full details relating to the

realignment/deculverting of any watercourse on site including the Cults Burn. Any re-designed watercourses shall be designed to accommodate the 1 in 200 year flow from the whole catchment. This shall include a low flow channel designed to accommodate the 1 in 2 year flow set within a wider channel capable of conveying the 1 in 200 year flow. In addition, appropriate buffer zones shall be included between the edge of the wider channel (i.e. the extent of channel utilised during high flows) and the development; (c) full details relating to any other proposed engineering activities in the water environment, including the location and type of any proposed watercourse crossings. Any proposed watercourse crossings shall be designed to accept the 1 in 200 year flow. All works on site must be undertaken in accordance with the approved scheme unless otherwise agreed in writing with the Planning Authority in consultation with SEPA - to protect and improve the water environment and to protect people and property from flood risk; (21) That the development hereby approved shall be connected to the public waste water system in line with PAN 79 Water and Drainage. Any necessary upgrades to the public waste water system should be in place prior to the occupation of the phase of development requiring the upgrade - in order to ensure the appropriate connection is made to ensure satisfactory disposal of sewerage, and thereby maintain and improve standards of environmental quality, public health and amenity; (22) Development in any individual block shall not commence until a water efficiency statement to illustrate the measures proposed to incorporate water saving technology, has been submitted to and approved in writing by the planning authority. The measures contained therein shall thereafter be implemented, as approved - in order to ensure targets towards sustainability measures are met; (23) No development in any particular phase of the development hereby approved shall take place unless surveys for protected species (red squirrel / bats /badgers) for that phase have been carried out and submitted to and approved in writing by the Planning Authority. Thereafter no development shall take place within the relevant phase of the development unless detailed mitigation measures to safeguard any identified protected species have been submitted to and approved in writing by the Planning Authority. No development shall take place within the relevant phase unless the mitigation measures which have been agreed in writing by the Planning Authority are carried out in accordance with the agreed scheme - to ensure the protection of protected species; (24) That all works should be carried out in accordance with the approved Summary of Environmental Commitments containing within Chapter 18 of the Environmental Statement carried out by Ironside Farrar dated March 2014 - in order to ensure that appropriate mitigation measures are in place to minimise the environmental impacts of the development; (25) No development shall take place within any individual block until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The programme of archaeological work will include all necessary post-excavation and publications; (26) No demolition of any traditional farmstead buildings or development shall take place prior to a photographic survey being undertaken by the developer and approved by the planning authority. All elevations, both internal and external, together with the setting of the farmstead, and any unusual feature/s, shall be

photographed and clearly annotated on a plan. Photographs, which should be digital on cd, shall be clearly marked with place name for identification, national grid reference and planning reference and deposited in the local Sites and Monuments Record – in order to ensure a historic record of the building;

(27) That no development within any individual block shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings';

(28) Development in any individual block shall not commence until a bird hazard management plan has been submitted to and approved in writing by the planning authority. The submitted plan shall include details of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with the Advice Note 8 'Potential Bird Hazards from Building Design'. The Bird Hazard Management Plan shall be implemented, as approved, on completion of the development and shall remain in force for the life of the buildings. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority - it is necessary to manage the site in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Aberdeen Airport;

(29) That no development in any individual block shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development;

(30) That no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) in any individual block has been submitted to and approved in writing by the Planning Authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation - in order to preserve the character and visual amenity of the area.

DIRECTION UNDER SECTION 59 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997:

that the subsection (2)(a)(i) of section 59 shall apply as respects the permission with the substitution for the period of 3 years referred to in that subsection of 15 years, as is considered appropriate by the planning authority in this instance on the basis of the scale of the allocation. The provisions of section 59(2) shall therefore be read as follows; that this planning permission in principle shall lapse unless a further application or applications for approval of the matters specified in all condition(s) attached to this grant of planning

permission in principle across the entire site has been made before whichever is the latest of the following;

(i) the expiration of 15 years from the date of this grant of planning permission in principle;

(ii) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused;

(iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed;

- pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

INFORMATIVE 1: that this planning permission in principle shall lapse on the expiration of 2 years from the approval of matters specified in conditions being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration – in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

INFORMATIVE 2: For the avoidance of doubt, the term 'phase' within any condition shall refer to the phases as have been approved under the terms of Condition 1 of the planning permission in principle hereby approved.

INFORMATIVE 3.

Unless otherwise agreed in writing with the Planning Authority, during the construction of any phase of the development, the normal hours of operation for all activity audible at the boundary of the nearest noise sensitive premises shall be between 07:00 to 19:00 hours Monday to Friday; 07:00 to 12:00 hours on Saturday, with no working on Sundays.

INFORMATIVE 4

It is advisable that the developer contact the Council's Waste Aware Team to discuss the appropriate waste storage and uplift arrangements for the residential developments.

INFORMATIVE 5

In the event that during construction, cranes or scaffolding is required, then their use must be subject to separate consultation with Aberdeen International Airport (AIA). We would like to draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome - in the interests of aircraft safety and the operation of Aberdeen Airport.

At this juncture, Councillor Boulton, expressed disappointment that there was no school capacity information from the Education, Culture and Sport service contained within the report and moved as a procedural motion, seconded by Councillor Greig, that the Committee did not consider the application on this day.

On a division, there voted:- for the procedural motion (7) – the Vice Convener; and Councillors Boulton, Greig, Jaffrey, Samarai, Thomson and Yuill; against the procedural motion (7) – the Convener; and Councillors Corall, Cormie, Crockett, Lawrence, Jean Morrison and Townson.

There being an equality of votes, in accordance with Standing Order 15(5), the Convener exercised his casting vote against the procedural motion. The Committee, therefore, proceeded to determine the application this day.

The Committee then heard from Mr Paul Williamson, Senior Planner, Mr Tom Rogers, Team Leader (Roads Projects), and Mr Euan Couperwhite, Infrastructure and Assets Programme Manager, in relation to the application.

Mr Couperwhite advised that officers from the Education, Culture and Sport Directorate were actively involved with the Developer Contributions team, as well as the developer itself. The first new primary school would only be viable with 120 to 150 pupils, and Mr Couperwhite explained that until this level of occupation was reached, the children would be educated at the former Braeside School. Until the new secondary school was in place, officers were comfortable that there was sufficient capacity at Hazlehead Academy to accommodate pupils in the short to medium term. Transport costs would form part of discussions with the developers and solicitors. Mr Couperwhite advised that the occupancy figures were 500 houses for the first primary, and 1400 for the second primary school. The Education, Culture and Sport Service would work closely with the developers to ensure that the first primary school would be started at the appropriate time. The Committee heard that until there were sufficient numbers in the new development to fill a class at Braeside School, the children would initially be accommodated at Airyhall Primary School. Mr Couperwhite explained that the consultation on the zoning for the new Countesswells development would be undertaken between October and December, and advised that this would also identify Braeside as an interim school which would negate the need to reconsult when that building was no longer in use. The detailed information from the Education, Culture and Sport Service is appended to this minute.

The Committee asked further questions of officers. As part of the discussion, Councillor Yuill asked if any traffic calming measures were needed on Countesswells Road when it was being utilised as the initial route for construction traffic, and it was agreed that any information on this matter could be emailed separately to Members.

The Convener moved, seconded by Councillor Cormie:-

That the Committee express a willingness to approve the application, in accordance with the recommendation contained with the report.

Councillor Boulton moved as an amendment, seconded by Councillor Thomson:-

That the application be refused on the grounds that the surrounding roads infrastructure was currently unable to support the proposed development, and due to concerns over school capacity as a result of the proposed development.

On a division, there voted:- for the motion (7) – the Convener; and Councillors Corall, Cormie, Crockett, Lawrence, Jean Morrison and Townson; for the amendment (7) – the Vice Convener; and Councillors Boulton, Greig, Jaffrey, Samarai, Thomson and Yuill.

There being an equality of votes, in terms of Standing Order 15(5) the Convener exercised his casting vote in favour of the motion.

The Committee resolved:-
to adopt the motion.

In terms of Standing Order 36(3), Councillor Boulton intimated she wished the matter to be referred to full Council in order for a final decision to be taken. Councillor Boulton was supported by Councillors Greig, Samarai, Thomson and Yuill in this regard.

COUNTESSWELLS DEVELOPMENT (140438) - EDUCATION COMMENTS

1. DEVELOPER CONTRIBUTION

Negotiations are on-going with the developer and high level agreement has been reached that 2 primary schools and 50% of a secondary school will be required from the Countesswells development. The contribution includes serviced land and the capital cost of construction which will be indexed linked to the Building

2. TIMESCALE FOR NEW SCHOOLS

Primary School

Based on the housing build programme and the expected yield per house of 0.35 pupils it is anticipated that the first primary school will be required to be completed and open by August 2017. The second primary school is required by 2019/20.

Year	2014/ 15	2015/ 16	2016/ 17	2017/ 18	2018/ 19	2019/ 20	2020/ 21	2021/ 22
Pupils from Countesswells	0	29	98	186	287	388	486	584

The projected pupil roll figures are based on the rate of house building specified by the developer. Should the actual development proceed at a lower rate, the numbers of pupils projected to arrive in the early year of the development would be lower than currently projected. It has been agreed with the developer that a review of pupil numbers arriving from the development will be conducted every 6 months. This will provide detailed information on when the school build is required, however Education, Culture and Sport planning has assumed the first primary school is needed for August 2017.

Secondary School

The area for the development lies within the zone of Hazlehead Academy and Cults Academy. The table below highlights the total projected additional roll of pupils who will come from the Countesswells development. It is recommended that a new secondary school is constructed for August 2020/21.

Year	2014/ 15	2015/ 16	2016/ 17	2017/ 18	2018/ 19	2019/ 20	2020/ 21	2021/ 22
Pupils from Countesswells	0	11	40	82	133	191	251	316

3. INTERIM ARRANGEMENTS

Primary School

For Primary education the Countesswells development is split between the zones for Cults School and Airyhall School. The majority of the development area is within the Airyhall zone.

Until there is a requirement for a new primary school in 2017/18 in Countesswells, pupils will attend primary education which will be managed by Airyhall School, which has a capacity of 360 pupils. Based on the projected pupil rolls of 2013, and taking account of the Countesswells development, the following numbers of pupils are anticipated in the next 5 years. In addition to Airyhall, there are 9 classrooms and 2 General Purpose areas in Braeside School which is intended to be utilised to accommodate pupils in the short term before a new school building is completed.

Year	2014/ 15	2015/ 16	2016/ 17	2017/ 18	2018/ 19	2019/ 20	2020/ 21	2021/ 22
Total Pupil Numbers	349	401	477	581	673	770	864	952
Excluding pupils from Countesswells	349	372	379	395	387	382	378	368

Secondary

The area for the development lies within the zone of Hazlehead Academy. The school has a capacity of 1,008 pupils and the table below highlights the projected roll and those pupils within that roll who are expected to arrive from the Countesswells development.

Year	2014/ 15	2015/ 16	2016/ 17	2017/ 18	2018/ 19	2019/ 20	2020/ 21	2021/ 22
Total Pupil Numbers	817	811	826	884	969	1,047	1,142	1,251
Excluding pupils from Countesswells	817	800	786	802	836	856	891	935

Planning Development Management Committee

ABERDEEN LOCAL DEV' PLAN SITE OP58, COUNTESSWELLS
LYING WEST OF HAZLEHEAD PARK

RESIDENTIAL-LED MIXED USE DEVELOPMENT INCLUDING
APPROXIMATELY 3000 HOMES, EMPLOYMENT,
EDUCATION, RETAIL, LEISURE AND COMMUNITY USES
AND ASSOCIATED NEW AND UPGRADED ACCESS ROADS,
LANDSCAPING AND ANCILLARY ENGINEERING WORKS

For: Countesswells Consortium

Application Type : Planning Permission in
Principle

Application Ref. : P140438

Application Date: 27/03/2014

Officer: Paul Williamson

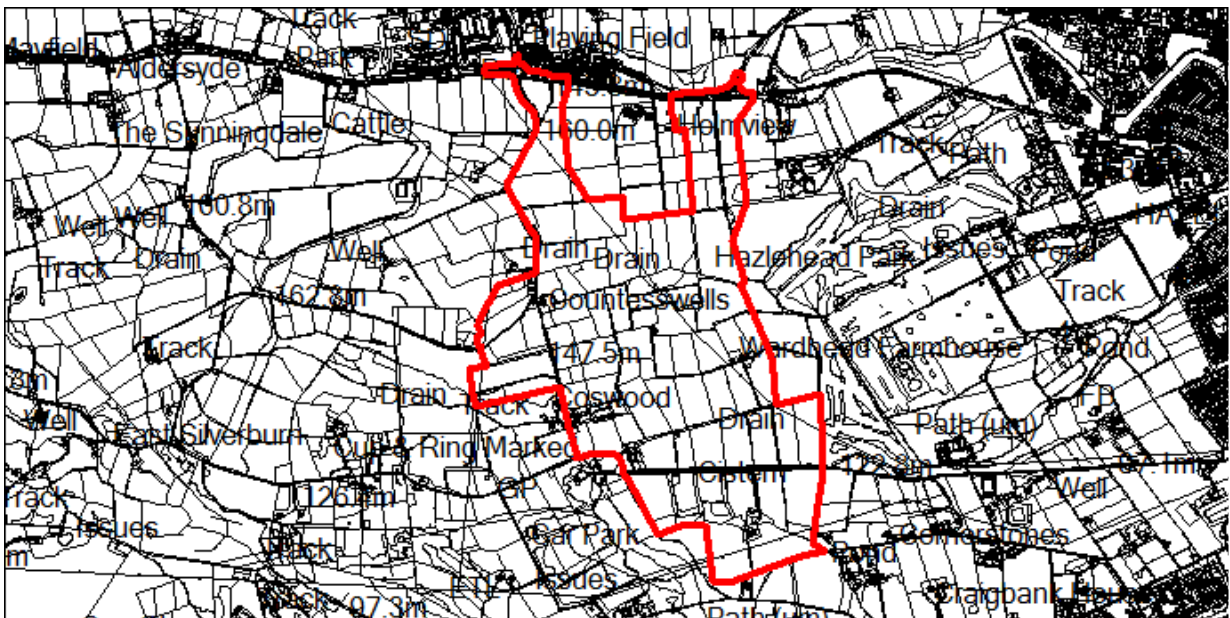
Ward : Lower Deeside (M Boulton/A Malone/M
Malik)

Advert : Can't notify neighbour(s)

Advertised on: 16/04/2014

Committee Date: 21 August 2014

Community Council : Comments



RECOMMENDATION:

Willingness to approve conditionally, but to withhold the issue of the consent document until the applicant has entered into a legal agreement with the Council to address the following matters:

1. **The provision of 25% affordable housing on site in accordance with the Development Framework and includes a range of delivery options, including contributions towards a gypsy traveller halting site;**
2. **Developer contributions towards primary education provision (one two stream and one three stream school) and a new secondary school plus serviced land for the foregoing;**
3. **Developer contributions towards community facilities, library, sports provision, playing fields and healthcare;**
4. **Developer contributions towards the Strategic Transport Fund;**
5. **Developer contributions towards mitigation on the local roads network together with provision of infrastructure; and,**
6. **Developer contributions towards the Core Paths Network.**

DESCRIPTION

The application site covers 214.72 hectares of predominantly agricultural land between Kingswells to the north and Cults to the south, approximately 5.5 km from the City Centre.

To the west the site is bound by Kirk Brae (C128C) and Countesswells Wood. To the south, the site straddles Countesswells Road, and borders the Foggieton Wood. To the east, the site is adjacent to Hazlehead Wood, while to the north is the A944/Skene Road.

There are a number of sporadic dwellings spread over the application site, while the Loanhead Equestrian Centre has been vacant for some time, and is scheduled to be demolished as part of the wider development proposals.

Also within the site are a number of pockets of trees and woodland, together with the Cults Burn, drainage ditches and dykes. A core path also links the Countesswells Wood and Hazlehead Woods cutting west to east across the site.

In respect of the general topography, the site is contained within a natural bowl in the landscape, and is not readily visible from the surrounding settlements of Kingswells, Cults and Craigiebuckler. The land to the north of the site is slightly more elevated than that to the south, which is also contained by woodland blocks, which act as a backdrop.

RELEVANT HISTORY

In August 2012, the Consortium submitted a proposal of application notice (PoAN) to the Council indicating their intention to carry out public consultation on the proposed development.

An Environmental Impact Assessment (EIA) Screening Request (Ref: 110826) was responded to by the Council on 7 July 2011 advising that as a Schedule 2 development with potential significant effects on the environment, and

Environmental Impact Assessment would be required. A subsequent Scoping Request (Ref: 120826) was received by the Council on 6 June 2012, which sought to examine the specific content that would need to be covered within the environmental statement which would be required in support of the planning application.

On 3 June 2014, the Enterprise, Strategic Planning and Infrastructure Committee approved the Countesswells Development Framework and Masterplan as Interim Supplementary Guidance. This was subsequently sent to the Scottish Government for formal ratification, which was confirmed on 22 July confirming that they did not intend to intervene in the adoption of the Development Framework and Phase 1 Masterplan as Supplementary Guidance to the Local Development Plan. The Development Framework and Masterplan have therefore been formally Adopted as Supplementary Guidance.

Parallel detailed applications have also been submitted for Phase 1 infrastructure works (inc SUDS) (Ref: 140435), 124 dwellings at areas C1/C2 (Ref: 140730), and a further 1076 dwellings at area N10 (Ref: 141110), all of which remain pending at this time.

PROPOSAL

Planning Permission in Principle (PPiP) is sought for a residential development comprising of 3000 units, town and neighbourhood centre (including commercial. Retail and leisure uses), approximately 10 hectares of employment land, community facilities, open space, landscaping and supporting infrastructure including access.

Indicative proposals are shown in the submitted Design and Access Statement. The indicative proposals are identical to those shown with the Development Framework. It is expected that detailed layout and elevation details will be submitted for approval by way of Matters Specified in Conditions (MSC) applications, and will be in accordance with the adopted Development Framework and Phase 1 Masterplan.

The site is identified within the ALDP as an opportunity site (OP58) for a development of 3000 homes and 10 hectares of employment land, covering 165.1 hectares. The application boundary for the application extends to some 214.72 hectares to take into account provision of new roads connections to the A944 to the north. However, the physical areas for development of the dwelling and other built structures, would not extend beyond the allocated area within the ALDP.

The key aspects of the development are -

- The development will accommodate up to 3,000 residential units of which 25% will be affordable, equating to 735 units provided on site (when taking the gypsy traveller contribution into account). Up to 10 hectares of employment land would also be provided. This would include class 4 offices. small business space, retail (convenience), and hotel uses.

- The development shall comprise a total of 35 development blocks, split over the northern, central and southern sections of the site. In respect of phasing, it is envisaged that the development would be built out over 3 phases, each of a five year period, at an approximate construction rate of approximately 200-250 units per year.
- Two neighbourhood centres, one of which would include a town centre adjacent to the 2.6 hectare Central Park. The neighbourhood centres would also accommodate shops and community facilities.
- The development would also provide one secondary school, and two primary schools (with one being a two stream, with the other capable of being a three stream if deemed necessary).
- The Development Framework indicates that health facilities would include suitable NHS provision along with pharmacies and dentists delivered within appropriately sized commercial units within selected neighbourhood centre, thereby accommodating the demand from the new development.
- The proposed average density would be approximately 30 dwellings per hectare, although densities would vary across the settlement to provide variety in built form and create a range of distinctive areas. In the aspects of the development towards the edges, the development may be at below 20 units per hectare, although towards the centre, and primary distributor road would be between 30 – 50 units per hectare.
- Building heights would be between one and four storeys.
- Roads provision i.e. upgraded Jessiefield roundabout, and ultimate grade separation in form of a flyover connecting Lang Stracht to Westbound A944. Also formation of bus gate at Kirk Brae / Kingswells roundabout. Also potential for junction improvements at other points on the local road network.
- The indicative plan illustrates that each development phase could be within a 5 minute walk of potential bus stops, while schools would generally be to a maximum of a ten minute walk for the primary school.
- The development would accommodate open space, which would comprise a full range of uses such as formal recreational facilities and informal places to rest and relax, as well as natural, untamed areas that support biodiversity. The provision at Countesswells, in respect of each ACC space type would include:
 - Major Open Space – 17.52 hectares – Cults Burn Corridor Network, and School Campus/Community Sports facilities;
 - Neighbourhood Open Space – 6.8 hectares – Countesswells Central Park, Countesswells Road Avenue, and Hazleden Park
 - Local Open Space – 2.22 hectares – Core Path Link, Meadowbank Park, and Wardhead Park.

It should be noted that the names of the spaces provided above, have been chosen by the developer.

Environmental Statement (ES)

The proposal was subject to an environmental impact assessment as a “Schedule 2 Development” by virtue of its scale and location, in terms of Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations

1999 (as amended), in that the proposal falls within Table 10 Infrastructure Projects, sub-section (b) Urban development projects, specifically sports stadiums and it exceeds the specified site area threshold. An Environmental Statement (ES) was submitted with the planning application.

The ES reports on the findings of an environmental impact assessment (EIA) of the proposed development. EIA is the process of compiling, evaluating and presenting all of the significant environmental impacts of the proposed development, leading to the identification and incorporation of appropriate mitigation measures.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=140438>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

Specifically, the supporting documents include:

- Drawings
- Planning Statement;
- Pre-application Consultation Report;
- Drainage Assessment;
- Tree and Woodland Survey Report;
- Geo-environmental Desk Study;
- Geo-technical Interpretative Report;
- Transport Assessment;
- Design and Access Statement; and,
- Environmental Statement comprising:
 - Geology and Soils;
 - Land Use, Agriculture and Infrastructure;
 - Hydrology, Drainage and Water Quality;
 - Air Quality;
 - Noise and Vibration;
 - Ecology, Nature Conservation and Biodiversity;
 - Cultural Heritage;
 - Landscape and Visual Impact Assessment;
 - Pedestrians, Cyclists and Community Effects;
 - Traffic and Transport; and
 - Disruption due to Construction.

PRE-APPLICATION CONSULTATION

The proposed development was the subject to pre-application consultation from May to October 2012 between the applicant and the local community, as required

for applications falling within the category of major developments as defined in the 'Hierarchy of Development' Regulations. The consultation involved:

- Initial public engagement in June 2012 at the respective meetings of: Kingswells Community Council; Cults, Bielside and Milltimber Community Council; and, Craigiebuckler and Seafield Community Council. It comprised exhibitions over a period of 6 hours where representatives of the consortium were on hand to provide information on the proposals and encourage public comments. Information leaflets were available at each venue along with a feedback form.
- 244 people attended over the three days with 96 on day one, 62 on day two, and 86 on day three. 42 feedback comments were received.
- Subsequent meetings with the respective Community Councils in August/September 2012 to update them on progress and address issues raised at the initial consultation events.
- The emerging Development Framework and Masterplan were presented to the Local Community and wider public at public exhibitions on 6-8 September 2012 at the Four Mile House, Kingswells, Airyhall Community Centre, and Cults Academy respectively. The format was similar to those held in June referred to above.
- Meetings with local residents were also held on 26/27 September 2012.
- Following refinement of the development proposals a further round of briefing meetings was held with the Community Council's on 2, 8 and 25 October 2012 respectively.
- In order to encourage participation: personal invitation letters were issued to individuals and organisations, as well as key stakeholders and local residents within notifiable distances; over 10,000 information leaflets were distributed to local homes lying to the west of Aberdeen; press and media releases, and posters promoting local events were distributed in local Community Centres, shops and libraries throughout the area.

A report on the public consultation that was undertaken has been submitted as part of this application. The report details the feedback that was received from the community, any changes that have been made to the development proposals in light of the comments that were received, as well as providing justification for why some suggestions were rejected.

The main concerns raised were in relation to-

- Open green spaces and woodland areas;
- Roads and vehicular congestion, and the linkages to the completion of the AWPR;
- Timings of education provision;
- Integrating the development with the countryside;
- Need for affordable housing;
- The need for infrastructure including schools, shops, health facilities, sport/leisure opportunities, recycling facilities, and a community centre;
- The style and size of properties to meet local needs;
- Impacts on existing property owners; and
- Cumulative impacts of Local Development Plan allocations.

The consultation process has directly informed the preparation of the proposals for the site with particular regard to:

- Creation of a new network of streets running through the development, in accordance with Designing Streets to achieve the aim of reducing speeding traffic on the country roads;
- Provision of the first primary school early in the development;
- Provision of the secondary school close to the centre of the development, which would also include community facilities;
- Inclusion of healthcare, leisure and retail facilities in the town centre;
- Concerns over various pinch points within the development have been addressed through provision of solutions within the site.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because the application has been the subject of twelve timeous letters of representation that express objection or concern about the proposal – representing a significant level of opposition to any major development proposal. Furthermore, the application has also been the subject of a formal objection by the Cults, Bieldside and Milltimber Community Council, whose boundary covers the overwhelming majority of the application site. An objection has also been received from Kingswells Community Council, albeit the extent of land relative to their boundary relates to the Jessiefield roundabout, and a small part adjacent to the Lang Stracht connection. The proposed development has previously been subject to a formal decision by the planning authority that Environmental Impact Assessment should be undertaken. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – No objections subject to the use of planning conditions, and appropriate clauses within a Planning Obligation (legal agreement) relating to the provision of off-site infrastructure works. Parking levels, pedestrian access and cycle access shall be ascertained as each subsequent planning application is submitted, and shall need to be provided in line with the Council's guidelines. Considerable discussion with the applicant has taken place, with a number of layout options considered for the Jessiefield junction. Accordingly, options for a staggered junction arrangement, or full signalised crossroads have been discounted.

A phased approach to the principle access for the development has been agreed, albeit further detailed work is required. The initial 300 units will be accessed from the C128C Kingswells to Countesswells Road, and the Kingswells Roundabout (A944/C89C/C128C junction). Beyond 300 units shows that the Switchback (Jessiefield) connection will be required to be provided by the developer. The switchback junction will be provided to a larger elongated roundabout, although

this shall have to undergo detailed design and the Roads Construction Consent process. This junction upgrade will allow the development to expand to 2000 housing units.

At this point a further upgrade to the access junction has been agreed in the form of partial grade separation with the construction of a flyover/overbridge from the Lang Stracht to the A944. This will remove the right turn from the Lang Stracht to Skene Road carrying vehicle towards Kingswells and Westhill/beyond. The construction of this flyover/overbridge will allow the development to be fully constructed.

The construction of the enlarged roundabout can be undertaken using land within the highway boundary, or under the control of the applicant. The construction of the grade separation will require additional land that is in third party control. The applicant shall therefore require to make a contribution to the Council for the cost of constructing this flyover/overbridge. This would therefore have to be catered for within the Planning Obligation (Legal Agreement).

The determination of the stage at which the C128C (Kirk Brae) connection into the Kingswells for private vehicles has still to be fully determined, and therefore a condition requiring analysis of the phasing and modelling of the junction shall be necessary. It is however expected that it shall be post AWPR.

In respect of wider traffic impacts, an impact has been identified on the Lang Stracht that will require to be mitigated. A condition requiring detailed analysis at junctions to be identified with the Roads Authority shall be necessary, and that any associated impacts be mitigated to the satisfaction of the Council. It is possible as an alternative to undertaking the mitigation directly, a contribution towards the cost of the works could be made. It is also noted that works to junctions at Queens Road/Kings Gate, and also Springfield Road/Countesswells Road are being undertaken through contributions from other developers, and the applicant shall require to demonstrate that the proposed works shall have sufficient capacity for the proposed development. Financial contributions may therefore be necessary. Further analysis is also required for the Kirk Brae/North Deeside Road, as well as Friarsfield Road/Kirk Brae junction. Both may also require the implementation of works or the provision of a financial contribution.

The provision of bus routes, and adequate bus stops will be developed through the subsequent planning applications on site. A condition requiring a public transport strategy shall be required for the application, and implementation necessary prior to the occupation of any dwellinghouse on site.

Provision of potential improvement/upgrades to Countesswells Road to improve safety for pedestrians, cyclists and equestrians will require to be controlled by a planning condition.

A contribution will be required to be provided towards the Strategic Transport Fund (STF). An estimate of the level of contribution has been identified to the developer in accordance with Council's Supplementary Guidance. The exact

level sought is dependant upon the specific types and number of properties to be provided. The planning obligation (legal agreement) shall therefore have to take this into account, and provide an appropriate clause.

Travel Plans, including residential Travel Packs, will be required for every aspect of this development, including residential and employment uses.

Environmental Health – No objection. Acknowledge that increased traffic will result in an imperceptible increase in the concentration of PM10, PM 2.5 NO₂ and there is no risk of exceedance of the national air quality objectives in the vicinity of the site. Development should be designed to minimise emissions and meet the requirements of the Air Quality Action Plan. Noise mitigation may be required for properties in close proximity to existing main roads. The final design of areas in the vicinity of Hazelhead Park should consider the impact of the development and ensure that tranquillity is preserved. Recommend that conditions be attached in relation to:

- Dust Management Plan outlining the dust mitigation measures and controls; and
- A scheme for protecting proposed residential properties from traffic noise at locations where WHO Guideline Values for Community Noise are exceeded.

Environmental Health (Contaminated Land) – No objection. The Desk Study for the whole development site has highlighted the potential for contamination in small areas of the overall site. Recommend that conditions are attached in respect of a contaminated land assessment; and the implementation of any necessary mitigation/remediation.

Housing and Environment (Waste) – No objection. Provide guidance on the specific requirements of Supplementary Guidance which shall require to be addressed through each subsequent detailed or Matters Specified in Conditions application.

Developer Contributions Team – Outline that developer obligations are required towards:

- Education: two primary schools, and one secondary school;
- Community Facilities;
- Sports and recreation;
- Playing Fields;
- Healthcare;
- Core Path Network;
- Gypsy Traveller Site; and
- Strategic Transportation.

Enterprise, Planning & Infrastructure (Flooding) - No objection. The main features considered for the design of the SUDS are in line with the requirements of ACC. A greenfield run-off rate of 5.77 l/sec/h remains within the usual range of figures considered in this area. The proposed use of several basins permits a local management of the surface water run-off, which is a better approach than designing large attenuation ponds at the end of the overall catchment. When detailed plans come forward it shall be necessary to take all existing watercourses into account.

Education, Culture & Sport (Archaeology) – No objection. A planning condition is required to secure the submission of a scheme of archaeology for each development phase/block of the development

Scottish Environment Protection Agency – No objection. Following the receipt of additional information, issues in respect of flood risk, ground water dependant terrestrial ecosystems, and private water supplies have been resolved. Also outlined the following points:

- Assume that the determination of the planning applications shall follow the approval of the Masterplan;
- In order to meet the objectives of the Water Framework Directive, developments should be designed to avoid engineering activities in the water environment wherever possible. We therefore welcome the objective to enhance existing watercourses and therefore incorporate them fully into the development layout.
- A habitat corridor between Hazlehead woodland and Countesswells woodland is also welcomed.
- Construction works have the potential to pollute the water environment. If not properly managed it can impact upon Aberdeen's drinking water supply.
- Confirmation should be obtained from Scottish Water that adequate infrastructure will be in place for both the transfer (pumping stations/sewers) and treatment (Waste Water Treatment Works) of foul water from this development.
- Discussions with Scottish Water to ensure that the necessary upgrades for water are in place for each phase of the development.
- The proposals have the potential to impact upon Air Quality Management Areas, and cumulative impacts require to be considered

Should the above objections be overcome, then conditions would be required in respect of:

- A detailed scheme for the protection/enhancement of the water environment;
- A detailed scheme illustrating the location and type of the Private Water Supplies serving Bogskethy and Upper Kingshill shall be provided;
- A detailed scheme for surface water drainage (SUDS) in any phase on site;
- A detailed Construction Environment Management Plan, including waste management proposals, to address all potential pollution prevention and environmental management issues related to construction works;
- Connection to the public waste water system;
- Water saving technologies throughout the development to reduce the need for local water abstraction; and,
- All works being carried out in accordance with the Summary of Environmental Commitments within Chapter 18 of the Environmental Statement.

Scottish Natural Heritage – The proposal could be progressed with appropriate mitigation in respect of the risk to fresh-water pearl mussels and salmon, two of

the interests of the River Dee SAC. No objection if conditions relating to the following aspect are attached:

- Detailed and Construction Environmental Management Plans for each phase of the development, including site specific construction method statements, measures to minimise the risk of sediment entering watercourses, and the mechanism for compliance;
- Details of the SUDS scheme, its adoption and maintenance, in order to manage sediments and pollutants from construction and operation of the development;
- A Water Efficiency Statement;
- Species Protection Plans; and,
- Landscaping and connectivity between Countesswells and Hazlehead Woods.

Scottish Water – No objection to this planning application. There is currently sufficient capacity in the Invercarnie Water Treatment Works to service the demands from this development. However a Water Impact Assessment is required to ensure that the network can supply adequate flow and pressure to the development and to ensure no detriment to existing customers in the area. Scottish Water is carrying out a strategic wastewater modelling study within the Aberdeen Area (Nigg and Persley catchments). The study will take account of all known developments in the area and will identify what mitigation works are required to serve these developments.

Transport Scotland - No objection. Requests that a condition be attached restricting the first phase of development to 1000 residential units, 1000 square metres of Class 4 office space, and 2500 square metres of Class 1 retail space, for the period prior to the Aberdeen Western Peripheral Route being open to traffic, and the subsequent removal of trunk road status for the A90 Anderson Drive.

Historic Scotland – No objection, as there would be no significant impacts on scheduled monuments, category A Listed Buildings, Gardens and Designed Landscapes, or battlefields.

Aberdeen International Airport – No objection. The proposal has been assessed from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. Require that conditions are attached in respect of: building heights; cranes; bird hazard management plan, and SUDS. Further advice was also provided in respect of landscaping schemes.

Aberdeen Western Peripheral Route Team - Indicated that additional information was required in respect of the development trip totals leaving/entering the site via the Kingswells roundabout.

NATS Safeguarding – No safeguarding objection to the proposals.

Cults Bieldside and Milltimber Community Council – Object for the following reasons:

- It is not satisfactory for comments to be sought on a planning application, before the deadline for comments on the Development Framework and Masterplan for the same site.
- Dates for the opening of the primary and secondary schools should be laid out in the planning application, and legal agreement.
- Concerns about the positioning of the secondary school under the alignment of the high voltage power line;

- The school design should incorporate adequate drop-off/picking up areas;
- The ownership and future management of greenspace areas must be established as part of the legal agreement, to ensure that future maintenance is provided/delivered;
- Concerns over proximity of houses to existing woodland in light of potential safety implications;
- Consideration should be given to preserving more of the wetland areas to the south west of block S9, to provide an amenity area;
- There should be a firm provision to provide single storey bungalows for housing the elderly;
- The quality and design of the affordable housing should be of a high enough standard that would be acceptable to housing associations;
- There is little reference within the plans to the opportunities for taking advantage of natural energy;
- Potential road closures of Kirk Brae could have significant implications on traffic flows. As such, no closure of this road should take place until the link to Jessiefield junction is available for use;
- The proposed route for the road to Jessiefield appears to run through the western edge of the garden of remembrance for Aberdeen Crematorium. This is inappropriate and should be moved;
- The City Council should consider the alignment of the road through the middle of the development, and instead route it around the edge of the new settlement;
- No imaginative solutions to travel modes in the Transportation Assessment i.e. Monorail, dedicated bus-road, or tram;
- The TA does not include surrounding committed developments such as Friarsfield or Oldfold;
- The model within the TA seems overly optimistic, with observed queues longer than modelled ones;
- It is doubted that simple signalling would resolve the ratio of flow to capacity of road junctions;
- The provision of high speed broadband through fibre optic cable should be mandatory for the development, and should be included within the legal agreement.

Kingswells Community Council – KCC approved of the main road access into the development being from the Jessiefield junction on the A944. It also supports the eventual restriction of the existing Cults-Kingswells road (C189) to a bus and cycle route that also allows access to existing properties. However, concerns are raised over the following aspects:

- The main access road is shown running through the area for the western expansion of the cemetery, and the existing garden of remembrance;
- There will be traffic problems on the C189 (Cults to Kingswells road) until the new connection at Jessiefield is provided;
- Little confidence in the traffic assessment calculations as the Blacktop Road is used as a rat-run from Westhill to Countesswells, and not suitable for high volumes of traffic;
- Small bungalows or flatted accommodation with lifts would be attractive to elderly people. Developers need to take this need into account;

- Claims over the amount of green space are misleading, as several green areas are wayleaves for overhead power lines;
- The development must be hidden as far as possible from Kingswells and Brimmond Hill. This may require a substantial belt of planting to blocks N1 and N3;
- The route of the main access through a forested area should not be used as an excuse for removing whole blocks of woodland. Trees should be replaced with indigenous species;
- SUDS basins should be used to encourage biodiversity. Unattractive and sterile grass basins, devoid of any water, are not acceptable;
- It is disappointing that the former reservoir shown in 3.3.1 of the consultation document is not being exploited to create an area of biodiversity and a possible water feature;
- The allocation of S9 is inappropriate;
- It is essential that maintenance arrangement for all communal spaces are set out transparently and in legal terms from the outset;
- There is considerable scope to increase the biodiversity on the Countesswells site. To achieve this, some of the green areas should be kept in a managed but un-manicured state; and
- All homes and businesses should have easy access to high speed, fibre optic broadband from the outset.
- However KCC did acknowledge support for the creation of the Central Park, use of existing watercourses, and the conversion of the tree lined section of Countesswells Road to a vehicle-free access;

Craigiebuckler and Seafield Community Council – CSCC welcomed the 25% allocation for affordable housing. However, concerns are raised over the following aspects:

- The existing roads infrastructure will be inadequate to cope with the traffic generated;
- Despite recent upgrades to the A944, the volume of traffic attempting to access the roads during rush hours will result in lengthy queues, which will in turn increase air pollution;
- There is no apparent record of hydrology surveys having been completed on this site, and therefore natural springs and watercourses have not been taken into account;
- Adjacent medical practices shall be overburdened until medical facilities have been provided on site; and,
- There are no details within the Development Framework as to the timing for the transition between the interim and permanent educational establishments. The strategy of utilising Braeside Infant School, which itself requires upgrading, could see class sizes increasing beyond the guidelines set by the Scottish Government.

REPRESENTATIONS

12 number of letters of representation/objection/support have been received. The objections raised relate to the following matters –

- 1) Support the comments made by the Cults, Bieldside and Milltimber Community Council;
- 2) Links to public transportation to the south should be provided as they are currently weak;
- 3) The planning application is premature given the context of the Countesswells Development Framework and Masterplan;
- 4) The routing of the proposed access to the Jessiefield Junction would cut through OP68 where an extension to the crematorium and cemetery is proposed. This element has not been properly consulted upon;
- 5) The transportation elements in the altered Countesswells Development Framework required detailed analysis before receiving Council approval;
- 6) The application description is inadequate to describe the site, and could prejudice consultees, and may be inadequate for the purposes of advertisement for the EIA;
- 7) The number of non-residential uses requires to be properly referenced;
- 8) The extent of retail floorspace is not quantified and could have serious implications upon the transportation network;
- 9) Considers the level of pre-application consultation was inadequate as most took place during 2012 with little thereafter;
- 10) No justification has been provided in the Pre-Application Consultation Report for the alteration to the northern means of access;
- 11) The application (including supporting statement and detailed Design and Access Statement) fail to address planning policy considerations such as: OP68 (Skene Road, Hazlehead), Green Belt (Policy NE2) and Green Space Network (Policy NE1);
- 12) The Environmental Statement (ES) fails to adequately assess elements of the proposed development outwith the OP58 designation, and therefore is not in accordance with the EIA regulations;
- 13) The loss of Green Belt and Green Space Network is unacceptable in both qualitative and quantitative terms;
- 14) Do not consider that alternatives to the access routes have been fully considered as per the requirements of Green Belt policy;
- 15) Matters within the Transportation Assessment do not seem to have been addressed in full and are therefore not a cohesive analysis of the traffic impact of the proposed development and proposes inconclusive validation of the case for a single vehicular access at the Jessiefield Junction;
- 16) The proposal would result in urban sprawl, and not the creation of a new community;
- 17) The proposal shall result in the loss of rural jobs/livelihoods, and in particular in the equestrian industry those impacting upon the 'horsicultural' designation by DEFRA;
- 18) The proposed paths through the sites are no substitute for the unhindered access enjoyed at present;
- 19) Materials and design previously imposed on other rural developments have been largely waived for major developers;
- 20) No development should be allowed until the AWPR is delivered;
- 21) The Kirk Brae Road between Countesswells and the Kingswells roundabout is already at capacity;

- 22)The site in Countesswells is an environmentally sensitive area. There are several areas of protected land and rare species which need to be protected;
- 23)The existing trees on site should be protected given their contribution to the character of the area;
- 24)The amenity of existing residents shall be impacted upon during the build out phase;
- 25) Input into specific design is essential as part of the consideration of future applications;
- 26)Any development in Countesswells is unsustainable in transport terms;
- 27)Potential impacts on biodiversity and wildlife;
- 28)The junction with the Kingswells Road should be a flyover, as enough money shall be made from the development to 'stump up' for the required infrastructure;
- 29)The developers have not addressed the major issues raised by attendees at pre-application meetings;
- 30)Access and water supply issues have not been adequately addressed;
- 31)There should be no houses built until the supporting infrastructure is in place such as roads, schools, shops, doctors etc
- 32)The principle of development on green belt has not been established over developing and enhancing existing established urban settlements;
- 33)Potential implications on development identified at the south field of the Craigiebuckler Campus (James Hutton Institute);
- 34)Traffic safety implications on the existing road network as a result of increased development; and,
- 35)Ribbon development ruins cities.

The following matters raised are not material planning considerations:

- Has the Treasury Bond been approved, will it be in place before commencement, and would it be lost following a Yes vote in the referendum;
- What process was adopted to select the Countesswells development for UK Government funding ahead of others;
- Is there sufficient funding in place to build out the development? If the oil price drops, is there sufficient economic backing;
- ASPC indicates that there is no shortage of properties available, and therefore the need for the whole development is questioned;
- The schooling provided must be of the same standard as the current zones schools (Cults Primary and Secondary). School catchment zones shall also have to be re-set; and,
- Dogs may be allowed to roam which may endanger animals as part of a crofting business.

Support was received from one organisation which highlighted the following positive aspects:

- We strongly support the creation of a mixed use development that provides jobs, spaces and amenities in addition to housing;
- Encourage and support the provision of affordable housing. A diverse mix of sizes and types of accommodation should be provided.

PLANNING POLICY

National Policy and Guidance

SPP (Revised June 2014) – SPP is the statement of Scottish Government Policy on land use planning, and includes the Government’s core principles for the operation of the planning system, subject planning policies, and how they should be exercised to contribute to the objective of sustainable development. The principle policies relating to sustainability and placemaking and subject policies relating to: a Successful, Sustainable Place; a low Carbon Place; a Natural, Resilient Place; and, a Connected Place, are all relevant material considerations.

Creating Places (Architecture and Place Policy Statement) – Scotland’s new policy statement on architecture and place sets out the comprehensive value good design can deliver. Successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy.

The document contains an action plan that sets out the work that will be taken forward to achieve positive change.

The statement is in four parts:

1. The value of architecture and place;
2. Consolidation and ambition;
3. A strategy for architecture and place; and
4. Resources, communications and monitoring.

Designing Places (Design Policy) – This planning policy statement was launched in 2001 and sets out government aspirations for design and the role of the planning system in delivering these.

The aim of the document is to demystify urban design and to demonstrate how the value of design can contribute the quality of our lives. Designing Places is a material consideration in decision in planning applications and appeals. It also provides the basis for a series of Planning Advice Notes (PAN’s) dealing with more detailed aspects of design.

Aberdeen City and Shire Strategic Development Plan (March 2014)

The SDP sets out the following key objectives for the growth of the City and Aberdeenshire:

- Economic Growth – to provide opportunities which encourage economic development and create new employment in a range of areas that are both appropriate for and attractive to the needs of different industries, while at the same time improving the essential strategic infrastructure necessary to allow the economy to grow over the long term.
- Population growth – to increase the population of the city region and achieve a balanced age range to help maintain and improve people’s quality of life.

- Quality of the environment – to make sure new development maintains and improves the region’s important built, natural and cultural assets.
- Sustainable Mixed Communities – to make sure that new development meets the needs of the whole community, both now and in the future and makes the area a more attractive place for residents and businesses to move to;
- Accessibility – to make sure that all new development contributes towards reducing the need to travel and encourages people to walk, cycle or use public transport by making attractive choices.

Aberdeen Local Development Plan

Policy LR1 Land Release Policy

Opportunity Site OP58 Countesswells, which is the subject of this application, has been zoned under this policy for 2150 homes for the period 2007 – 2016, 850 homes for the period 2017-2030, and a total of 10 hectares of employment land across both periods.

The site is identified as opportunity site OP58 and is described as being a large new community covering 165.1 hectares. It further identifies that a Masterplan will be required.

Policy LR2 Delivery of Mixed Use Communities

Mixed use developments will be required to service employment land long with the associated phases of the housing development. This means that the road, water, gas and electricity infrastructure will need to be considered for the whole site.

Policy I1 Infrastructure Delivery and Developer Contributions

Development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed. Where development either individually or cumulatively will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities.

Infrastructure requirements relating to Masterplan Zone sites are set out in Appendix 4. For Countesswells it identifies: contributions towards the cumulative impact of development on the transport network; new road links and major junctions at the A944, with appropriate design standards to accommodate forecasted traffic volumes; new development being served by comprehensive pedestrian and cycle network and frequent public transport services including new and extended services; new secondary school within the proposed development; two to three primary schools with the proposed development; possible contributions towards water supply and drainage infrastructure; a new five GP Health Centre (including land); New four chair Dental Surgery (including land), which could form part of the aforementioned health centre; and, two new community pharmacies

The level of provision or contribution required will relate to the development proposed either directly or to the cumulative impact of development in the area and be commensurate to its scale and impact.

Policy T1 Land for Transport

Transport infrastructure required to facilitate new development will also be supported in principle, including walking and cycling facilities, new and extended public transport services, and new and improved roads.

Policy T2 Managing the Transport Impact of Development

New developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated.

Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in the Transport and Accessibility Supplementary Guidance. Planning conditions and/or legal agreements may be imposed to bind the targets set out in the Travel Plan and set the arrangements for monitoring, enforcement and review.

Maximum car parking standards are set out in Supplementary Guidance on Transport and Accessibility and detail the standards that different types of development should provide.

Policy D1 Architecture and Placemaking

To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. To ensure that there is a consistent approach to high quality development throughout the City with an emphasis on creating quality places, the Aberdeen Masterplanning Process Supplementary Guidance will be applied. Landmark or high buildings should respect the height and scale of their surroundings, the urban topography, the City's skyline and aim to preserve or enhance important views.

Policy D2 Design and Amenity

Includes various principles to ensure the provision of appropriate levels of amenity.

Policy D3 Sustainable and Active Travel

New development will be designed in order to minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel. Development will maintain and enhance permeability, ensuring that opportunities for sustainable and active travel are both protected and improved. Access to, and movement within and between, new and existing developments will prioritise transport modes in the following order – walking, cycling, public transport, car and other motorised vehicles.

Street layouts will reflect the principles of Designing Streets and will meet the minimum distances to services as set out in Supplementary Guidance on

Transport and Accessibility, helping to achieve maximum levels of accessibility for communities to employment, essential services and areas of recreation.

Existing access rights, including core paths, rights of way and paths within the wider network will be protected and enhanced. Where development proposals impact on the access network, the principle of the access must be maintained through the provision of suitable alternative routes.

Policy D6 Landscape

Development will not be acceptable unless it avoids:

1. Significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct sense of place which point to being either in or around Aberdeen or a particular part of it;
2. Obstructing important views of the City's townscape, landmarks and features when seen from busy and important publicly accessible vantage points such as roads, railways, recreation areas and pathways and particularly from the main city approaches;
3. Disturbance, loss or damage to important recreation, wildlife or woodland resources or to the physical links between them;
4. Sprawling onto important or necessary green spaces or buffers between places or communities with individual identities, and those which can provide opportunities for countryside activities.

Policy BI1 Business and Industrial Land

Aberdeen City Council will support the development of the business and industrial land allocations set out in this Plan. New business and industrial land proposals shall make provision for areas of recreational and amenity open space, areas of strategic landscaping, areas of wildlife value and footpaths, in accordance with the Council's Open Space Strategy, Open Space Supplementary Guidance and approved planning briefs/masterplans.

Policy H1 Residential Areas

Within existing residential areas and within new residential developments, proposals for new residential development and householder development will be approved in principle if it:

1. Does not constitute overdevelopment;
2. Does not have an unacceptable impact on the character or amenity of the surrounding area; and,
3. Does not result in the loss of valuable and valued areas of open space;

Policy H3 Density

The City Council will seek an appropriate density of development on all housing allocations and windfall sites. All residential developments of over one hectare must:

1. Meet a minimum density of 30 dwellings per hectare (net);
2. Have consideration of the sites characteristics and those of the surrounding area;
3. Create an attractive residential environment and safeguard living conditions within the development; and

4. Consider providing higher densities in the City Centre, around local centres, and public transport nodes.

Policy H4 Housing Mix

Housing developments of larger than 50 units are required to achieve an appropriate mix of dwelling types and sizes, in line with a masterplan, reflecting the accommodation requirements of specific groups, in particular families and older people. This mix is in addition to affordable housing contributions.

Policy H5 Affordable Housing

Housing developments of five units or more are required to contribute no less than 25% of the total number of units as affordable housing. Further guidance on the provision of affordable housing from new developments is available in Supplementary Guidance on Affordable Housing.

Policy H7 Gypsy and Traveller Requirements for New Residential Development

Sites listed below are required, as part of the 25% affordable housing contribution, to make contributions towards the provision of sites for Gypsies and Travellers. The contribution will be for small sites of six pitches, with a new area of approximately 0.5 ha.

Site: Grandhome
Newhills Expansion (Craibstone, Rowett South and Greenferns landward)
Countesswells
Greenferns
Loirston

With Grandhome, the Newhills expansion and Loirston sites, the provision must be provided on-site.

Policy CF2 New Community Facilities

Proposals for new community facilities shall be supported, in principle, provided they are in locations convenient to the community they serve and are readily accessible, particularly to public transport, pedestrians and cyclists. In significant greenfield and brownfield developments, where a likely need is identified through the masterplanning process, sites shall be reserved for new community facilities.

Policy RT5 Retail Development Serving New Development Areas

Masterplans for sites allocated for major greenfield residential development should allocate land for retail and related uses at an appropriate scale to serve the convenience shopping needs of the expanded local community. Sites should be in accessible locations for walking, cycling and public transport. Masterplans should indicate the delivery mechanism and timescale for the provision of retail uses.

Proposals for retail development which serves a wider catchment area will be subject to a sequential test and retail impact assessment in accordance with Policy RT1.

Policy NE1 Green Space Network

The City Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the Green Space Network. Proposals for development that are likely to destroy or erode the character or function of the Green Space Network will not be permitted. Where major infrastructure projects or other developments necessitate crossing the Green Space Network, such developments shall take into account the coherence of the network. In doing so measures shall be taken to allow access across roads for wildlife and for access and outdoor recreation purposes. Masterplanning of new development should determine the location and extent of the Green Space Network within these areas.

Development which has any impact on existing wildlife habitats, or connections between them, or other features of value to natural heritage, open space, landscape and recreation must be mitigated through enhancement of Green Space Network.

Policy NE4 Open Space Provision in New Development

The City Council will require the provision of at least 2.8 hectares of per 1000 people of meaningful and useful public open space in new residential development. The nature of the provision is set out in Supplementary Guidance on Open Space.

Communal or public open space should be provided in all residential developments, including those on brownfield sites.

Policy NE5 Trees and Woodlands

There is a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity, including ancient and semi-natural woodland which is irreplaceable.

Appropriate measures should be taken for the protection and long term management of existing trees and new planting both during and after construction. Buildings and services should be sited so as to minimise adverse impacts on existing and future trees and tree cover. Native trees and woodlands should be planted in new development.

Policy NE6 Flooding and Drainage

Development will not be permitted if:

1. It would increase the risk of flooding;
2. It would be at risk itself from flooding;
3. Adequate provision is not made for access to water-bodies for maintenance; or
4. It would result in the construction of new or strengthened flood defences that would have a significantly damaging effect on the natural heritage interests within or adjacent to a watercourse.

Applicants will be required to provide an assessment of flood risk where a development is likely to result in a material increase in the number of buildings at risk from flooding.

Where more than 10 homes is proposed, the developer will be required to submit a drainage impact assessment. Surface Water Drainage associated with development must:

1. Be at the most appropriate available in terms of SUDS; and
2. Avoid flooding and pollution both during and after construction.

Connection to the public sewer will be a pre-requisite of all development where this is not already provided.

Policy NE8 Natural Heritage

Development that, taking into account any proposed mitigation measures, has an adverse effect on a protected species or an area designated because of its natural heritage value will only be permitted where it satisfies the relevant criteria in Scottish Planning Policy.

In all cases of development at any location:-

1. Applicants should submit supporting evidence for any development that may have an adverse effect on a protected species demonstrating both the need for the development and that a full range of possible alternative courses of action has been properly examined and none found to acceptably meet the need identified;
2. An ecological assessment will be required for a development proposal on or likely to affect a nearby designated site or where there is evidence to suggest that a habitat or species of importance exists on the site;
3. No development will be permitted unless steps are taken to mitigate negative development impacts. All proposals that are likely to have a significant effect on the River Dee SAC will require an appropriate assessment which will include the assessment of a detailed construction method statement addressing possible impacts on Atlantic Salmon, Freshwater Pearl Mussel and Otter. Development proposals will only be approved where the appropriate assessment demonstrates that there will be no adverse effect on site integrity, except in situations of overriding public interest;
4. Natural heritage beyond the confines of designated sites should be protected and enhanced;
5. Where feasible, steps to prevent further fragmentation or isolation of habitats must be sought and opportunities to restore links which have been broken will be taken;
6. Measures will be taken, in proportion to the opportunities available, to enhance biodiversity through the creation and restoration of habitats and, where possible, incorporating existing habitats;
7. There will be a presumption against excessive engineering and culverting; natural treatments of floodplains and other water storage features will be preferred wherever possible; there will be a requirement to restore existing culverted or canalised water bodies where this is possible; and the

inclusion of SUDS. Natural buffer strips will be created for the protection and enhancement of water bodies, including lochs, ponds, wetlands, rivers, tributaries, estuaries, and the sea.

Policy NE9 Access and Informal Recreation

New development should not compromise the integrity of existing or potential recreational opportunities including access rights, core paths, and other paths and rights of way. Core Paths are shown on the proposals maps. Wherever appropriate, developments should include new or improved provision for public access, permeability and/or links to green space for recreation and active travel.

Policy NE10 Air Quality

Planning applications for development which has the potential to have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are proposed and can be agreed with the planning authority. Such planning applications should be accompanied by an assessment of the likely impact of development on air quality and any mitigation measures proposed (see Air Quality Supplementary Guidance).

Policy R2 Degraded and Contaminated Land

The City Council will require that all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a level suitable for its proposed use. This may involve undertaking site investigations and risk assessments to identify any actual or possible significant risk to public health or safety, or to the environment, including possible pollution of the water environment, that could arise from the proposals. Where there is potential for pollution of the water environment the City Council will liaise with SEPA.

Policy R6 Waste Management Requirements for New Development

Housing developments should have sufficient space for the storage of residual, recyclable and compostable wastes. Flatted developments will require communal facilities that allow for the separate storage and collection of these materials. Recycling facilities should be provided in all new superstores or large supermarkets and on other developments where appropriate. Details of storage facilities and means of collection must be included as part of any development which would generate waste.

Policy R7 Low and Zero Carbon Buildings

All new buildings, in meeting building regulations energy requirements, must install low and zero carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 standards. This percentage requirement will be increased as specified in Supplementary Guidance.

Supplementary Guidance

Countesswells Development Framework and Phase 1 Masterplan was considered at the meeting of the Enterprise, Strategic Planning and Infrastructure Committee on 3 June 2014, where Members were minded to approve the Development Framework and Masterplan as Interim Guidance to the Aberdeen

Local Development Plan (2012). The Scottish Ministers have subsequently confirmed on 22 July that they do not intend to intervene in the adoption of the Countesswells Development Framework and Phase 1 Masterplan as supplementary guidance to the Adopted Aberdeen Local Development Plan. The CDF has therefore been formally adopted as Supplementary Guidance to the LDP.

Affordable Housing

Air Quality

Archaeology and Planning

Drainage Impact Assessments

Gypsy and Traveller Sites

Infrastructure and Developer Contributions Manual

Landscape Strategy Part 2 – Landscape Guidelines

Low and Zero Carbon Buildings

Transport and Accessibility

Trees and Woodlands

Waste Management Requirements in New Development

Other Relevant Material Considerations

None relevant to this application.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

The proposed development is classed a 'major development' in terms of The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009.

An Environmental Statement (ES) was required as the development falls within Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 1999 (as amended) and exceeds the thresholds set down in the Regulations. An ES has to identify the likely environmental effects of a project through the study and analysis of individual issues, predicting and assessing the projected impacts and proposing measures to mitigate the effects. Before determining the application the Council must take into consideration the information contained in the ES, including any further information, any comments made by the consultation bodies and any representations from members of the public about environmental issues. The ES is submitted in support of the planning application but it is not part of the application itself. However, provided it serves a planning purpose, any information from the environmental impact assessment process may be material and considered alongside the provisions of the development plan.

Adequacy of the Environmental Statement (ES)

Before considering the merits of the proposed development it is appropriate to comment on the ES submitted in support of the application. There is no statutory provision as to the form of an ES but it must contain the information specified in Part II and such relevant information in Part I of Schedule 4 of the Environmental Impact Assessment (Scotland) Regulations 2011 as is reasonably required to assess the effects of the proposed development and which the applicant can be reasonably required to complete. Whilst every ES should provide a full factual description of the development, the emphasis of Schedule 4 is on the 'main' or 'significant' environmental effects to which the development is likely to give rise. An ES must comply with the requirements of the Regulations, but it is important that it is prepared on a realistic basis and without unnecessary elaboration. It is for the Council to satisfy itself on the adequacy of the ES. If it is deemed to be inadequate, then the application can be determined only by refusal. In this instance, the ES is considered to be satisfactory as the submission has been fully assessed by experts both within the Council and through consultees, thus meeting the requirements of the Regulations.

Principle of Development

The site is identified in the Local Development Plan (LDP) as OP58 and under Policy LR1 as land released for housing and employment uses. The housing allocation on the application site is split between 2,150 houses in the period between 2007-2016, and 850 houses in the period between 2017-2023. The Strategic Development Plan illustrates that in light of the location within the City, the site forms part of the Strategic Growth Area., and would therefore meet with the spatial strategy of the SDP. Sufficient justification has been provided by the applicant for the need to include the phase 2 (2017-2023) land within the application. This is on the basis of the infrastructure costs associated with the delivery of such a large allocation. There is no prospect of achieving the entire 2,150 allocation within phase 1 before the end of 2016, and therefore the development shall result in a construction period over the next 15 years. The proposal is considered to comply with the aims and objectives of strategic development plan in this regard, and accords with the general principles contained within the Land Release Policy.

The employment land element is across phases 1 and 2 and the proposal therefore complies with the land release policy in this regard.

Mixed Use Communities

The proposal includes 10ha of employment land and this is defined in the development schedule as containing class 4 offices. Small business space, retail (convenience), and hotel uses. The applicant has outlined in supporting documentation that in light of the significant provision of class 4 office space within close proximity i.e. Prime 4 Business Park at Kingswells, which is an already established and growing destination, there is unlikely to be significant demand for a further roll-out of solely class 4 sites within the Countesswells

allocation. As such, a number of additional employment opportunities have been identified to help ensure that a continued supply of employment opportunities is brought forward. The proposal therefore complies with Policy LR2 (Delivery of Mixed Use Communities).

Housing

The Countesswells Development Framework and Phase 1 Masterplan (CDF) sets out the principles of the development, and aims to coordinate the planning and delivery of both the development and its associated infrastructure requirements. It also aims to establish a clear and exciting future at Countesswells; describe and explain the integrated land-use, landscape and transport proposals; and, set out a clear phasing strategy. In doing so, it has also set out the importance of place-making, and providing opportunities for living, working and recreational activities in a sustainable approach. The framework also indicates a range of densities and house types/sizes across the site, and has been adopted as Supplementary Guidance to the LDP. Conditions attached to this PPIp permission would require the submission of Matters Specified in Conditions applications to show the detailed site layout, and component parts for each phase, with subsequent detailed Masterplans (for Phases 2 and 3) that would require to be adopted as Supplementary Guidance in due course. With the attachment of such conditions, it can be ensured that the proposal does not constitute over development, is acceptable in terms of the level of amenity provided for future residents, as well as the residents of existing properties spread across the application site. The proposal therefore complies with the principles of Policies H1, H4, D1, and D2, albeit a full assessment shall be made in future applications.

In respect of density, the proposal ties in with the approved Development Framework in that it illustrates a range of densities across the site, with some areas being developed in excess of 50 residential units per hectare towards the proposed town centre, and outlying areas being developed at less than 20 units per hectare. Overall, once completed the development shall ensure that the overall density on site is provided at a level in excess of the 30 dwellings per hectare density requirement set within the Development Plan. As such the proposal is considered to accord with Policy H3 (Density) of the LDP.

A further aim of the SDP and the LDP is to ensure that new development provides an appropriate level of affordable housing in new development. Policy H5 outlines that housing developments are required to provide no less than 25% of the total number of units as affordable housing. In parallel to this, is a further requirement through Policy H7 to ensure that as part of the 25% affordable housing provision, contributions should also be made towards sites for Gypsies and Travellers. In this instance, the applicant has agreed to the provision of a total of 735 units (24.5 % of the overall total) for affordable housing on site, together with a financial contribution (equivalent to 0.5% of the overall total/15 units) towards a site for gypsies and travellers which shall be provided off-site on one of the sites identified through Policy H7 (Grandhome/Newhills Expansion/Loirston). The exact mechanism for the types of affordable housing

shall be incorporated into the Developer Obligations (legal agreement) for this development. This shall provide a degree of flexibility to cater for Registered Social Landlord developments, shared equity, low cost home ownership, national housing trust units etc. Accordingly, final arrangements for affordable housing delivery will be arrived at through discussions with housing officers, with due regard to the phasing of the development.

Environmental Impact Assessment

Environmental Impact Assessment (EIA) is a means of drawing together, in a systematic way, an assessment of the likely significant environmental effects arising from a proposed development. The proposed development is of a type and scale listed in Schedule 2 to the 2011 EIA Regulations and, based on consideration of its likely effect on the environment, by virtue of factors such as its size, nature and location, the planning authority has adopted a formal opinion that EIA is required. In such cases, applications for planning permission must be accompanied by an Environmental Statement (ES) detailing, amongst other specified matters, a description of the aspects of the environment likely to be significantly affected by the development, including, geology and soils, land use, hydrology, air, noise and vibration, ecology, landscape and visual, community effects, and traffic to name just some of the aspects covered, and also by a 'non-technical summary' of the Environmental Statement'.

The non-technical summary provided in connection with this application for planning permission in principle describes the following mitigation proposals in relation to the effects predicted:

- Geology and Soils:
 - Risks are considered to be through contamination, infilling and radon gas. Geology features are considered to be a low sensitivity and importance. Crop production capabilities and mineral resources on site are of low to medium importance. Intrusive geo-environmental investigation and testing has been recommended to determine if remediation of soil and/or groundwater is required. Mitigation would be through any remediation measures identified at the detailed design stage for each subsequent application in the design blocks identified in the Development Framework.
- Land Use:
 - Predicted effects are anticipated to be loss of agricultural/grazing land, and temporary disruption to infrastructure and utilities. Particular attention to these elements is to be given during the construction phase. Enhancement shall take place to the public footpath and cycle network, landscaped open space, and new public realm/civic spaces.
- Hydrology, Drainage and Water Quality:
 - Potential impacts on water could occur during the construction phase, with impact to the Cults Burn being medium to large.

- Mitigation would be through an appropriate Construction Method Statement (CMS) and the use of best practice relating to SUDS.
- Impacts on the private water supplies of Bogskethy and Upper Kingshill shall require detailed analysis prior to commencement, and throughout the course of construction.
 - Air Quality:
 - Current concentrations of air pollution in the area are well within the Government's air quality objectives, the main source of which is road traffic.
 - The most considerable of the potential impacts arise through the construction phase as a result of dust emissions arising from earthworks, demolition, and stockpiles of material.
 - Construction traffic will also result in minor increases in local concentrations of PM₁₀ and NO₂.
 - Following completion of the development the main impact on air quality will be an imperceptible increase in concentrations of PM₁₀, PM_{2.5} and NO₂ due to increased traffic flow on local roads.
 - While ultimate levels will remain low in comparison to the Government's objectives, the development shall incorporate some features intended to minimise reliance on private transport that shall minimise the adverse air quality impacts.
 - Noise and Vibration:
 - While traffic shall increase as a result of the development, it is considered that there shall be no increase in noise levels (greater than 3 dB). Impacts on existing dwellings shall to an extent be buffered by the new development which shall screen noise pollution.
 - The Construction Environmental Method Statement shall include measures to reduce the impacts of noise and vibration, particularly to existing residential properties during the construction phase.
 - Ecology, Nature Conservation and Biodiversity:
 - The site is of a lower conservation interest due to a long history of agricultural use combined with local plantations dominated by non-native tree species.
 - The main bird interest is limited to a few farmland bird species, and mitigation is recommended to reduce the severity of potential impacts which are already in the negligible to low category.
 - A Badger Protection Plan is under preparation, and shall be subject to ACC and SNH review and agreement.
 - Cultural Heritage:
 - A total of 37 cultural heritage sites were identified within the study area, while the development area itself contains 19 sites of cultural heritage interest. There are 13 statutory designated sites, comprising one scheduled ancient monument, ten B-listed buildings, and three C-listed buildings, recorded within 1 km of the development area boundary (The Broad Dyke, East Dyke and Kingswells Consumption Dykes are both a Scheduled Ancient Monument and a B-Listed Structure)..

- None of the 19 known cultural heritage sites are of significant heritage interest, and only 8 of these sites will be directly impacted to a minor or moderate degree.
- Mitigation by archaeological work shall be the subject of a suspensive planning condition.
- It is assessed that the proposed development will have no indirect impact upon the setting of the thirteen statutory designated sites.
- Landscape and Visual Effects:
 - The site consists of an area of predominantly open and wooded farmland (as described in the SNH Landscape Character Areas) on the outskirts of Aberdeen. The area is typical of rural areas close to the edge of the city, with residential properties, equestrian facilities, golf courses, and paths and woodland managed for recreation.
 - The site is in a natural hollow and is surrounded to the east, south and west by large areas of forest, which shall be retained. Although the site is rural in character, it is undesignated and locally common, so generally landscape impacts will not be significant.
 - Effects on regional landscape character, despite the scale of development will also not be significant in the long term, with impacts on the green network surrounding Aberdeen becoming slight to moderate beneficial.
 - Mitigation shall be achieved through the management of the landscape within the application site, and the planting measures maturing over time.
 - The mixed use new community at Countesswells will have limited visibility, restricted to receptors within 1 km of the site boundaries. Views from nearby settlements are significantly restricted due to intervening trees and landform.
 - The redevelopment of the Countesswells site will lead to significant landscape and visual change to this part of the countryside surrounding Aberdeen. While landscape and visual impacts shall be predominantly adverse, where currently undeveloped open areas are lost. Significant impacts will be fairly localised due to the limited visibility of the site in its location.
 - Partial mitigation can also be achieved through requiring a high quality layout, and standards of design, to ensure that the resultant quality of place is achieved in line with the CDF.
- Pedestrians, Cyclists and Community Effects:
 - The application site is surrounded by a number of existing settlements including Kingswells, Cults and Craigiebuckler, as well as scattered individual dwellings. The key access routes that traverse the site include Kirk Brae and Countesswells Road. There is one core path that traverses the site, while a further 5 are in close proximity. Cycle Path 195 (National Cycle Network) passes to the south of the site.
 - Temporary impacts are anticipated during the construction phase on the amenity of residential dwellings on the local road network, together with community severance, and access to local recreation.

- The phased development will result in an increase in demand for public transport.
- The proposal is envisaged to have moderate positive effects on access, and community impacts, as access to community spaces and core paths will be improved, including pedestrian access to natural amenity points such as Hazlehead Park.
 - Mitigation requiring cycleways to be incorporated into the design, which shall improve access and connections to the wider cycle network.
 - The CDF and respective Masterplans shall also require an increase in leisure and recreation areas.
 - Careful mitigation is also required to reduce impacts during the construction of surrounding community infrastructure, particularly in relation to the road alignment through the most southern corner of Hazlehead Wood (Local Nature Conservation Site). Although this shall result in short term minor adverse impacts during construction, the development once operational, shall result in moderate beneficial impacts due to new connections and landscape improvements.
- Traffic and Transport:
 - Increased traffic flows during construction and operation have been identified.
 - Mitigation can be achieved through the delivery of good pedestrian and cycle links, with significant opportunities to maximise modal shift and journeys by walking and cycling, particularly for trips to employment centres.
 - A detailed Access and Connectivity Strategy shall be required that links internal routes on site to the wider strategic cycling and pedestrian network.
 - The AWPR will alleviate some pressure on the A944 and North Deeside Road (A93). It shall be located approximately 2 km west of the application site.
 - There may be a minor increase in air pollutants due to the increase in traffic, although these shall remain below Government levels.
 - Disruption Due to Construction:
 - The main receptors of construction impacts are likely to be the existing local residents and road users who shall experience disruption from construction activities.
 - The nature of construction works is that impacts are generally temporary, and localised as work progresses across a site of this size.
 - A draft Construction Environmental Management Plan (CEMP) has been produced as part of the EIA based on the key mitigation measures and environmental enhancement measures identified in the ES. The draft CEMP is a working document to illustrate the elements which will be covered in the final CEMP which will be produced once construction methods are finalised.
 - Some construction impacts will be controlled and mitigated through standard conditions, restrictions and responsibilities placed upon

- site development contractors. Measures to reduce potential impacts will be agreed prior to construction as part of the CEMP.
- Impacts from construction traffic have the potential to be significant and will be addressed through a Construction Traffic Management Plan produced by the contractor.

The submitted Environmental Statement is considered to be sufficient in setting out the likely environmental effects of the development, and demonstrating that the severity of such impacts is not likely to be so significant adverse as to warrant the refusal of this application, and that appropriate mitigation where effects are likely, can be provided.

Green Space Network/Landscape

There are parts of the site towards the centre adjacent to Countesswells Wood, and the vacated Loanhead Equestrian Centre, which lead up towards Hazlehead Wood, which are zoned as Green Space Network (Policy NE1). Supporting information from the applicant contains site plans from the Development Framework. Development Blocks C1, N11 and N8 would have a direct impact upon the Green Space Network allocation. However, the quality of these spaces is not considered to be of particular merit. Accordingly, in light of the significant benefits in enhancing connectivity, and green space linkages throughout the site, particularly near the Cults Burn Corridor/Core Path, it is considered that the loss of the aforementioned affected areas, including many of the trees contained therein, can be accommodated without significant detriment to the wider function of the adjacent Green Space Network. Notwithstanding, the detailed layout of green spaces and any associated new and replacement landscaping, would be the subject of subsequent applications for either Matters Specified in Conditions or Detailed Planning Permission. As such the proposal would not be contrary to Policy NE1 of the Adopted Local Development Plan.

In respect of the landscape impacts on site, and the provision of new landscaping, the detail contained within this PPIp application submission illustrates the content of the CDF, and would be the subject of detailed consideration as part of future planning applications. It must be acknowledged that the site is allocated for a residential led, mixed use development within the Local Development Plan, and therefore significant change in the landscape shall take place. However, as noted within the ES, the physical characteristics of the site and landscape, shall restrict the wider impacts to predominantly the local level (i.e. within 1 km of the site). The provision of a landscape strategy within the CDF would result in planting which would help enhance the overall quality of place, and mitigate the impact of the development. Accordingly, the development is considered to accord with the principles of Policy D6.

Vehicular Access / Traffic Impact

Vehicular access to the site would be taken from a variety of locations, although the principle access shall be taken through a new junction onto the Jessiefield Roundabout, which connects the Lang Stracht with the A944. New primary, secondary and tertiary streets would be created within the site in alignment with the concept layout within the CDF. The proposal shall eventually see the existing Kirk Brae connection to the Kingswells roundabout, become a public transportation and cycle connection, with a bus gate to prevent use by private vehicles (while maintaining access to existing properties). Countesswells Road would also face significant change in that it would become a tree-lined green corridor (which the developer has suggested would be named 'Countesswells Road Avenue') as part of the strategic path network, with new roads diverting traffic to the new distributor roads within the site. Connections to the south would continue to be provided by Kirk Brae and Friarsfield Road before connecting with North Deeside Road, while Blacktop Road would also continue to serve the west. The Design and Access Statement also outlines the broad connections that would be created through the site, in accordance with the CDF.

The table below, shows the timing of works to the local road network and indicates how these would be delivered either by direct works (D), or by developer contributions (C).

Summary of Infrastructure Thresholds

<p><u>Inception up to 300 Households</u></p> <p>The initial 300 units will be accessed from the C128C Kingswells to Countesswells Road, and the Kingswells Roundabout (A944/C89C/C128C junction). Thereafter, a connection shall be provided to the Jessiefield roundabout (see below).</p>
<p><u>Following the Closure of the southern arm of the Kingswells Roundabout (C128C Kingswells to Cults Road)</u></p> <p>An appropriate cycle connection to the south west of the Kingswells roundabout will be required to connect the development across the A944 towards Prime 4 Business Park and the connection to the Westhill to Aberdeen Cycleway (D).</p>
<p><u>Prior to Completion of AWPR (Anticipated Spring 2018)</u></p> <p>Transport Scotland have requested a condition be attached restricting the first phase of development to 1000 residential units, 1000 square metres of Class 4 office space, and 2500 square metres of Class 1 retail space, for the period prior to the Aberdeen Western Peripheral Route being open to traffic (anticipated Spring 2018), and the subsequent removal of trunk road status for the A90 Anderson Drive.</p> <p>After the opening of the AWPR, a bus gate shall be provided to the Kirk Brae road from the Kingswells roundabout.</p>

From 300 households to 2000 households

Beyond 300 units shows that the Switchback (Jessiefield) connection will be required to be provided by the developer. The switchback junction will be provided to a larger elongated roundabout, although this shall have to undergo detailed design and the Roads Construction Consent process. This junction upgrade will allow the development to expand to 2000 housing units. (D).

From 2000 Households to Development Completion (3000 households)

At this point a further upgrade to the access junction has been agreed in the form of partial grade separation with the construction of a flyover/overbridge from the Lang Stracht to the A944. This will remove the right turn from the Lang Stracht to Skene Road carrying vehicle towards Kingswells and Westhill/beyond. The construction of this flyover/overbridge will allow the development to be fully constructed. (D and C).

Wider Traffic Impacts

Potential contributions towards mitigation on Lang Stracht and associated junctions. (C)

Analysis of the following junctions, with the potential for implementation of mitigation measures, or provision of a financial contribution in lieu of works;

- Queens Road / Kings Gate;
- Springfield Road/Countesswells Road;
- Kirk Brae/North Deeside Road; and
- Signalisation of the Friarsfield Road/Kirk Brae Junction.

Provision of potential improvement/upgrades to Countesswells Road to improve safety for pedestrians, cyclists and equestrians.

Strategic Transport Fund (STF)

The applicant has indicated a willingness to make a contribution to the STF, in accordance with the established methodology, or its subsequent revision which is anticipated in the near future.

The local road works, payment of the STF, layout of the development and the attached conditions requiring travel plans would together manage the transport impact of the development and ensure compliance with Policy T2.

Travel Plans

Two conditions would be attached to any permission, requiring the submission of a framework travel plan, outlining how travel planning will be implemented into all aspects of the site, targets, measures and an action plan. A second condition for Travel Plans and Residential Travel packs would also be required, and

occupation of the component parts should not occur unless these aspects have been agreed.

Relationship with the Countesswells Development Framework

The application proposal contains little additional detail over and above the proposals that reflect the CDF, and therefore the application complies with the adopted CDF. Conditions would be attached requiring MSC applications to be submitted and these will be assessed against both the CDF and detailed masterplans for the site.

Retail and Town Centre Uses

The submitted documents indicate that two mixed use centres would be provided on site at the centre and towards the north of the site, which would align with the content of the Adopted CDF. Such areas, which extend to approximately 9.76 hectares, would include a mix of employment and ancillary opportunities to serve the local catchments created. This is likely to include local shops, and a number of services, together with employment and leisure opportunities. A supermarket to meet the needs of the new community and in line with the Council's 2013 Retail Study. As such, the proposal which shall be assessed once the exact details are submitted as part of a future application, are likely to accord with Policy RT1 and RT5.

Infrastructure

An indication has been given by the applicant that they have a broad agreement over the contributions outlined in the Assessment Report from the Developer Obligations Team. These consist of both financial contributions and the provision of land. As such the proposal complies with Policy I1 and T2, and the respective Supplementary Guidance on Infrastructure and Developer Contributions.

Matters raised by Community Councils

In respect of matters raised by the respective Community Councils which have not already been addressed above, are as follows:

- The application, while submitted at the same time as the consideration of the Development Framework, is not premature, as the determination of this application is after the Adoption of the CDF, and the proposals as set out, accord with the principles of the CDF;
- Appropriate provision shall be made through the legal agreement and conditions to ensure that the schools be provided in accordance with the requirements of the Council's Education Service; and, for maintenance of open spaces/landscaping
- The details of the specific house types to be delivered shall be determined through future planning applications. The CDF and Development Plan has a requirement to deliver a wide range of housing types and sizes to meet all housing needs on site;

- The development shall be conditional upon details of low and zero carbon generating technologies, which may include utilising natural energy resources;
- The routing of the access to the Jessiefield junction can be accommodated on land outwith the boundary of the Extension to the crematorium and cemetery, and the CDF has been amended to reflect this. The ultimate layout shall require to be considered in full once the relevant details have been submitted as part of an application;
- The alignment of the roads shown is deemed to reflect those contained with the CDF, and therefore a peripheral road around the site boundary has not been deemed necessary, as the current layout shall assist in delivering good connectivity across the site, and between development blocks;
- Further information has been provided in respect of the TA to clarify aspects which were not covered in the original submission;
- It is considered that there are substantial opportunities to roll out of high speed broadband across the site, although this is materially a consideration for the developer of the component parts of the site;
- The provision of Block S9 is shown in the CDF and is deemed appropriate. The specific layout shall be fully assessed against development plan policies and the CDF as part of a future application;
- Appropriate hydrology surveys (including existing watercourses) have taken part as part of the ES; and
- Discussions with NHS Grampian have taken place as part of the Developer Obligations negotiations, and appropriate timescales shall be placed into the Planning Obligation (s75 agreement).

Matters raised through Representations

In respect of matters raised through representations which have not already been addressed above, are as follows:

- The proposal is not considered to result in urban sprawl or ribbon development. The allocation of the land within the LDP offers an opportunity for a self-contained, yet well connected new community which would contain a mix of uses, together with recreational opportunities of a standard expected for new development in the City;
- The application description of the EIA is considered to meet the requirements of the relevant legislation, and the EIA itself is considered sufficient to set out the likely environmental impacts of the development, demonstrating that these are not likely to be significantly adverse, and that appropriate mitigation can be provided;
- The alteration to the northern means of access towards the Jessiefield junction has arisen following detailed discussion with the Roads Projects Team as to the best solution that can be achieved for connectivity. No built development (i.e. towards the 3000 households or 10 hectares of Employment land) would take place outwith the areas allocated within the LDP, and the appropriate notification has taken place. Further scrutiny of

- any detailed alignment will be possible through the submission of future applications;
- The materials and design that the developer has indicated within the Design and Access Statement illustrate that marked change in approach to delivering quality design, which is one of the key objectives within the LDP. As such, it is recognised that the attention to detail for Masterplanning the wider site, and ensuring design quality improvements in comparison to mass produced standard house types used previously, is welcomed. There shall be a further opportunity for members of the public to make representation upon specific design and layout matters as part of the subsequent applications that shall be submitted;
 - The level of pre-application consultation was considered appropriate for an application of this scale, and exceeded the minimum requirements of legislation. The developer has sought to address the concerns raised by attendees, particularly in respect of roads matters which were a primary concern;
 - As an allocated site within the LDP, and as part of the strategy for growth set within the Strategic Development Plan, it is considered that the need for the development has already been established, with the general location suitable for development, subject to the specific analysis of future applications against the Development Framework and associated Masterplans;
 - While the proposal will result in the loss of a small number of jobs in rural industries, and particular equestrian ventures, the development would result in significant employment opportunities both in the construction phase, and ultimate new community which would more than mitigate for such losses;
 - Supporting services and infrastructure such as roads, schools and healthcare shall have to be provided at appropriate junctures throughout the course of the development to meet the need of the new community. This is largely dealt with through the necessary Planning Obligation for this site; and,
 - The proposal is not envisaged to have any detriment to the deliverability of adjacent or semi-distant development plan allocations such as at the Craigiebuckler Campus (James Hutton Institute).

Conclusion

In conclusion, the proposal complies with the Land Release Policy as the particular circumstances, in terms of investment in infrastructure, justify the granting of planning permission. The matters raised by objectors have been dealt with above, and it is considered that the various conditions, including restricting the level of development that can be accommodated before the provision of key elements of infrastructure, as well as the payment of developer contributions to ensure the provision of schools and healthcare facilities, would satisfactorily mitigate the impact of the development. The details of each phase of the development will be dealt with by the separate applications for either Matters Specified in Conditions or Full Planning Permission. The proposal

complies with Scottish Planning Policy and the relevant policies within the Aberdeen Local Development Plan relating to Delivering Infrastructure, Transport and Accessibility, Promoting High Quality Design, Meeting Housing and Community Needs, Supporting Retail Centres, Protecting and Enhancing the Natural Environment, together with supporting the aims and objectives of the Strategic Development Plan.

RECOMMENDATION

Willingness to approve

- 1. The provision of 25% affordable housing on site in accordance with the Development Framework and includes a range of delivery options, including contributions towards a gypsy traveller halting site;**
- 2. Developer contributions towards primary education provision (one two stream and one three stream school) and a new secondary school plus serviced land for the foregoing;**
- 3. Developer contributions towards community facilities, library, sports provision, playing fields and healthcare;**
- 4. Developer contributions towards the Strategic Transport Fund;**
- 5. Developer contributions towards mitigation on the local roads network together with provision of infrastructure; and,**
- 6. Developer contributions towards the Core Paths Network.**

REASONS FOR RECOMMENDATION

The proposal complies with Policy LR1 Land Release Policy, in that the development proposed including 3000 residential units and up to 10 hectares of employment land is in accordance with the direction for growth set within the Adopted Local Development Plan. The matters raised by objectors have been fully considered, and the various conditions proposed, including limiting the level of occupation of the development prior to the completion of the AWPR, as well as the payment and agreement on Developer Contributions to ensure the provision of schools and affordable housing, would satisfactorily mitigate the impact of the development. The details of each phase of the development will be dealt with by separate applications for Matters Specified in Conditions, with further opportunities for stakeholders comment on the full details. The proposal also complies with policies I1 Infrastructure Delivery and Developer Contributions; T2 Managing the Transport Impact of Development; D1 Architecture and Placemaking; D3 Sustainable and Active Travel; D6 Landscape, BI1 Business and Industrial Land, H4 Housing Mix, H5 Affordable Housing, H7 Gypsy and Traveller Requirements for New Residential Developments, NE1 Green Space Network, NE2 Green Belt, NE4 Open Space Provision in New Development, NE5 Trees and Woodlands, NE6 Flooding and Drainage, and NE9 Access and Informal Recreation within of the Aberdeen Local Development Plan.

CONDITIONS

it is recommended that approval is granted subject to the following conditions:-

(1) That no development shall be undertaken in any phase unless a detailed phasing programme outlining the delivery of buildings, open space and roads infrastructure across the entire application site has been submitted to, and approved in writing by the planning authority via a formal 'Matters Specified in Conditions' application - in order to ensure development is progressively accompanied by appropriate associated infrastructure, and to inform the timescale for submission of further applications for 'Matters Specified in Conditions' specified in the planning authority's direction stated in this notice.

(2) No development in connection with each respective phase/block of the planning permission hereby approved shall take place until full details of the siting, design, external appearance and landscaping within the relevant phase of the development and the means of access serving the relevant phase/block of development have been submitted to and approved in writing by the Planning Authority. The development shall then be implemented in complete accordance with the approved details, or those subsequently approved. Depending on the phase/block, and unless otherwise agreed in writing with the planning authority, the MSC applications shall include:

a) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point within the relevant phase/block of development;

b) A detailed Drainage Plan for the relevant phase/block of development, including full details of the proposed means of disposal of surface water from the relevant phase/block of development, including how surface water run-off shall be addressed during construction, as well as incorporating the principles of pollution prevention and mitigation measures. The final location of SUDs, including ponds, should be appropriately positioned in accordance with an agreed flood risk assessment;

c) Full details of the connection to the existing Scottish Water foul water drainage network for the relevant phase/block of development;

d) Details of all cut and fill operations in the relevant phase/block of the development;

e) The details of all roads, footpaths and cycleways throughout the relevant phase/block of the development;

f) Details of any screen walls/fencing to be provided within the relevant phase/block of the development;

g) Details of all landscaping, planting and screening associated with the relevant phase/block of the development;

h) Full details of the layout, siting, design and finish of all residential properties, throughout the relevant phase/block of development;

i) Full details of the layout, siting, design and finish of all non-residential properties throughout the relevant phase/block of development. This shall include but is not limited to; community facilities, health centre, schools, commercial premises, energy centres, pumping stations, and water treatment works;

j) Full details of all waste/recycling collection points, for residential and non-residential properties;

- In order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

(3) The landscaping details to be submitted pursuant to Condition 2 above shall include:

a) Existing and proposed finished ground levels relative to a fixed datum point;

b) Existing landscape features and vegetation to be retained;

c) Existing and proposed services including cables, pipelines and substations;

d) The location of new trees, shrubs, hedges, grassed areas and water features;

e) A schedule of plants to comprise species, plant sizes and proposed numbers and density;

f) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment;

g) An indication of existing trees, shrubs and hedges to be removed;

h) A Biodiversity Action Plan;

i) A Management Plan detailing appropriate management measures for all watercourse buffer strips;

j) A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of each respective phase of the

development or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of each phase of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted - in the interests of protecting trees and ensuring a satisfactory quality of environment.

(4) The details to be submitted pursuant to Condition 2 for each respective phase of the development shall show the proposed means of disposal of foul and surface water from the relevant phase of the development within the form of a Sustainable Urban Drainage System and include a development impact assessment and detailed design and methodology statement. Unless otherwise agreed in writing by the Planning Authority, in consultation with SEPA, the development shall connect to the public sewer and the relevant phase of the development shall not be occupied unless the agreed drainage system has been provided in its entirety and maintained thereafter throughout the lifetime of the consent in accordance with the approved maintenance scheme. The details required shall also include details of the future long term maintenance of the system covering matters such as:

- a) Inspection regime relating to matters such as outlets/inlets;
- b) Frequency and method of cleaning of filter trenches, removal of silt etc.;
- c) Grass cutting (and weeding) regime for swales;
- d) Means of access for future maintenance;
- e) How to ensure that planting will not be undertaken over perforated pipes;
- f) Details of the contact parties for future factoring/maintenance of the scheme;
- to protect the water environment and help reduce flooding.

(5) Prior to the commencement of any phase of development, as identified in the approved phasing plan required by condition 1, for each respective phase full details of the proposed street design for each block, which shall contain, but not be limited to, a parking strategy, road junctions and visibility splays, cycleway provision, gradients, level details, finishing/surfacing materials and crossing points, shall be provided for the further written approval of the Planning Authority in consultation with the Roads Authority. The development shall be carried out in complete accordance with such a plan and buildings shall not be occupied unless the streets and parking areas for the respective block are complete and available for use - in the interests of road safety.

(6) That no development shall commence unless further detailed analysis of:

- 1) Lang Stracht;
- 2) Queens Road/Kings Gate;
- 3) Springfield Road/Coutnesswells Road;
- 4) Kirk Brae/A93 North Deeside Road; and

5) Friarsfield Road/Kirk Brae

has been undertaken in order to assess the mitigation required to the local roads network, and submitted for the approval of the planning authority. Once agreed, any necessary mitigation shall be undertaken in complete accordance with the scheme as so agreed, unless otherwise confirmed in writing - in order to ensure there is no net detriment to the surrounding local roads network, and to assist the free flow of traffic.

(7) Unless otherwise agreed in writing by the Planning Authority, no more than 300 residential units within the development shall be occupied until an upgraded Jessiefield roundabout, and connecting road into the application site has been constructed in complete accordance with a scheme to be submitted to, and approved in writing by, the planning authority - In the interests of road safety.

(8) Prior to the opening of the AWPR, a scheme for the provision of a bus gate on Kirk Brae (C128C) close to the Kingswells roundabout shall be submitted to, and approved in writing by, the planning authority. Thereafter the scheme shall be implemented in complete accordance with the details as so agreed, unless other approved in writing by the planning authority - In the interests of road safety.

(9) Unless otherwise agreed in writing by the Planning Authority, no more than 2000 residential units within the development shall be occupied until a further upgrade solution to the Jessiefield roundabout, has been constructed in complete accordance with a scheme to be submitted to, and approved in writing by, the planning authority - In the interests of road safety.

(10) That no development shall commence until details of an appropriate segregated cycle connection to the crossing on the A944 towards the Prime 4 Business Park, has been submitted to, and approved in writing by the Planning Authority. Thereafter the approved connection shall be provided in complete accordance with the details as so agreed - in the interests of road safety and sustainable transportation measures.

(11) Prior to the occupancy of each block, parking spaces, surfaced in hard standing materials shall be provided within the site in accordance with the agreed parking strategy in accordance with the Council's Car Parking Standards, unless otherwise agreed in writing with the planning authority - in the interests of road safety.

(12) That prior to the commencement of development, a Framework Travel Plan, setting out proposals for reducing dependency on the private car, shall be submitted to and approved in writing by the Planning Authority – in the interests of reducing travel by private car.

(13) That no commercial / employment or residential element of the development shall be occupied unless there has been submitted to and approved in writing by the Planning Authority, a comprehensive Travel Plan for that part of the

development, setting out proposals for reducing dependency on the private car. Each Travel Plan shall identify measures to be implemented, the system of management, monitoring, review and reporting, as well as the duration of the plan - in the interests of reducing travel by private car.

(14) That no development shall take place within any individual phase unless there has been submitted, to and approved in writing by, details identifying safe routes to schools within the proposed development. This shall include details of measures, including a timetable for implementation, required to help ensure safe travel to school and the measures shall be implemented fully in accordance with such a plan - in order to promote sustainable and safe travel.

(15) That no dwellings shall be occupied until such time as a public transport strategy, including proposals for the provision of either new or extended bus services linking the development with the existing public transport network, and details of the phased implementation of the strategy, have been submitted to and approved by the Planning Authority. Thereafter the agreed strategy shall be implemented in full in accordance with such a scheme, unless otherwise agreed in writing with the Planning Authority - in the interests of encouraging the use of public transport.

(16) The proposed development shall be limited to Phase 1, comprising 1000 residential units; 1000 square metres GFA Class 4 office space; 2500 square metres GFA Class 1 retail space; and associated ancillary uses, for the period prior to the Aberdeen Western Peripheral Route being open to traffic, and the consequent removal of trunk road status for the A90 Anderson Drive - to limit the scale of the development to that considered within the supporting Transportation Assessment, in order to minimise the impact of development on the safety and free flow of traffic on the trunk road.

(17) That no development within the phase that includes the 'town centre' (including the 2500m² single unit of retail floorspace indicated in the approved Countesswells Development Framework) shall take place unless there has been submitted to and approved in writing by, the planning authority a Retail Impact Assessment (RIA) for the Town Centre. The RIA shall assess the proposed scale and mix of town centre uses (Class 1, 2, 3, 7 and 11) and any impact on nearby town, district and neighbourhood centres and the city centre, together with an assessment of the scale and mix of town centre uses that are required to meet the retail and leisure needs of Countesswells residents and adjacent residential communities. The Assessment should also demonstrate how town centre uses should be phased to ensure the vitality and vibrancy of the Town Centre. The precise level of retail and town centre uses shall be informed by the outcome of the RIA to ensure that there is no significant adverse impact on pre-existing centres - in order to ensure that the level of retail floorspace is appropriate to the size of settlement.

(18) No development in any individual phase/block shall take place unless it is carried out in full accordance with a scheme to address any significant risks from

contamination on the site that has been approved in writing by the planning authority.

The scheme shall follow the procedures outlined in "Planning Advice Note 33 Development of Contaminated Land" and shall be conducted by a suitably qualified person in accordance with best practice as detailed in "BS10175 Investigation of Potentially Contaminated Sites - Code of Practice" and other best practice guidance and shall include:

1. an investigation to determine the nature and extent of contamination;
2. a site specific risk assessment;
3. a remediation plan to address any significant risks and ensure the site is fit for the use proposed; and
4. verification protocols to demonstrate compliance with the remediation plan

No building(s) in the respective phase/block shall be occupied unless

1. any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken and
2. a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out unless the planning authority has given written consent for a variation - to ensure that the site is suitable for use and fit for human occupation.

(19) that no development in any individual phase/block shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems (in accordance with the technical guidance contained in the SUDS Manual C697), including details of an appropriate level of treatment for all areas of the development, has been submitted to and approved in writing by the Planning Authority (in consultation with SEPA) and thereafter no part of the development in that phase/block shall be occupied unless the drainage has been installed in complete accordance with the said scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(20) Notwithstanding the indicative layout in figure 96 of the Design and Access Statement (110342_das, Rev 140324), prior to the commencement of any works in any phase of the development, the location (NGR of source) and type (surface water or groundwater) of the Private Water Supplies serving BogskeAthy and Upper Kingshill shall be identified. Should they be groundwater fed and fall within 100m of roads, tracks or trenches or within 250 m of foundations as proposed within the development, a quantitative hydrogeological assessment shall be submitted and, where appropriate, a scheme of protection and/or mitigation shall be developed by the applicant and agreed with the planning authority in writing in consultation with SEPA. Once approved, the agreed scheme shall be implemented in full - in order to protect the water environment and its users.

(21) That no development in each independent phase/block pursuant to this planning permission shall commence unless:

- 1) a detailed and finalised Construction Environment Management Plan including site specific construction method statements, measures to minimise the risk of sediment entering watercourses on the site, and the mechanism for compliance, for that phase/block; and
- 2) details of the SUDS scheme, its adoption and maintenance, in order to manage sediments and pollutants from construction and operation of the development

have been submitted to and approved in writing by the planning authority in consultation with SEPA. The mitigation measures outlined in the CEMP shall be informed by the result of a full ground (water and soil) investigation study. All works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing with the planning authority - in order to prevent potential water pollution and to minimise the impacts of construction works on the environment.

(22) Prior to the commencement of any work in any phase/block of the development, a detailed scheme for the protection and enhancement of the water environment shall be submitted to, and approved in writing by, the Planning Authority in consultation with SEPA. This shall include:

- a) Confirmation of the location of all existing water bodies on site and demonstration of how they have been positively incorporated into the layout of the development, including appropriate buffer zones between the top of the bank of the watercourse and the development.
- b) Full details relating to the realignment/deculverting of any watercourse on site including the Cults Burn. Any re-designed watercourses shall be designed to accommodate the 1 in 200 year flow from the whole catchment. This shall include a low flow channel designed to accommodate the 1 in 2 year flow set within a wider channel capable of conveying the 1 in 200 year flow. In addition, appropriate buffer zones shall be included between the edge of the wider channel (i.e. the extent of channel utilised during high flows) and the development.
- c) Full details relating to any other proposed engineering activities in the water environment, including the location and type of any proposed watercourse crossings. Any proposed watercourse crossings shall be designed to accept the 1 in 200 year flow.

All works on site must be undertaken in accordance with the approved scheme unless otherwise agreed in writing with the Planning Authority in consultation with SEPA - to protect and improve the water environment and to protect people and property from flood risk.

(23) The the development hereby approved shall be connected to the public waste water system in line with PAN 79 Water and Drainage. Any necessary upgrades to the public waste water system should be in place prior to the occupation of the phase of development requiring the upgrade - in order to ensure the appropriate connection is made to ensure satisfactory disposal of sewerage, and thereby maintain and improve standards of environmental quality, public health and amenity.

(24) Development in any individual phase/block shall not commence until a water efficiency statement to illustrate the measures proposed to incorporate water saving technology, has been submitted to and approved in writing by the planning authority. The measures contained therein shall thereafter be implemented, as approved - in order to ensure targets towards sustainability measures are met.

(25) No development in any particular phase of the development hereby approved shall take place unless surveys for protected species (red squirrel / bats /badgers) for that phase have been carried out and submitted to and approved in writing by the Planning Authority. Thereafter no development shall take place within the relevant phase of the development unless detailed mitigation measures to safeguard any identified protected species have been submitted to and approved in writing by the Planning Authority. No development shall take place within the relevant phase unless the mitigation measures which have been agreed in writing by the Planning Authority are carried out in accordance with the agreed scheme - to ensure the protection of protected species.

(26) That all works should be carried out in accordance with the approved Summary of Environmental Commitments containing within Chapter 18 of the Environmental Statement carried out by Ironside Farrar dated March 2014 - in order to ensure that appropriate mitigation measures are in place to minimise the environmental impacts of the development.

(27) No development shall take place within any individual block until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The programme of archaeological work will include all necessary post-excavation and publications.

(28) No demolition of any traditional farmstead buildings or development shall take place prior to a photographic survey being undertaken by the developer and approved by the planning authority. All elevations, both internal and external, together with the setting of the farmstead, and any unusual feature/s, shall be photographed and clearly annotated on a plan. Photographs, which should be digital on cd, shall be clearly marked with place name for identification, national grid reference and planning reference and deposited in the local Sites and Monuments Record – in order to ensure a historic record of the building

(29) that no development within any individual phase/block shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

(30) Development in any individual phase/block shall not commence until a bird hazard management plan has been submitted to and approved in writing by the planning authority. The submitted plan shall include details of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with the Advice Note 8 'Potential Bird Hazards from Building Design'. The Bird Hazard Management Plan shall be implemented, as approved, on completion of the development and shall remain in force for the life of the buildings. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority - it is necessary to manage the site in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Aberdeen Airport.

(31) In the event that during construction, cranes or scaffolding is required, then their use must be subject to separate consultation with Aberdeen International Airport (AIA). We would like to draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome - in the interests of aircraft safety and the operation of Aberdeen Airport.

(32) that no development in any individual phase/block shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development.

(33) that no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) in any individual phase/block has been submitted to and approved in writing by the Planning Authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation - in order to preserve the character and visual amenity of the area.

DIRECTION UNDER SECTION 59 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997:

that the subsection (2)(a)(i) of section 59 shall apply as respects the permission with the substitution for the period of 3 years referred to in that subsection of 10 years, as is considered appropriate by the planning authority in this instance on the basis of the scale of the allocation. The provisions of section 59(2) shall therefore be read as follows; that this planning permission in principle shall lapse unless a further application or applications for approval of the matters specified in all condition(s) attached to this grant of planning permission in principle across the entire site has been made before whichever is the latest of the following;

(i) the expiration of 10 years from the date of this grant of planning permission in

principle;

(ii) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused;

(iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed;

- pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

INFORMATIVE 1: that this planning permission in principle shall lapse on the expiration of 2 years from the approval of matters specified in conditions being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration – in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

INFORMATIVE 2: For the avoidance of doubt, the term 'phase' within any condition shall refer to the phases as have been approved under the terms of Condition 1 of the planning permission in principle hereby approved.

INFORMATIVE 3.

Unless otherwise agreed in writing with the Planning Authority, during the construction of any phase of the development, the normal hours of operation for all activity audible at the boundary of the nearest noise sensitive premises shall be between 07:00 to 19:00 hours Monday to Friday; 07:00 to 12:00 hours on Saturday, with no working on Sundays.

INFORMATIVE 4

It is advisable that the developer contact the Council's Waste Aware Team to discuss the appropriate waste storage and uplift arrangements for the residential developments.

INFORMATIVE 5

In the event that during construction, cranes or scaffolding is required, then their use must be subject to separate consultation with Aberdeen International Airport (AIA). We would like to draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome - in the interests of aircraft safety and the operation of Aberdeen Airport.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

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Comments by Kingswells Community Council

ACCESS

KCC approves of the main road access into the development being from the Greenhedges/Jessiefield junction on the A944. It also supports the eventual restriction of the existing Cults-Kingswells road (C189) to a bus and cycle route that also allows access to existing properties. This should help to limit future traffic congestion at the Kingswells roundabout.

However, KCC also has some real concerns about access arrangements:

- (1) The main access road from the A944 is routed through the area (OP68) designated in the current Local Plan for future cemetery expansion. More seriously, the road would cut through the western end of the Garden of Remembrance at Hazlehead Crematorium. The garden is currently a very peaceful place and is not appropriate for the construction of a busy access road. A large number of trees within the garden bounds will need to be felled. Mourning relatives have recently scattered loved ones' ashes at the bottom of some of these trees. The Garden of Remembrance also recently achieved notoriety in connection with the possible disposal of the ashes of dead babies without the knowledge their parents. Routing the main access road through this very sensitive area could result in adverse publicity for planners and councillors. KCC would urge that the road be re-routed further to the west at this point.
- (2) Until the new access road and AWPR are built, there will be traffic problems on the C189 where it approaches the Kingswells roundabout. This section is already nose-to-tail at peak times and congestion will only increase as the first tranche of new homes is built. It will be essential to disallow traffic hold-ups due to construction work at peak times.
- (3) KCC has little confidence in the traffic assessment calculations for Countesswells. In particular, the use of the Blacktop road as a "rat-run" to access Westhill from Countesswells is being underestimated. This country road is totally unsuited to high traffic volumes and is potentially unsafe. Ways will need to be found to discourage drivers from using this road as a shortcut to Westhill from south Countesswells.

HOUSING TYPES

It is unsatisfactory that the needs of elderly people are being overlooked in this development. The demographic projections for Scotland are quite clear and need to be properly addressed. Many elderly people are looking to "down-size" and relocate to single-storey homes. Small bungalows or flatted accommodation with lifts would help to meet their needs. In seeking to maximise profit, the developers involved are not taking this matter seriously enough and are not providing sufficient homes of the right type.

ENVIRONMENTAL ASPECTS

KCC supports, in particular, the creation of a central park, the use of existing watercourses, and the conversion of the tree-lined section of Countesswells Road to a vehicle-free access.

Claims about the overall amount of green space, however, are misleading as several of the "green" areas are simply wayleaves for overhead power lines. SSE will insist on keeping these areas free of any planting. This will considerably limit opportunities for landscaping.

The Countesswells development must be hidden as far as possible when viewed from Kingswells and prominent viewpoints like Brimmond Hill. To achieve this, the northern

boundary including residential blocks N1 and N3 needs to be screened off by a thick belt of substantial trees, both deciduous and non-deciduous.

The routing of the main access road through a forested area should not be used as an excuse for removing whole blocks of woodland. As far as possible, trees that need to be felled should be replaced with indigenous species.

SUDS basins should, wherever possible, be used to encourage biodiversity. Unattractive and sterile grass basins, devoid of any water for most of the year, are not acceptable.

It is very disappointing that the former reservoir (now a wetland area) shown in 3.3.1 of the consultation document is not being properly exploited to create an area of biodiversity and a possible water feature. It is inappropriate that residential block S9 has been allocated to this site. On the Prime Four site at Kingswells, the creation of an attractive pond from a similar area of marshland is a good example of what can be achieved with a bit of imagination and concern for the environment.

MAINTENANCE OF COMMUNAL SPACES

It is essential that maintenance arrangements for *all* communal spaces, including green areas, are set out transparently and in legal terms from the outset. No residents or employers should be left in any doubt about the persons/agencies responsible for the upkeep and safety of areas next to their properties.

There is considerable scope to increase biodiversity on the Countesswells site which is mostly just fields at present. To achieve this, some of the green areas should be kept in a managed but "un-manicured" state. This is likely to include the edges of watercourses and ponds.

OTHER INFRASTRUCTURE

All homes and businesses should have easy access to high-speed, fibre optic broadband from the outset (not as an afterthought). This is already happening at Chapelton of Elswick, for example.

CRAIGIEBUCKLER AND SEAFIELD COMMUNITY COUNCIL

Head of Planning and Sustainable Development
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

10 Craigiebuckler Drive
Aberdeen
AB15 8ND

Email:

12 April 2014

Dear Sir/Madam

Application Number: P140438. Aberdeen Local Development Plan Site OP58
Countesswells Lying West of Hazlehead Park.

Residential-led mixed use development including approximately 3000 homes, employment, education, retail, leisure and community uses and associated new and upgraded access roads, landscaping and ancillary engineering works

We are concerned that the existing roads infrastructure will be inadequate to cope with the traffic generated by this proposed development. It is our contention that, despite recent upgrades to the A944 (Aberdeen to Westhill) dual carriageway, the volume of traffic attempting to access the roads during the rush hours will result in lengthy queues which, in turn, will increase air pollution.

There is no apparent record of hydrology surveys having been completed on this extensive site. The plans do not take the natural springs and watercourses into account.

Until after the initial phases of homes are sold primary health care will have to be provided by the existing local GP practices. We contend that those medical practices will be overburdened by an overwhelming number of new patients from the proposed development until a sufficient number of homes are sold to fund the construction of a health centre within the development.

At the last Liaison Group Meeting it was mentioned that one secondary and two primary schools are to be built. During the construction of the first primary school the first children from Countesswells are to be transported to Braeside Infant School, which will be upgraded to make it suitable for P1 to P7 pupils. The first primary school will be ready for the 400th house. Then construction will begin on the second primary school. The Countesswells site is to be re-zoned to Hazlehead Academy until the secondary school is completed in 2018/2019. However, the Development Framework Document does not specify the timing of the transitions from the interim to the permanent educational establishments. We contend that the occurrence of this transition is dependant on the continued strength of the housing market and therefore expect that the period of dependency on the interim educational resources will be of indeterminate length. Furthermore, the strategy for the interim provision of primary school places is perceived by us as fragile because it is dependant on the completion of one construction project – the upgrade of Braeside Infant school. If this falls through, class sizes could increase well beyond the guidelines set by the Scottish Government.

We welcome the 25% affordable housing allocation. The developers stated their commitment, at the last liaison group meeting, to the delivery of the full amount of affordable housing

Yours sincerely
William Sell
Chair



Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4, Marischal College
Broad Street
Aberdeen
AB10 1AB

25 April 2014

Dear Mr. Williamson,

Planning Application 140438: Planning Permission in Principle. Residential-led mixed use development including approximately 3000 homes, employment, education, retail, leisure and community uses and associated new and upgraded access roads, landscaping and ancillary engineering works.

I am writing on behalf of the Cults Bielside and Milltimber Community Council (CBMCC) to raise some objections and concerns that need to be addressed relating to Planning Application 140438 for Planning Permission in Principle at the Countesswells site before approval should be granted.

We object to the application as proposed because;

General

It is not satisfactory for Aberdeen City Council to seek comments on Planning Applications related to a Development Framework and Masterplan by a deadline which is earlier than the date set for comments on the Development Framework and Masterplan (initially by 17 April 2014 when date set for Masterplan comments is 29 April 2014; it is noted that the deadline for Application comments has now been revised to 30 April 2014).

Education

The Development Framework and Phase 1 Masterplan does not set out firm dates by which the first Primary school (PS01) and the Secondary school will be operational. This should be set out in the planning application and legal agreement, either a date or number of houses occupied. The timing should take account of the fact that Braeside Primary is proposed as an interim location and Braeside is currently being used to teach pupils from the recently closed Hamilton school.

The proposed Secondary school campus appears to be located under an existing high voltage power line. The safety aspects of this proposal for people using the campus, and construction, need detailed consideration and if necessary the campus should be relocated.

While we recognise the aim of Aberdeen Council is to encourage pupils to walk to school, there will be times when parents have to drive them to school and the school design should ensure an adequate drive-in and drop-off/pick-up area is incorporated.

Environment

We note that much of the planned greenspace runs under the existing high voltage power lines – the developer is not really justified in claiming this area as part of his contribution to green space provision.

The ownership and future management of the greenspace areas must be established as part of the legal agreement to ensure that the future maintenance is provided for and future residents are clear on how this will be delivered.

Peter Roberts, Planning Liaison Officer CBMCC
6 Marchbank Road, Bielside, Aberdeen AB15 9DJ

While we recognise that the detailed plans may change, it appears some properties will be located directly adjacent to woodland e.g. S13, and this represents a safety risk from falling trees onto property. A clear safety margin should be preserved between housing and woodland.

We request that the Aberdeen City Council and Developer look at preserving more of the wetland area to the south west of the site, block S9, and turn it into an amenity area. An example of how this has been done successfully is in the Nexen office development at Prime 4, Kingswells. SUDS areas should be designed to be holding water at all times, to create an attractive appearance, rather than being left to stand dry in times of low rainfall.

There should be sufficient tree planting along the northern edges of the site to shield the development from view.

Housing

There is only a passing mention of the need to consider single storey housing for the elderly (ref. section 5.5.2, page 69 and 6.2.7 page 87 of the Development Framework and Phase 1 Masterplan). There should be a firm commitment to build bungalows with small garden areas to accommodate elderly and disabled people. It is recognised that these are likely to be best built when facilities such as shops and health services are available.

The quality and design of the proposed affordable housing should be of a high enough standard which would be acceptable to housing associations and encourage them to purchase properties. This has not always been the case.

There does not appear to be any mention of planned opportunities to take advantage of natural energy in the housing design e.g. the installation of solar powered water heaters, use of ground source heat pump arrangements or a central heating ring main. If these ideas are incorporated early on they can be installed at very low cost with significant energy saving potential.

Roads and Transport

The supporting documents for the development refer to the potential risk of lengthy closure of the Kirk Brae/C189 road due to construction and installation of utilities. This road is a key route for people travelling north to Kingswells, Westhill, the airport and other locations north of Aberdeen and we expect the Aberdeen Council to impose strict limitations on road closures of the C189 until the new link road to the Jessiefield junction is available for use. Road closures should not take place at peak travel times. An obvious way to avoid the risks of road closure is to build the new link road very early in the development. We expect the developer to coordinate activity with utility providers to minimise the amount of disruption.

The proposed route for the road to the Jessiefield junction appears to run through the western end of the remembrance garden at the Aberdeen Crematorium (ref. map page 61 and elsewhere). Given that many families will have spread ashes of loved ones in this area we feel it is inappropriate to route the road through the garden and it should be moved sufficiently west of the garden to minimise noise disturbance in the garden.

We suggest the Aberdeen City Council also reconsider the desirability of routing traffic moving South to North through the middle of the Countesswells development and to look at the value of having the main route running around the edge of the settlement.

Comments on the Countesswells Transport Assessment:

1. Generally very disappointed that the report is not proposing any imaginative solution to the travel needs of this new township. The only travel modes considered are the traditional and available bus and car modes supplemented by a desire to increase the use of bicycles. The latter being available only to the fitter section of the population and much affected by inclement weather conditions.
2. Rather than suggest a forward looking novel means of transporting the new residents to the city and places of work – monorail across Hazlehead? dedicated bus-road? tram? - it is

proposed to tinker with the overloaded junctions around the development to squeeze in the expected extra traffic. The report's calculations and its conclusions have failed to convince us that the travel from, to, through and around Countesswells will be without problems even after completion of the AWPR. Some details to illustrate our doubts are as follows:

- a) The 'committed developments' included in the base traffic loads do not appear to include the major new developments in Friarsfield and Oldfold Farm (see 8.2.3). The additional traffic from these areas has already been shown to overload some of the North Deeside Road junctions and cannot be neglected when evaluating a new town in the immediate vicinity.
- b) The model used seems overly optimistic. The check on its calibration reported in Appendix J - 1.2.2, table 3, shows that the observed maximum queue lengths are significantly longer than the modelled ones (8 vehicles instead of 1, and 10 vehicles instead of 3 to 4!!). On the basis of this comparison it can not possibly be concluded that the model is valid.
- c) It is doubted that simple signalling can return the performance of a junction that has been shown to have a Ratio of Flow to Capacity of 125% to acceptable levels – see Appendix J, 1.2.6 and 1.2.7. In previous submissions by Fairhurst it was explained that by agreement with the City a maximum RFC of 90% would be allowed for signalised junctions instead of the normal accepted standard of 85%.

Utilities

The provision of high speed broadband through fibre optic cable should be mandatory for the development and this should be part of the legal agreement with the developer.

Please contact me if you have any questions.

Yours sincerely,

Peter Roberts

Planning Liaison Officer

Copy to: Councillor Marie Boulton, Councillor Aileen Malone, Councillor Tauqeer Malik

PI

From: on behalf of Aberdeen Civic Society

Sent: 20 April 2014 20:54

To: PI

Subject: Planning Ref 140438 & 140470

Attachments: 140438 Countesswells.docx; 140470 SRU Craibstone.docx

Dear Sirs

Please see attached representations from the Society relating to Planning Ref s140438 (Countesswells OP58) & 140470 (SRU Craibstone Campus)

Kind regards

--

Alastair Struthers
Honorary Secretary

On behalf of
Aberdeen Civic Society
www.aberdeencivicsociety.org.uk



Registered with the Scottish Civic Trust
Registered Charity Number SC003089
Honorary Secretary: Mr A Struthers

Aberdeen Civic Society

Aberdeenshire
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info@aberdeencivicsociety.org.uk

Enterprise, Planning & Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal Collegè
Broad Street
Aberdeen
AB10 1AB

21 April 2014

Dear Dr Bochel

Ref: 140438 – Mixed Use Development at Countesswells (OP58)

The Society has considered the above applications and wishes to comment as follows:-

We strongly support the creation of mixed use development that provides job spaces and amenities in addition to housing and would urge the members to ensure that the mixed use provision is both generous and created timeously with the residential aspect of the development.

We would also encourage and support the provision of affordable housing and mixed tenure housing within the development rather than through commuted sums. In order to create truly mixed developments a diverse range of sizes and types of accommodation must be provided and the proposed 3000 houses is more than sufficient to allow an excellent variety to be made available to purchasers at all stages of the property ladder.

Finally we are very wary of the impact that development of this scale will have on the City's infrastructure and would urge that its approval be conditioned upon the first completion not being until after the AWPR has been completed.

We would be grateful if our representation could be given consideration.

Yours sincerely

Alastair Struthers

Glasgow
60 York Street Glasgow G2 8JX
DX GW 70 GLASGOW

Our Ref: DCL/DCL/MAN/58/2 6404182V2

Your Ref:

Paul Williamson
Senior Planner (Development Management)
Planning and Sustainable Development
Enterprise Planning and Infrastructure
Aberdeen City Council
Business Hub 4, Ground Floor North
Marischal College
Broad Street
Aberdeen, AB10 1AB

Dear Sir

**R&M Mann and the Mann Family – Bellfield Farm, Kingswells, Aberdeen
Countesswells Development and Planning Application Numbers 140435 and 140438**

We act on behalf of R&M Mann and other members of the Mann family who own land adjoining the proposed Countesswells development described in the abovementioned planning applications.

On the Aberdeen City Council website it states that today is the deadline for making representations in respect of these applications.

However we understand there has been a failure to correctly advertise certain aspects of these applications.

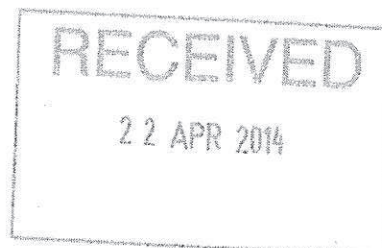
We also note that the information pertaining to these applications as listed on the Council website is incomplete and key information has yet to be uploaded (for example one of the application notices is not on the planning portal).

We therefore presume that the deadline for making representations has been extended?

Please can you confirm to us the actual timescales for representations to be made, when all information will be uploaded to the planning portal and what is happening on advertising the applications?

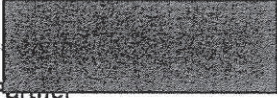
Our clients propose to submit detailed objections to these applications. Please therefore treat this letter as a holding objection to both applications.

Our clients reserve the right to make full detailed representations in future when a full and accurate understanding of the position is available. Our clients also reserve their overall position in relation to the applications.



Meantime we look forward to hearing from you as a matter of urgency acknowledging receipt of this holding objection for both applications, and confirming the actual timescales for lodging representations on the applications.

Yours faithfully



Partner
MacRoberts LLP

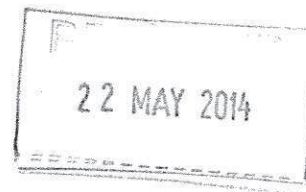
Glasgow
60 York Street Glasgow G2 8JX
X GW 70 GLASGOW

Our Ref: DCL/MHB/MAN/58/2 6467851V2

Your Ref:

21 May 2014

Paul Williamson
Senior Planner (Development Management)
Planning and Sustainable Development
Enterprise Planning and Infrastructure
Aberdeen City Council
Business Hub 4, Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB



Dear Sir

**Representation on behalf of R & M Mann, Bellfield Farm, Kingswells, Aberdeen
Planning Application Reference 140438: Residential-Led Mixed Use Development including
approximately 3,000 Homes, Employment, Education, Retail, Leisure and Community Uses and
Associated New and Upgraded Access Roads, Landscaping and Ancillary Engineering Work at
Countesswells**

We act for Robert and Marion Mann as partners of and trustees for the Firm of R&M Mann of Bellfield Farm, Kingswells, Aberdeen, AB15 8PX. Our clients are the owners of Bellfield Farm which lies adjacent to the proposed Countesswells development.

Our clients wish to object to the above application for planning permission (**the Application**) on the grounds set out in more detail below.

Prematurity in the context of the Countesswells Development Framework

The Countesswells Development Framework and Phase 1 Masterplan (**the CDF**) is the subject of a formal consultation process currently being undertaken by Aberdeen City Council (**the Council**). Our client has responded separately to this process, and in summary, considers that the CDF has been the subject of inadequate publicity and consultation in relation a fundamental change in the access strategy associated with the development of the OP58 site.

The CDF will, once approved by the Council (and this is programmed for a Committee on 3 June 2014) form part of the development plan, and all future planning applications will require to be in accordance with the CDF. The CDF, as drafted in its consultation form, authorises the principle of the main access to the OP58 site through an existing crematorium and Garden of Remembrance, and through the site allocated in the Local Development Plan (**the LDP**) for phased cemetery development. In addition, the draft CDF authorises the principle of the western access to the A944 to be a bus-only access. Neither of these fundamental changes to the previous version of the CDF was the subject of consultation in 2012, nor the subject of any meaningful consultation since.

In addition, neither of these proposed access changes has been informed by a detailed assessment of the implications for the strategic road network, a matter raised by the Council Committee in agreeing to release the CDF for formal consultation purposes.

These matters require to be addressed in some detail before the CDF is approved, and this will not be possible by the proposed June Committee date. Only when the Council has satisfied itself that they have been addressed comprehensively should the CDF be taken to a Committee for approval. In accordance with the Council's Masterplanning guidance, there should be no decision taken on the current planning applications relating to the OP58 site until this is the case.

The detailed representation on the Application follows.

Application Documentation

There are a number of inconsistencies across the Application documentation, including a number of fundamental elements. For example, the site address on the planning application form is '*Aberdeen Local Development Plan Site OP58, Countesswells lying to the west of Hazlehead Park between Cults and Kingswells*', which describes only part of the proposed development site. The application site includes a significant extent of land to the north, beyond the OP58 boundary, through which the accesses to the development site are proposed to be taken. The description provided is therefore inadequate to describe the site, and could prejudice potential consultees.

Furthermore, the discrepancy in the address will have significant implications for the advertising of the application, particularly from a regulatory perspective. Regulation 17 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 (**the EIA Regulations**) requires at paragraph 2(a) that such a notice includes "*a description of the location of the development to which the statement relates.*" Setting aside concerns over its scope (see below), the Environmental Statement (**the ES**) must relate to the entirety of the proposed development, in which case the address provided is inadequate to fully describe its location.

Another example of an inconsistency in the application form lies at Section 15, which fails to reference and quantify a number of the non-residential uses referenced within Section 5 (description of the proposal) of the forms. Only Class 4 (Business) floorspace is referenced and it is unclear whether this is the 'employment' use referenced within Section 5. The extent of retail floorspace is not quantified; and depending upon its type and quantity there may be significant transportation and planning policy considerations. Leisure, education and community uses are also referenced within Section 5 of the forms but are not quantified at Section 15.

Pre-Application Consultation

The majority of pre-application consultation with communities and other stakeholders dates back to 2012. No consultation was undertaken in 2013 and in 2014 there has been just a single meeting with selected stakeholders.

Significantly, throughout the pre-application process consultation was based upon an alternative access to that shown. The access proposed in the Application, which crosses the Hazlehead Cemetery Garden of Remembrance, has not been widely consulted upon and differs substantially

from that with which the majority of local communities and other stakeholders will be familiar. Such a substantial change in the proposed development should be the subject of wider consultation. Without undertaking further consultation, there is conflict with the requirements of Paragraphs 2.14 and 2.15 of Planning Series Circular 3/2013: Development Management Procedures.

Paragraph 4.8 of the Pre-Application Consultation Report provides one example of the change to access proposals. Preceding paragraphs have highlighted the changes to the proposed development in response to issues raised during consultation. Paragraph 4.8 simply references a change in the proposed development, specifically in relation to the exclusive public transport use of the western access road. That change was not made as result of feedback obtained during the pre-application consultation process.

Furthermore, Paragraph 4.9 makes only passing reference to the eastern access. The purpose of the reference in the context of the Pre-Application Consultation Report is unclear. It provides no justification in consultation terms for the changes to the access route, which is unsurprising given that the change was certainly not a result of feedback from the community.

As a whole, our clients consider the pre-application process to have been inadequate. The majority of consultation dates back to 2012 and there has been insufficient consultation on significant changes to the proposed development made in the time since. In this regard, the nature of the changes, and their potential impacts on the Hazlehead Cemetery Garden of Remembrance, are of particular significance.

General Approach to Planning Policy

In general terms, despite the submission of a Planning Statement and a lengthy Design and Access Statement, the Application fails to adequately address planning policy considerations beyond the site specific OP58 designation. Such considerations are particularly relevant in the context of the proposed access from the A944, which impacts upon the following:

- OP68: Skene Road, Hazlehead;
- Green Belt – LDP policy NE2; and
- Green Space Network – LDP policy NE1.

The Application documentation entirely fails to assess the proposed development against these policy designations. In the case of Green Belt and OP68, relevant ES Chapters (including Chapter 3: Project Description (which includes a description of the site and its surroundings), Chapter 4: Consideration of Alternatives, Chapter 6: Policies and Plans, and Chapter 8: Land Uses), the Planning Statement and the Design and Access Statement all fail to make even passing reference to these policy considerations.

EIA Regulations

The ES fails to adequately assess elements of the proposed development outside the OP58 boundary and as a result does not satisfy the fundamental requirements of an ES, as prescribed in Schedule 4 of the EIA Regulations. The ES does not permit the Council to assess the likely significant effects of the proposed development on the environment.

There is evidence of this throughout the ES, for example (and note that the following is not an exhaustive list of deficiencies):

- Section 3.7.2 describes the 'proposed access'. However, the description of private transport proposals is insufficient and leaves uncertainty over the approach to assessing access routes, i.e. does the ES assess an access to the A944 via the eastern 'arm' of the development site, or the specific access route shown within the Design and Access Statement (which we note is not badged as 'indicative' or 'illustrative');
- Table 6.4 makes no reference to either site OP68 or Green Belt designations, both of which are specifically relevant to the site, outside of the area covered by OP58;
- Table 6.4 also considers the Green Space Network. Its discussion on relevant policy considerations relates only to the area of Green Space Network within OP58, ignoring elements of Green Space Network outside the OP58 boundary, but within the planning application boundary;
- The impact of the development upon the Garden of Remembrance and the wider OP68 site is not assessed anywhere within the ES. This includes both the temporary operational impacts and more permanent impacts. We note that in assessment of visual impacts the Crematorium is classed as a commercial receptor, and that in relation to impacts such as noise, vibration or visual impact there is no appraisal of the Garden of Remembrance as a separate and very sensitive receptor;
- Chapter 11 – Noise and Vibration commences: *"This Chapter presents the noise and vibration impacts that are predicted to affect the proposed Countesswells development..."* This approach is contrary to the EIA Regulations which principally require the assessment of the impact of a development upon the environment, not, as this sentence suggests, an assessment of the environment upon the proposed development. Beyond that, the Garden of Remembrance is a particularly sensitive receptor from a noise perspective, yet there is no reference within Chapter 11 – Noise & Vibration; and
- Chapter 16 – Traffic & Transportation begins: *"This chapter reviews potential environmental impacts arising from the proposed development and traffic generated as part of the proposals."* Our do not consider that Chapter 16 does what it purports. Table 16.1 considers transport proposals in the context of relevant LDP policies but fails to assess against OP68, Green Belt and Green Space Network policies. Similarly, Table 16.2 considers the various potential construction impacts, whilst Table 16.3 considers the various potential operational impacts. At no point, do they tables, nor indeed any other part of Chapter 16, consider impacts upon the Garden of Remembrance or the wider OP68.

The principle of residential development at Countesswells is not in doubt; it is well established within the development plan and is the subject of various references and a site specific allocation (OP58). Notwithstanding, there is an obligation under the EIA Regulations to consider potential alternatives to what is proposed. The Application considers alternative forms of development at Chapter 4 of the Environmental Statement.

In doing so at Sections 4.6 and 4.7, the ES focuses upon the residential-led mixed use element of the site which, in terms of: (i) the principle of development from a land use planning perspective, and (ii) the potential environmental sensitivity of land outside OP58, the least contentious element of the proposed development. Since access to the allocated site is required from the A944, through land which is the subject of various potential constraints, it would have been appropriate in the context of the EIA Regulations for the ES, under the 'Detailed Options Appraisal' heading, to have considered potential alternative access routes, i.e. considering 'micro' alternatives in addition to the 'macro' alternatives currently outlined. In particular, the ES should consider avoiding designated open space in the form of OP68 and minimising land take within the designated Green Space Network.

In light of its deficiencies, we do not consider that the ES meets the requirements of the EIA Regulations on the following grounds:

- It fails to provide a complete *"description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases"* (inconsistent with the requirements of Schedule 4 of the EIA Regulations);
- It fails to provide a complete *"description of the aspects of the environment likely to be affected by the development..."* (inconsistent with the requirements of Schedule 4 of the EIA Regulations);
- It fails to provide a complete *"description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development..."* (inconsistent with the requirements of Schedule 4 of the EIA Regulations); and
- It fails to provide a complete *"description of the measure envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment"* (inconsistent with the requirements of Schedule 4 of the EIA Regulations).
- It does not permit the Council, as decision maker in respect to the Application, to adequately assess the likely significant effects of the proposed development on the environment.

Planning Policy Considerations

Beyond the deficiencies of the Application documentation, there are a number of fundamental planning policy issues which have not been addressed. Whilst the provision of access routes through the Green Belt and Green Space Network can potentially be acceptable in policy terms, in its current form and without detailed assessment against relative policy considerations both in terms of the quality and quantity of Green Belt/Green Space Network lost to the development and the impact upon OP68, the Application is unacceptable.

OP68: Skene Road, Hazlehead

OP68 is designated for the extension of Hazlehead Cemetery and includes the existing Crematorium and associated Garden of Remembrance. The proposed access illustrated within the Application documentation crosses directly through part of the Garden of Remembrance.

In very general terms, an access through OP68 would sterilise a significant area, requiring Aberdeenshire Council to identify appropriate provision elsewhere. Beyond that, it is very apparent why an access route through land dedicated to an existing Garden of Remembrance is unacceptable, particularly when a more appropriate route, west of the OP68 site, is available for the eastern access.

For the avoidance of doubt, our clients have concluded a contract with members of the Countesswells Consortium to construct access road ways through land within the PAN boundary both to the East of Kirk Brae / Kingswells Roundabout and to the west of the Crematorium, thus entirely avoiding this highly sensitive area.

A further implication of OP68 relates to open space. LDP Policy D1 – Architecture and Placemaking requires, among other things, that proposals consider open space, both the provision of new open space and the impact of development on existing open space. Detailed policy on open space is

provided by the relevant Supplementary Guidance, which in turn refers to Aberdeen Open Space Audit 2010. That document includes a definition of open space as including cemeteries. As such, in failing to consider the impact of the development on OP68 and negatively impacting upon defined open space, the application is contrary to LDP Policy D1.

Green Belt

Access to the development site is required from the A944, which lies to the north of the allocated site. Land in between the A944 and the allocated site forms part of west Aberdeen's wider Green Belt and as such it is not possible to avoid the designation. In such cases, the exception to the general presumption against development in the Green Belt provided by paragraph 2 of LDP Policy NE2 – Green Belt (i.e. "...roads planned through the masterplanning of new housing and employment allocations, which cannot be accommodated other than in the green belt."), applies. Setting aside the failure of the application to assess the proposed development against Green Belt policy, our clients do not disagree with the principle of taking an access through the Green Belt and consider that such a route could be acceptable under the provisions of LDP Policy NE2. However the application does not sufficiently consider the implications of the development on the wider Green Belt.

Paragraph 163 of Scottish Planning Policy states that development within the Green Belt may be acceptable if required "to meet an established need if no other suitable site is available." It is acknowledged that there is an established need for an access through the Green Belt (albeit not one demonstrated within the Application documentation), but it has not been demonstrated that this particularly sensitive part of the Green Belt (i.e. the Garden of Remembrance) is the only suitable and available site.

Green Belt designations cover a significant proportion of the land in the vicinity. That land is subject to a number of land uses and performs varying functions. Its existing and future cemetery use means that the area of Green Belt through which access is proposed performs a particularly sensitive function and it is therefore appropriate in Green Belt policy terms to consider alternative, less sensitive areas of Green Belt in order to meet the 'need' test prescribed by local and national planning policy.

Green Space Network

As with the Green Belt, it is acknowledged that the requirement for an access from the A944 into the site means that there is a requirement to utilise land identified as part of the wider Green Space Network. That is potentially justifiable in the context of LDP Policy NE1 – Green Space Network which, whilst stating that 'proposals for development that are likely to destroy or erode the character or function of Green Space Network will not be permitted', acknowledges that development within the Green Space Network that is a necessity to delivery other development, can be permissible.

The ES and the wider Application documentation fail however to demonstrate that crossing the Green Space Network to the extent proposed is a necessity. Indeed, our clients consider that, in quantitative terms, the extent of land take within the Green Space Network is far in excess of what is necessary. Specifically, the area of Green Space Network within the OP68 designation is not required for the development.

The Design and Access Statement submitted as part of the planning application acknowledges the value of the Green Space Network and at Section 5.2.3 states: 'The site at Countesswells benefits

from a quality Greenspace Network in the surrounding areas containing a range of habitats.' A sensible approach therefore would be to minimise development within and impacting upon the Green Space Network, in this case by shifting the eastern access route to the west (whilst remaining within the planning application boundary).

Since the wider development does not therefore 'necessitate' development in this part of the Green Space Network, the proposal should be considered contrary to LDP Policy NE1 – Green Space Network. As such, and in the context of the reference within NE1 that '*proposals for development that are likely to destroy or erode the character or function of Green Space Network will not be permitted*', the proposed development is unacceptable in its current form.

Access Strategy

A Transport Assessment (**the TA**) has been prepared and has been submitted to support the Development Framework, Application and Phase 1 Masterplan. The TA indicates that the analysis was based on parameters discussed and agreed with the Council which resulted in an agreed position in January 2014 as presented in a Scoping Report (**the SR**) included in the Appendix to the TA. The SR is dated October 2012 and does not include reference to January 2014 agreements. There is no indication that the Council are in agreement with the assumptions stated in the SR.

The traffic analysis presented in the TA uses traffic flows developed from TRICS rates and other parameters identified in the SR. Distribution of traffic to the A944 is summarised in Appendix G and clearly identifies significant traffic at Phase 1, 2 and 3 using the Kingswells roundabout. At full development it is estimated that the Countesswells traffic will have a 104% impact at Kingswells roundabout. This level of traffic and impact does not correlate with the strategy of providing a bus only access to Kingswells roundabout after the initial phase is complete.

A statement is made that the link capacity of Kirk Brae (north) and the approach to Kingswells roundabout can accommodate up to 400 units however neither a traffic distribution for this scenario nor a link capacity analysis is included in Appendix G.

In section 11 of the TA it is stated that there will be road upgrades with the introduction of a flare on the northbound approach to the Kingswells Roundabout and an additional lane on its circulatory. In Table 12.1 the timescale for these upgrades is suggested as beyond 400 units. The purpose of these upgrades is not made clear and is inconsistent with the aspiration for a bus only link.

Options for a replacement junction at Jessiefield are presented and assessed in the TA. Of the four options presented it is Option 3 (a staggered signalised crossroads) that is chosen for further analysis (Drawing No 92762/8006A). This further analysis does not appear to be presented in the TA. The junction layout for Option 3 is inconsistent with the link road and junction location identified in the Development Framework. Additionally an Option 5 layout (Drawing No 92762/8003B) is included in Appendix K of the TA which is not discussed in the main body of the TA although the results are presented in the Modelling Note included in Appendix J. The operational results for Option 5 indicate less delay and higher capacity than the results for Option 3.

The TA assesses the traffic impact on the local network and it appears from the details in the modelling note that the modelling has assumed two accesses to the A944 which can accommodate all modes of traffic. There is no summary or results from the modelling analysis to support a single all

vehicle access and no analysis shown to determine the link capacity of Kirk Brae *prior to the Jessiefield junction upgrade* as required by the ESPIC.

There is no substantiating analysis presented in the TA in respect of the initial phases of development either as part of the phasing of the whole development as presented in the PPP or to support the Phase 1 Masterplan (prior to the Jessiefield junction upgrade) application.

It is therefore our clients' position that the TA as submitted in support of the Countesswells applications and the Development Framework does not present a cohesive analysis of the traffic impact of the proposed development and proposes inconclusive validation of the case for a single vehicular access at the Jessiefield junction as indicated. The assessment is inconsistent with the Development Framework as it presents inconsistent analyses and conflicting design layout options.

However, the TA does present an analysis that indicates that the access strategy of two all vehicle accesses to the A944 via an enhancement of Kingswells roundabout and upgrade of Jessiefield to a signalised cross roads as presented through the consultations process in 2012 will provide an appropriate access solution that will accommodate the addition of the proposed development traffic to the local road network. The two access solution as presented previously and modelled in this TA, over land which is already under the control of the Countesswells Consortium, does not require to provide a link road through the Garden of Remembrance associated with Hazlehead Crematorium, located within Hazlehead Cemetery.

Next Steps

In view of the above, we do not consider that the Application is acceptable in its current form and consider that the following is required:

- Deficiencies and inconsistencies in the planning application forms must be remedied and, in the event of the aforementioned site address being referenced in advertisements, the Application should be re-advertised in order to not prejudice potential respondents and to meet regulatory requirements;
- Further community and stakeholder consultation must be undertaken in order to inform the community and others of fundamental changes to the proposed development since the majority of consultation was undertaken, and thereafter to allow further time for the submission of representations;
- Deficiencies in the EIA process and the associated ES must be addressed through the submission of additional environmental information;
- Following the submission of this additional information and the satisfactory progression of the Application, including the acceptance of the A944 access arrangements, planning permission can only be granted subject to a suitably worded planning condition requiring access to the site to be taken from the A944 Jessiefield Junction following a route to the west of site OP68, and requiring the access route from the Bellfield junction to be for 'all-vehicle' use; and
- Determination of the Application must be deferred until the formal approval of the CDF as Supplementary Guidance by the Scottish Ministers.

We trust this objection will be taken into account in the determination of the Application and we would welcome the opportunity to discuss the various issues referenced above in further detail with representatives of the Council.

Paul Williamson

9

21/05/14

We would be grateful if you would acknowledge receipt of this representation.

Yours faithfully



Partner
MacRoberts LLP

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 16 April 2014 14:00
To: PI
Subject: Planning Comment for 140438

Comment for Planning Application 140438

Name : Sandy Hutchison
Address : Boskeathy House
Countesswells Road
Aberdeen
AB15 9BX

Telephone : [REDACTED]

Email [REDACTED]

type :

Comment : I would make the following comments in relation to the application:

1. The intent as I understand is that the development appears to be funded in part by a UK Government bond. In the event of a "Yes" vote in the Referendum in September how do we know there will be sufficient funding in place to develop such a project given the financial limitations of the Scottish Government? and (ii) has any funding from the UK Government been approved yet? If the answer to either of these questions is No I am not clear how any planning application can take place let alone provide consideration to the development viability.

1.(a) What process was adopted to select the Countesswells Development by Aberdeen City Council for UK Government funding ahead of any other development in the Aberdeen area?

2. Is there sufficient funding in place to build out such a material development and how will developer financial risk short/medium and long term given the time period associated with any development.

3. Major developments such as this are in part driven by forward economic projections. If the oil price was to drop significantly what considerations have been given to the economics of the development? How do we avoid a situation in Spain and Ireland where the building of some housing estates have been incompleting because of a financial downturn?

4. I had previously understood than any development for Countesswells was subject to the Western Peripheral Route being implemented and being in operation - I expect this to be the case.

5. The road pressures on Countesswells Road and on the road across to the Kingswells roundabout are hugely significant already. It is not clear to me how any development will fit given the existing road pressures and any major development appears to create a "bust" at the Kingswells Roundabout and in other areas.

6. The site in Countesswells is an environmentally sensitive area. There are several areas of protected land and rare species which needs to be protected as part of any development and it is not clear to me if this is taken into consideration.

7. There are several badger sets throughout the proposed development and given these are protected species will need to be addressed before any development can take place.

8. Many of the trees on the site and around surrounding houses has been there for many years and to ensure the look and feel of the development of this area is not adversely affected I would recommend that a detailed plan is put in place to protect any of these trees.

9. The current school catchment area for Countesswells is Cults Primary and Secondary. If any development gets approved what assurance will there be that the schooling to be provided will be of at least as good a standard as that which is currently available.

10. It is not clear the specific timing for any build phase if it was to get approval.

11. What consideration is going to be given to existing residents and the land and housing that they currently enjoy - they need to enjoy a quality of life and how will this be protected for and compensated for during the build out phase.

12. Will school catchment zones need to be re-set given this development and all the other developments that are happening - Oldfold at Milltimber, CALA at Friarsfield and DANDARA at Countesswells? - would these developments all be schooled at Countesswells if schooling is going to be provided and how to we ensuring a cohesive education policy in the area given several large developments currently in flight.

13. The Process adopted by Aberdeen City Council seems a little out of step-here in that we are being asked to review planning applications before approval of the Development Framework. What is the reason for this and is this not contrary to planning policy, legislation and therefore open to challenge?

14. There are several other questions and issues I have with the proposal but in the first instance it would be helpful to have responses to the above questions.

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P&SD Letters of Representation		
Application Number: 160438		
RECEIVED 16 APR 2014		
Nor	Sou	MAO
Case Officer Initials: PMU		
Date Acknowledged: 24-4-14		

Robert Vickers

From: Emma [REDACTED]
Sent: 30 April 2014 21:31
To: PI
Subject: Aberdeen local Development Plan site OP58

Categories: Awaiting Responce

Dear Sir/Madam,

I write in response to the planning application of the Aberdeen Local Development Plan site OP58. As a local resident in the Countesswells/ Bielside area it gives me great cause for concern. In particular I would like to highlight the following concerns;

1. Infrastructure plans for the proposed development appear to be nil. My understanding is that the Green Belt Review states that there are no bus routes that could easily be extended to serve Countesswells. Any development in Countesswells will be unsustainable in transport terms, with the Kingswells park and ride is over 1.5 km away. Countesswells road is already being used as a 'rat -run' and is poorly maintained with potholes and crumbling verges.

This development would create huge problems with additional traffic, which would not be relieved by the WPR which makes no provision for a junction that would serve Countesswells.

2. The recreational importance of the Countesswells FNC area and to its function as a link between Hazelhead Park and Countesswells Woods can not be over stated. These are two of the city's most important outdoor recreation areas. The development site will also wipe out three established equestrian centres.

3. Any development at Countesswells would damage the green belt and would constitute erosion of a green area. In principle, I believe that future developments should not be located in or adjacent to Countesswells or Foggieton Woods, which are popular destinations with a diversity of wildlife.

4. 3000 proposed homes need schools. The local primary schools are already almost at capacity and the Academy's (Cults/ Hazelhead) could not saturate the number of school request that families moving to the area will make. Will the new schools that are proposed to be built within the development be ready for these family's and how does the council propose to fund the teaching staff and running of the schools?

In reality the list of concerns I and local residents share is one of great length, but the above highlights our main worries. I would be most grateful for the Planning Department to take serious consideration to the implications that the above development will have on the large number of local residents in the Countesswells/ Bielside and Cults area.

Yours sincerely,

Emma MacKintosh
West Stables,
Countesswells House
Bielside
AB15 9BT

Sent from my iPad

POTH
1404350
140438

Alex Shand,
Rainbows End,
Jack's Croft,
Kingswells,
Aberdeen. AB15 8QB

6 April, 2014.

Letter of objections re proposed Housing Development – Counteswells.

Dear Sir/Madam,

I recently read in the local press that the proposed above development was due to be heard at a Planning Committee meeting in relation to outline planning permission and advising that objection required to be submitted within 14 days. I was surprised by this given that the development borders my property and yet I have had no official notification in regard to this matter. I have a number of issues in relation to this development. I attended previous meetings with the proposed developers and felt that they did not address the major issues raised by everyone. My objections are as follows-

- 1- This proposed development will obviously effect my property and my business as a crofter whereby there will be a lot more people in the area and they might not fully appreciate the impact that they may have and may encroach on my property. There is also the likelihood that dogs etc will be allowed to roam without being under control and this will probably lead to issues for my livestock.
- 2- I am interested in what is likely to happen to the access farm road to my property as this was not answered at any of the meetings. Also my water supply goes through one of the fields from the main road.
- 3- The most important issues for myself and everyone else who resides in the area is the impact that building 3,000 homes will have in regard to traffic management. The road is over used at the moment and it is difficult to get access from my property at certain times of the day. Thousands of vehicles use this road on a daily basis and to add all this extra vehicles will cause major problems. This will be further impacted upon by the nearby industrial estate traffic and also the proposed development at Lang Stracht. The current roads network is not designed to cope with this volume of traffic and I fear for what the outcome for traffic will be. These issues have never been satisfactorily answered either to myself or any of the other residents who are to be affected by the development.

Due to the above factors I would like my objection to be placed with the Planning Committee.

Can you also acknowledge receipt of this objection.

Yours sincerely

Alex Shand



FROM THE CHAIRMAN

Eric G Baird
Avon
Glen Tanar
Aboyne
AB34 5EU

25th April 2014

Dr M Bochel
Head of Service
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
ABERDEEN AB10 1AB

Dear Dr Bochel,

PLANNING APPLICATIONS REF. 140⁴38 AND 140435 PROPOSED HOUSING, MIXED USE AND INFRASTRUCTURE AT COUNTESSWELLS

REPRESENTATION FROM THE JAMES HUTTON INSTITUTE AND THE MACAULAY DEVELOPMENT TRUST

We are writing to ask that, in considering the determination of the above applications from the Countesswells Consortium, you and the Council take full account of the work undertaken as part of the previous 2008 Local Plan and updated in our response to the Council's Main Issues Report. We are concerned that the positive impact of development on the South Field at our Craigiebuckler Campus (allowed for in the Craigiebuckler Development Brief) is capable of implementation and not thwarted by the impact of the road network arising from the large scale residential and other development as described in the above applications.

The effect of providing two new state-of-the-art environmental friendly buildings in the South Field will act as a key ingredient in helping to transform the James Hutton Institute into becoming the premier agriculture and environmental research organisation in Europe and reinforce further its reputation as a market leader in the U.K. The Institute is already embedded within the fabric of the social, environmental and land based communities across Scotland. Its ambition is to become the best research organisation in these sectors.

Our vision is to create facilities that underpin greater understanding of land use planning. The facilities would be a Research and Knowledge Exchange Centre that would serve the interaction of institute scientist's with the general public, agencies, local authorities, the international scientific

Macaulay Development Trust, Craigiebuckler, Aberdeen AB15 8QH

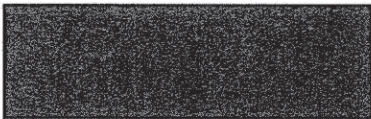
community, government and businesses in tackling the issues around land use planning in Scotland and globally. We wish to create flexible meeting space with state of the art visualization facilities that can be used to engage audiences in the process of doing land use planning science.

We wish to repeat our invitation to visit the Craigiebuckler Campus at your earliest convenience to learn more about the future plans of the institute and appreciate the wide range of research currently being carried out by the institute's 300 employees. It is suggested that you and relevant elected members and officials spend some time with us so that your Council's decision making at both the emerging Development Plan stage and the approach to the release of land at Countesswells can be fully informed.

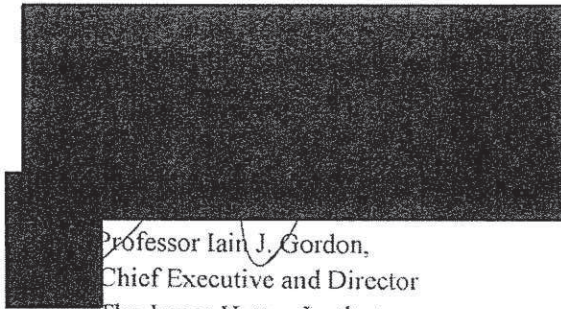
We look forward to your early response to this invitation and the acknowledgement of this letter as an indication of our concern so that one of the strengths of the North East can be supported in its ambition to become the premier research body in Europe. We know that this ambition is within our grasp and with the Council's support and understanding a global reach can be based at Craigiebuckler.

I look forward to your early reply and please contact Faith McDonald () to arrange a convenient date for your visit to Craigiebuckler.

Yours sincerely,



Eric Baird
Chairman
The Macaulay Development Trust



Professor Iain J. Gordon,
Chief Executive and Director
The James Hutton Institute

"The Stables",
Colthill Farm,
Bieldside,
Aberdeen AB15 9DA.

19 May, 2014

Sus,

Application number: 140438 Countesswells Consortium.

Objections:

The plans intend the development of 3000 homes. Aberdeen and environs already has recently completed or recently commenced major housing developments which make the "need" for a further development suspect. Aberdeen Solicitors Property Centre, which represents the major percentage of housing sales and purchases, indicate there is no shortage of available urban properties at all financial levels of the market. Rural properties, in contrast, are reducing in availability.

The oil industry, which is seen as producing the major source of high income house purchasers, is on the decline with no comparable

long term substitute industry in prospect. The majority of the decreasing numbers of offshore personnel continue to live outwith the highly priced Aberdeen area. A business migration has already commenced from the area and will accelerate should Scotland become independent.

The plan purports the myth of "creating a community". The plan is to destroy an existing, strong rural community and to replace it with urban sprawl. The very factors which are highlighted to attract would be purchasers of the new houses will no longer exist when the area becomes a housing estate instead of countryside. With developments at neighbouring Kungsweils, Hazlehead | Pinewood, Ynaisfield | Kirk Brae the proposed Countesswells development is not the idyllic village development suggested but a continuum of Aberdeen suburban sprawl.

The plan talks about job creation in the new "community". Employment already exists

in the area which is directly or indirectly dependent on agricultural land. Without the availability of land, businesses will cease and staff will lose employment. There is no honest mention in the development of the degree of rural job / livelihood to be sacrificed.

lip service is paid to the equestrian industry and the implication is that with the break up of the former, Stuart Milne owned, headhead Equestrian Centre and the subsequent dispersal of some 60 horses most of the equestrian activity in the area has been dealt with. On the contrary, some one hundred and fifty plus horses remain to be affected. The area is designated as "horticultural" by DEFRA being second only to the Newmarket area in density of equines. Together with the WFR, the development will see the demise of some nine equestrian centres in the area. There is no point in paying lip service by providing

green corridors and bridleways. Without suitable grazing land, horses cannot exist within the statutory five freedoms.

The misconception is that horse related activity is the prerogative of the rich, but in many cases that is not the case. The proximity of the development site currently provides the opportunity for city dwellers from less affluent areas of the city (eg Mairick, Northfield) to be involved in the employment market the equestrian activity creates as well as opportunities for the numerous recreational pursuits. Pushing equestrian activity further and further away from the city at spiralling supply v. demand costs denies the well documented health and social benefits to many. The intended occupants of the high end market new housing would not have such financial constraints.

In a city so dominated by flats as Aberdeen, accessible, affordable green space is at a premium. When national and local politicians emphasise

the need for healthier and greener patterns of living despoiling an accessible and green area like Countesswells is totally contradictory. The area is one of the very few which is still accessible without a car and provides much needed natural resources for relaxation and exercise - for walkers, cyclists, riders, dog walkers. A wide path through the middle of a housing estate with encumbent noise pollution and bereft of most wildlife is no substitute.

Finally, it is of note that all previous Council demands imposed on current residents' planning applications e.g. natural stone, dotness guttering have been totally waived for major developers.

Yours faithfully,



PI

From: webmaster@aberdeencity.gov.uk
Sent: 21 May 2014 22:52
To: PI
Subject: Planning Comment for 140438

Comment for Planning Application 140438

Name : Jonathan Smith
Address : Colthill Farmhouse
Bieldside
AB15 9DA

Telephone : [REDACTED]
Email : [REDACTED]
type :

Comment : I support all the comments made by the Cults, Bieldside and Milltimber community council in their letter of 24th April available on your website. When you consider those comments, I ask that you do so knowing that they reflect my view and those of my wife.

Additionally, I believe that the comment in sections 3.7.2 and 5.4.2 "links to these modes will be provided where feasible" regarding access to public transport to the south are weak, and that "where feasible" should be deleted. There should be a provision of access towards public transport to the south of the site because much of the natural traffic flow will be in that direction, as it is at the moment. Not to make such a provision will mean that public transport is under-used; and that is contrary to the stated aspiration of the development.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 30 April 2014 15:48
To: PI
Subject: Planning Comment for 140438

Comment for Planning Application 140438

Name : john mathieson laing

Address : red gables

bielside

ab159bt

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : My wife and I strongly object because; We have had no direct personal notification regarding this project which will encapsulate our home.

We have no clear details of this project on which to base plans for moving home or staying.

This project will deny us the environment and quality of life which we currently enjoy.

We have found on this public site a picture of our home with plans for the trees on the site.

The City has given the Developers the easy option of building on our precious Green Belt instead of developing and enhancing the established urban settlements.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 23 April 2014 08:23
To: PI
Subject: Planning Comment for 140438

Comment for Planning Application 140438

Name : Sandy Hutchison
Address : Bogskeathy House
Countesswells Road
Aberdeen
AB15 9BX

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : In looking at the applications I will be a neighbour directly affected by the Phase 1 development. As an existing resident it would be clearly beneficial if I was able to ensure that any development was able to benefit the setting of my property, eg. be able to provide input to the design and development of the site to ensure that me and my family are not adversely affected - to that end it would be beneficial to ensure that any road design was done sympathetically like some of the road designs in Bielside and Cults but in addition to ensure that my house was going to be located on a corner site or close to open space to ensure that my plot is maintained as a good site.

In addition in reviewing the application I note that construction works could take place between 7am and 7pm at night - this would be most inconvenient given that impacts "social" time that we would have in the house and surrounding forest area. We would expect that any building time be limited to a time period between 9am and 5pm so to avoid any building outwith normal working hours.

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Full Council

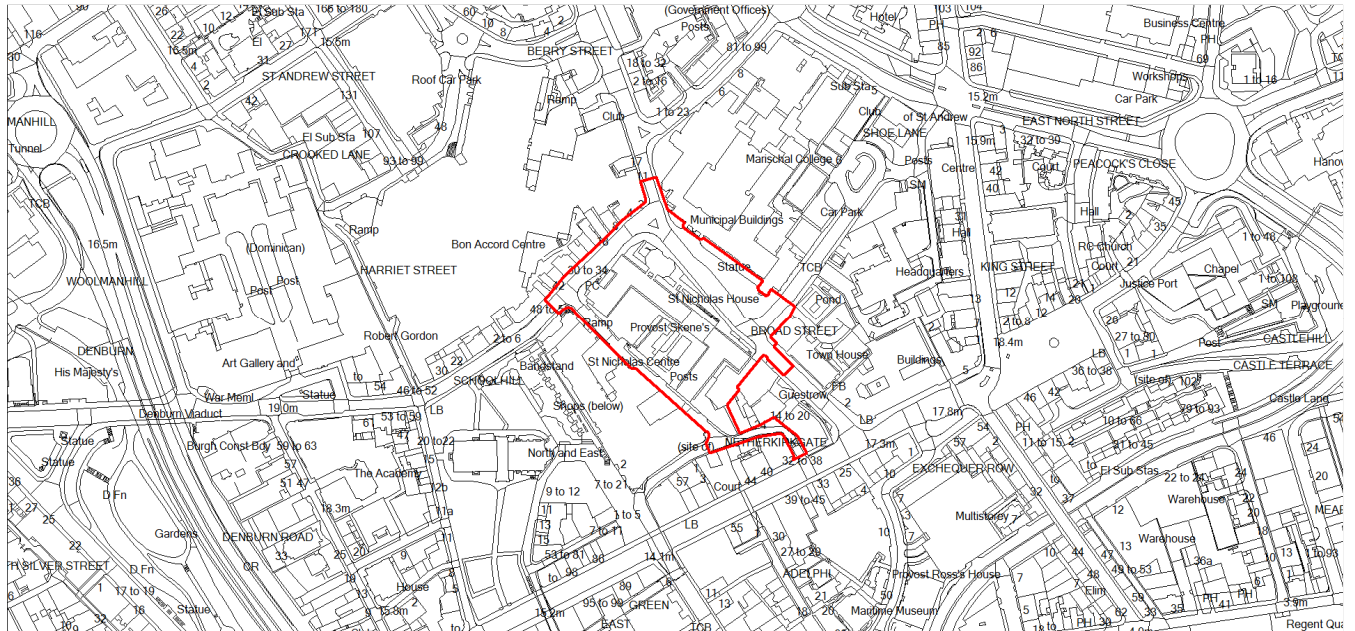
FORMER ST.NICHOLAS HOUSE, BROAD STREET, ABERDEEN

MIXED USE DEVELOPMENT INCLUDING OFFICE, HOTEL, RETAIL, RESTAURANT, LEISURE, CIVIC SPACE INCLUDING CAR PARKING, ACCESS, LANDSCAPING, INFRASTRUCTURE AND PUBLIC REALM IMPROVEMENTS

For: Muse Developments Ltd

Application Type : Detailed Planning Permission
Application Ref. : P140698
Application Date: 13/05/2014
Officer: Gavin Evans
Ward : George Street/Harbour (A Morrison/N Morrison)

Advert : Section 60/65 - Dev aff
LB/CA
Advertised on: 28/05/2014
Council Date: 8 October 2014
Community Council : Comments



RECOMMENDATION: Willingness to approve subject to conclusion of a planning agreement to secure:

- **appropriate financial contributions towards the Council's Strategic Transport Fund**

DESCRIPTION

The proposed development relates to the Council's former HQ, St Nicholas House, along with the section of Broad Street between Upperkirkgate and Queen Street.

Broad Street runs north-west from the eastern end of Union Street, providing connection to Upperkirkgate and Gallowgate. To the west lie the Bon-Accord and St Nicholas shopping centres, with the Kirk of St Nicholas, Robert Gordon's College and Aberdeen Art Gallery beyond. On the northern side of Broad Street lies the category 'A' listed Marischal College, which was extensively renovated to act as the Council's HQ from 2011.

The St Nicholas House site and the adjacent St Nicholas Shopping Centre are excluded from the Union Street Conservation Area, which surrounds them on all sides. The Conservation Area incorporates the eastern side of Broad Street, the northern side of Upperkirkgate, the southern side of Upperkirkgate and the land to the west of the St Nicholas Centre. The northern side of Upperkirkgate is characterised by a series of townhouses, between 3 and 4 ½ storeys, the majority of which are listed (category 'B' and 'C').

St Nicholas House was a building of modernist design comprising a 14 storey tower and a long, 3 storey, wing projecting along its Broad Street frontage and wrapping around onto Upperkirkgate. The tower was sited opposite Broad Street's junction with Queen Street. Flourmill Lane runs to the rear and gave access to basement car parking. A pedestrian pend, under the projecting 3-storey wing, allowed for access through from Broad Street to Flourmill Lane, passing a landscaped area in front of the category 'A' listed Provost Skene's House, originally dating from the 16th century, which lies at the centre of the site and is considered a rare surviving example of the early burgh architecture.

RELEVANT HISTORY

A Proposal of Application Notice (PoAN), ref P131473, was submitted to the Council on 7th October 2013 for a, *'Mixed use development including office, hotel, retail, restaurants, leisure, civic space including car parking, access, landscaping, infrastructure and public realm improvements'*.

An Environmental Impact Assessment (EIA) screening opinion request was submitted in 2013 by CBRE on behalf of Muse Developments, to determine whether or not an Environmental Statement (ES) would be required for the development as described in the PoAN. Aberdeen City Council confirmed in November 2013 that an ES would not be required, based on consideration of the characteristics of the development, the location of the development relative to

environmentally sensitive sites, and the characteristics of the development's potential impacts.

A separate application for Listed Building Consent, ref P140755, has been lodged with the Council. This seeks consent for the following works:

'removal of steps and balustrade to front of Provost Skene(sic) House, re-profile and renew surface finishes between the balustrade and Provost Skene House and re-location of stone arch'.

This application is pending determination and will be reported to a meeting of the Planning Development Management Committee.

PROPOSAL

This application seeks detailed planning permission for a mixed use development including the following: office, hotel, retail, restaurant and leisure uses; civic space; car parking; access routes; landscaping; other infrastructure; and public realm improvements.

The development essentially involves: the formation of three new buildings (two office and one a hotel) surrounding Provost Skene's House; an area of public open space laid out via the pedestrianisation of Broad Street; a new garden space around Provost Skene's House; and a covered courtyard space enclosed by the northernmost of the two office buildings. The siting of buildings and the presence of pends allow for a pedestrian route, running south-east to north-west, which is based on the historic Guestrow route. Two below-ground levels, accessed via Flourmill Lane, would accommodate 246 car parking spaces.

16,264sqm of office floorspace would be provided, along with 2,193sqm of retail (class 1) and restaurants (class 3), and a 4-star hotel (125 bedrooms). Service laybys would be formed in Flourmill Lane, though it is proposed to allow limited servicing via the Broad Street Frontage in the event of pedestrianisation.

The Broad Street frontage would be defined by the two office buildings, between which a break in the frontage would allow for access to, and views of, Provost Skene's House, which would be set within an area of public open space. Additional accesses would be provided via 'pendes' off Broad Street into both office buildings. The majority of ground-level floorspace within these buildings would be in retail and leisure use, including restaurants, the only exception being reception spaces for the offices above. A colonnade which had been shown along the Broad Street frontage in earlier drawings has been revised, to ensure that the contribution made by restaurant and retail uses to a live and active frontage can be maximised.

Office 02, to the south-eastern corner of the site and facing onto Broad Street at its junction with Queen Street, would achieve a height of 27.75m above ground level to its rooftop (7 storeys) plus rooftop plant above, with the massing of the building broken up at several points by setting upper floor accommodation back from the building's footprint. This is particularly evident in a gap between the two

office buildings in their frontage to Broad Street, where office 02 presents 5 storeys to the internal pedestrian route, with 6th and 7th floor accommodation set further back.

Office 01 occupies the northern end of the site, enclosing a central covered atrium space on all sides and presenting frontage to Broad Street, Upperkirkgate and Flourmill Lane, as well as providing the immediate backdrop to Provost Skene's House. This building's height above ground level varies due to both the fall in ground levels between Broad Street and Flourmill Lane and the top 2 floors of accommodation being set back from the building frontage in places, but achieves a height of 24.75m (6 storeys) at the junction of Broad Street, Gallowgate and Upperkirkgate, plus rooftop plant above. As the ground level slopes down on Upperkirkgate, this allows for street level access to a further lower floor level, which would provide a retail unit at the corner of Upperkirkgate and Flourmill Lane.

The proposed hotel building, L-shaped in plan and providing accommodation across 7 above-ground floors, would be sited in the south-western corner of the site, adjacent to the junction of Flourmill Lane and Upperkirkgate. It would achieve an overall height of 23.7m to roof level, plus plant above, reflecting the lower floor-to-ceiling height of the hotel building. The hotel building would be accessed principally via the newly laid out public space at the heart of the site, around Provost Skene's house. Pedestrian access from the Netherkirkgate end of Flourmill Lane to Broad Street would be provided via the formation of new pedestrian steps. Stepped access is also shown between Flourmill Lane and the area around Provost Skene's House.

The elevations of the two office buildings are to be principally finished with natural granite cladding and glazed curtain walling, with the massing of the buildings broken up through the varied use of these materials. A random window pattern is shown in granite-clad sections. Ground floor levels feature a greater proportion of glazing, reflecting the presence of retail, restaurants and reception areas. A range of cladding materials would be utilised on the walls of the hotel in order to provide texture and assist in breaking up the massing of elevations.

The 'Pedestrianisation' section of this report sets out that works relating to the pedestrianisation of Broad Street and the associated formation of this civic space space would not require planning permission, are not for consideration as part of this assessment, and should therefore be treated as illustrative. Those illustrative proposals involve granite paving, with sculpted benches and seating edges also in granite. The edges of the pedestrianised space, at Queen Street and Upperkirkgate, are defined by similar benches. Trees, uplit in evenings, would be sited at the Queen Street end of the space, intended to form a strong edge and shelter the space. A series of lawns, both at ground and elevated levels, would sit within this space. A water feature and external seating are also indicated.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref= 140698>

- Pedestrian Level Wind Microclimate Assessment
- Design and Access Statement
- Noise Impact Assessment
- Planning Statement
- Pre-Application Consultation (PAC) Report and appendices
- Desk-based Archaeological Assessment
- Sustainability and Low Carbon Development Statement
- Heritage Statement
- Public Realm Strategy
- Landscape Surface Finishes Plan
- Phase 1 Habitat Survey
- Transport Assessment
- Travel Plan
- Drainage Assessment

On accepting the disclaimer enter the application reference quoted on the first page of this report.

PRE-APPLICATION CONSULTATION

The proposed development has been the subject of pre-application consultation by the applicant, as required for applications falling within the category of 'major developments', defined in the relevant 'Hierarchy of Development' Regulations. The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 set out minimum consultation requirements, obliging prospective applicants to consult with the local Community Council and hold at least one public consultation event, to be advertised in the local press in a prescribed manner with at least one week's advance notice. On submission of a planning application, the applicant is required to include a Pre-Application Consultation Report (PAC Report), which should demonstrate how these statutory requirements have been satisfied, set out whether and how an applicant has responded to the comments made, including any changes made to a proposal, and also demonstrate that steps were taken to explain the nature of Pre-Application Consultation, in particular that it does not replace the application process whereby representations can be made to the planning authority. A report to this effect has been submitted as part of this application. The extensive consultation undertaken has significantly exceeded the minimum statutory requirements, and has included the following;

- Three separate public events, held at Aberdeen Art Gallery in October 2013, December 2013 and April 2014;
- Advertisement in local newspapers (Evening Express and Press and Journal) 7 days ahead of each public event;

- Invitations sent to key consultees and interested parties two weeks in advance of first event;
- After each event, exhibition materials were put on display at Marischal College's main reception;
- Sessions at local schools and colleges to coincide with the first public event;
- An exhibition bus visiting local communities, coinciding with the first public event; and
- Dedicated website at www.marischalsquare.co.uk

The notices published in newspapers are required by the relevant regulations to include 'a statement that comments made to the prospective applicant are *not* representations to the planning authority and if the prospective applicant submits an application there will be an opportunity to make representations on that application to the planning authority'. The submitted PAC report includes appendices H and R, which show those advertisements with statements to this effect. Paragraphs 4.10 and 4.34 of the PAC report also state that it was made clear at consultation events that feedback was being given to Muse Developments as opposed to the Council, but that there would be an opportunity to make comments direct to the Council once a formal planning application had been submitted.

REASON FOR REFERRAL

This application has been referred to elected members because the local Community Council has made formal objection to the proposal, and also it has been the subject of more than 5 objections. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – No objection to the planning application, subject to the imposition of the requested conditions and conclusion of a legal agreement to secure financial contributions towards the Council's Strategic Transport Fund (STF).

Pedestrian Access

Connectivity between the development and the surrounding amenities has been demonstrated. Pedestrian access to the site is proposed from Broad Street, Upperkirkgate and Flourmill Lane. The pedestrian area within the development site allows for a good standard of accessibility and encourages pedestrian movement through the area.

It is noted that discussions with the developers have established that the footway on the eastern side of Flourmill Lane will be widened by the developer, using land within the site and maintaining the carriageway at its current width.

In discussions with the Council's Roads Projects Team, it has been agreed that a 'service vehicles only' area will be formed around Netherkirkgate, St Catherine's Wynd and the southern end of Flourmill Lane, around the development's car park

access. This area will offer enhanced pedestrian and cycle space. Conditions are requested to ensure these enhancements are delivered.

Notes that it would not be sufficient for the junction at Upperkirkgate/Flourmill Lane to be defined by a raised junction table, as a defined edge is required to prevent over-running by large service vehicles and safeguard pedestrian safety.

Should Broad Street be pedestrianised, there would be substantial improvements to pedestrian accessibility in the area, with Broad Street fully integrated with the pedestrian area within the former St Nicholas House site and creating a continuous pedestrian environment linking to St Nicholas Street, interrupted only by service routes.

In the event of pedestrianisation of Broad Street, a raised table would be installed at the Queen St/Broad St junction to benefit pedestrian movement.

Cycle Access

Connection to the wider cycle network can be obtained by existing routes, including National Cycle Network Route 1, which passes along Upperkirkgate. 100 cycle parking spaces would be provided for staff in the underground car park, via 50 Sheffield stands. Showers, lockers and changing facilities are also to be provided.

It was previously envisaged that 64 cycle parking spaces would be provided for visitors within a pedestrianised Broad Street. In the event that Broad Street pedestrianisation does not progress, the location of visitor cycle parking will need to be revisited, and a condition to this effect should be utilised if consent is to be granted.

Vehicle Access

Vehicular access to the site would be taken from Flourmill Lane, just to the north of its junction with Netherkirkgate. This will give access to an underground car park for 246 cars, towards the maximum permitted under the Council's current guidance. There would also be 25 motorcycle spaces. Car parking is provided only for the office accommodation, with no parking provided for retail, restaurant or hotel uses. This is considered acceptable as it replicates the current situation for shops and restaurants in the city centre, for which there is ample public parking available. Should there be demand for car parking arising from the hotel use, this can be accommodated by existing city centre car parks. A condition is requested to ensure that parking provided in the car park be allocated to each building in accordance with floorspace.

Modelling has shown that the development access on Flourmill Lane requires intervention to prevent vehicles from departing the site onto St Catherine's Wynd and then Union Street. For this reason the 'service vehicles only' area previously described would be formed in this area.

Servicing

It is proposed to service the development from two laybys on Flourmill Lane, which will give access to the lower floor of the development. In the event that Broad Street is pedestrianised, it has been agreed that elements of the development can be serviced from the resultant pedestrianised area. It had been agreed with the developer that should the development open in advance of Broad Street pedestrianisation then the development would be serviced exclusively from Flourmill Lane.

Service vehicles will not be able to turn on Flourmill Lane to exit onto Upperkirkgate, and therefore will have to exit via Netherkirkgate. Most vehicles will be able to leave via St Catherine's Wynd onto Union Street, however some larger vehicles will not be able to carry out this manoeuvre and will have to continue along Netherkirkgate onto Broad Street. The applicant has agreed to resurface this entire area to create a pedestrian friendly area through which service vehicles only will be able to travel at low speeds. This is comparable to other areas in the city centre, including St Nicholas Street, and conditions are requested to secure this.

It has been demonstrated by means of swept-path analysis that the service operations of Marks and Spencer and the St Nicholas Centre will not be affected by servicing of the proposed development.

A consequence of the pedestrian/service vehicle area at Netherkirkgate is the loss of an informal Marks and Spencer taxi service from their rear door onto Netherkirkgate. This is not considered to be a significant factor, given the highly accessible nature of the City Centre and the scope for an alternative taxi rank to be provided on Broad Street in the event of pedestrianisation.

Traffic Modelling

In preparation for reporting to Full Council on 5th March 2014 on recommendations for the potential closure of Broad Street, the Council commissioned modelling to be undertaken of various scenarios. One of these was the impact of the development with Broad Street remaining fully open to all traffic. This modelling showed that in the AM peak there were no issues with the effect of the development taken into account. In the PM peak, the model experienced some instability on one out of fifteen runs. It is not considered that this one run which showed instability is representative of what is likely to occur as a result of the development progressing. It can be considered as an anomaly, in that for some reason on that run the modelling software was unable to allocate traffic appropriate routes. It is for this reason that these types of model are run multiple times, and it must be considered that on fourteen occasions the model ran with no problems. It is reasonable to conclude that, based on the Council's modelling, the network will be able to accommodate the additional traffic associated with the development.

The Council's Roads Projects team has provided comment on the implications of Broad Street pedestrianisation for the transport network, however with Aberdeen City Council's confirmation that it would be responsible for the implementation of

any such works, they would not require planning permission and are not for consideration as part of this application.

Travel Plan

A revised Travel Plan has been submitted, taking into account earlier comments from the Roads Projects Team. It is acknowledged that, with the exception of the hotel, occupiers are yet to be found for the site, and therefore the Travel Plan at this stage must reflect a framework, as much for the future development of the Travel Plan as for the measures it contains.

At this stage, the Travel Plan has been constructed to reflect employees of the office uses, however it is recommended that a condition be used to secure the production of a revised framework which takes account of all users/occupiers. This should include the production of sample Travel Packs for the distinct user/occupier groups and the identification of mode share targets for the different users, along with aims and objectives for each. This suite of information has been provided in relation to the office element of the development, and will feed into later versions of the Travel Plan. Two action plans have been produced within the submitted Travel Plan, incorporating both measures which could be implemented at the site and future actions which can be taken forward in preparation and agreement of a final consolidated Travel Plan.

A separate condition or conditions is requested to secure the production of individual Travel Plans for each occupier of the office buildings prior to occupation, using the framework described above and containing a Travel Pack for employees. A similar Travel Plan for the hotel will also be required, including Travel Packs for both staff and visitors/guests. Given the smaller nature of shops and restaurants, it would not be appropriate to seek production of a Travel Plan, however a Travel Pack should be produced for staff prior to occupation. This would likely be based on that produced for hotel staff.

Strategic Transport Fund (STF)

This development is liable for a contribution to the Strategic Transport Fund. The level of contributions will be based on the methodology set out in supplementary guidance to the Strategic Development Plan, entitled 'Delivering Identified Projects Through A Strategic Transport Fund'.

Drainage

Notes that the foul and surface water discharge arrangements via a combined sewer are unusual, but are not of concern providing Scottish Water are willing to accept them.

Attenuation calculations appended to the Drainage Impact Assessment report demonstrate that no flooding would occur within the required risk parameters.

The location of one of the three cellular storage tanks beneath the carriageway of Broad Street is noted. In the event that Broad Street does not close, this would be of concern as it could result in disruptive closures of Broad Street being required for maintenance of the tank. It is therefore requested that a condition be

attached to any consent requiring the redesign of the drainage system in the event that the road is not to be closed.

Environmental Health – No objection to the redevelopment of the former St Nicholas House site, however advise that comments relating to pedestrianisation of Broad Street will be provided separately if/when that is progressed.

Air Quality - Note that the development and its associated traffic would have a negligible impact on air quality. States that the development represents a 'medium' risk to human health as a result of dust emissions associated with the construction phase, however appropriate mitigation measures can reduce emissions so that impact would be negligible.

As it has been established that the pedestrianisation/closure of Broad Street by Aberdeen City Council in its capacity as Roads Authority does not require planning permission, comments provided on such a proposal's implications for Air Quality are not relevant to the planning authority's assessment of this application.

Noise – Notes potential to cause noise nuisance from building services and plant, deliveries, traffic, amplified music and patrons visiting the development. Noise from building services and fixed plant can be controlled by appropriate building design and deliveries by restricting their timings. Retail units, restaurants and cafes as proposed are likely to play only background music, and would not be expected to open late at night, and on that basis amplified music is not envisaged to cause nuisance. Impact arising from additional roads traffic and patrons of the development are considered to be insignificant.

It is recommended that a condition be used to ensure that building services and fixed plant equipment are designed to meet specified noise levels. A further condition is recommended in order to restrict the arrival or unloading of delivery vehicles outwith certain hours.

As with the Air Quality section, above, comments made by Environmental Health colleagues in relation to potential Noise Impact arising from vehicle traffic displaced as a result of Broad Street's closure are not relevant to consideration of this application, and therefore are not reproduced in this report.

Odours – Restaurant and hotel uses are identified as being likely to give rise to cooking odours. It is therefore requested that suitable filtrated extraction systems be incorporated as part of the design and that any terminal point be at the highest part of the buildings.

Developer Contributions Team – Given the extensive public realm works included within the proposed development, and the benefits attributable to the redevelopment of the site, it has not been considered appropriate to seek additional financial contributions towards core path network or public realm improvements.

Highlights requirements for developments to make a fair and proportionate contribution to the Strategic Transport Fund, which ensures the delivery of a package of road and public transport interventions where the cumulative impact of new development is likely to cause increased congestion. This site is liable for contributions to the STF, with the exact level of contribution to be determined through consultation with the Council's Roads Projects Team.

Enterprise, Planning & Infrastructure (Flooding) - No adverse comments, provided Scottish Water have no objections to the application (see below for Scottish Water's response).

Notes that attenuation volumes designed are acceptable to ACC, however as the receiving combined sewer is owned by Scottish Water, it is appropriate to seek their approval. Notes that the proposal does not include the expected level of treatment for roof water but, as the system discharges to a Scottish Water combined sewer, concludes that it is for Scottish Water to determine whether they will accept this arrangement.

Education, Culture & Sport (Archaeology) – Recommend a condition, requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation.

Scottish Environment Protection Agency – No objection. Encourage the use of Sustainable Urban Drainage Systems (SUDS) rather than discharging surface water to a combined sewer. Recommend consultation with Scottish Water to establish that there is available capacity in the public sewer for surface water run-off from the development. Recommend a condition, requiring submission and agreement of a site-specific Construction Method Statement.

Scottish Water – No objection to the application. Notes that Invercarnie Water Treatment Works currently has capacity to service the proposed development. Nigg Waste Water Treatment Works currently has capacity to service the proposed development. Initial investigations suggest that there may be a requirement for the developer to carry out works on both the local water and wastewater networks to ensure there is no loss of service to existing customers. The developer should discuss implications of this directly with Scottish Water, separate from this planning application.

Historic Scotland – No objection. Express satisfaction that the proposed development would not have any significant adverse impact on the setting of Provost Skene's House, Marischal College and Greyfriar's Church. Indeed, state that the setting of these listed buildings and the wider setting of the Conservation Area can be positively transformed by the proposed development.

Generally content that the development would sit comfortably in the existing setting, and are pleased that the scheme seeks to better integrate Provost Skene's House with intimate vistas and connections, notably from Broad Street. Would welcome further discussion of the treatment for the proposed Provost Skene's House gardens. Note that a separate response will be provided in

response to Listed Building Consent application P140755 concerning relocation of the arch and wall. Would welcome clarification of the proposals for the public space/pedestrian lane at the immediate rear/north of Provost Skene's house in terms of any works directly impacting on the building and landscape surfacing/street furniture and lighting.

Police Scotland Architectural Liaison Officer (ALO) – Recommend that the developers install CCTV throughout the area to reflect increased pedestrian movement. This should be supported by an appropriate lighting and landscaping design.

Requests that consideration is given to the use of a planning condition, requiring the developer to liaise with Police Scotland to discuss and address issues relating to the security of the office accommodation (particularly if there would be multiple tenants in each unit); security arrangements for individual retail units; and the possible extension of the public space CCTV in this area of the City Centre.

Architecture and Design Scotland (A+DS) – A+DS has provided feedback to the design team via 3 separate workshop sessions, held in August 2013, January 2014 and May 2014 respectively. In their most recent project appraisal report, issued June 2014, the A+DS Panel summarised as follows:

- The scheme generally appears to have evolved positively throughout the workshop series. Generally the designs, as submitted as part of the planning application, have the potential to form the basis of a good scheme, within the commercial constraints of the project. However, there are still specific areas of the designs that the Panel felt could be developed further and which would benefit from further refinement. These were generally felt to be more detailed aspects of the scheme, and which the applicants asserted could be dealt with during the next stage of design development. Based on the forum workshop process carried out to date, and on the assumption that the issues discussed at the workshop and as set out in the full form of A+DS's response will be addressed, A+DS find the project to be 'well considered and supported'.

Aberdeen City and Shire Design Review Panel – The local Design Review Panel considered the proposal in December 2013, though it should be noted that the proposal has changed since that time. The Panel was generally supportive of the proposal as a whole, but noted that there was insufficient detail available regarding proposals for traffic management. The need for consideration of microclimate was highlighted, with particular emphasis on the effects of wind on the pedestrian environment. The main points highlighted in relation to the design merits of the proposal were as follows:

- Views between Schoolhill and Marischal College should be maximised.
- Pedestrianisation of Broad Street was questioned, and the impact this would have on bus routes and traffic movements requires to be fully assessed and appropriately managed.

- Active uses within the development were welcomed, and the use of individual entrances to shops was encouraged to maximise the extent of active frontages.
- Attracting people to the development was highlighted as a challenge. The purpose of the 'Guestrow' route was questioned and, with modification, was identified as a potential way to attract footfall into the development.
- Effects of wind should be assessed to ensure there are not significant adverse effects on pedestrian environment.

Community Council – The local City Centre Community Council objects to the proposed development in its current form, making the following observations:

- Highlights the desire for less buildings and a greater area of open space, expressed by many at consultation events;
- Acknowledges that the land was sold as a development site and accepts the scale of the civic space to be provided;
- Nevertheless retains reservations about the traffic management implications of Broad Street's pedestrianisation;
- Sees merit in the provision of much needed hotel rooms.
- Accepts that demand for office space appears to be for 'new build' rather than conversion of existing buildings, such as those on Union Street, but expresses disappointment at this situation.
- Identifies the gardens around Provost Skene's House as potentially creating a nice, quiet space, but states reservation about the size/scale of the development, particularly along the Upperkirkgate frontage.
- Supportive of 24-hour access through the development, on the understanding that appropriate security measures will be in place.
- Understands that Provost Skene's House would be visible through gaps in the layout, but would be keen to see the main opening made larger. Any loss of commercial floorspace could be made up via an increase in height on the Union St side of the development.
- Would like to see more detail on how spaces could be enlivened, for example through the use of coloured lighting and water features.
- The scale of the development is much greater than had been first thought, and insufficient consideration has been given to the treatment of the proposed civic space.

REPRESENTATIONS

43 letters of representation have been received in relation to this application for planning permission. A non-statutory public hearing was held on 28th August, as had been recommended by officers based on the level of public interest in the application. The minute of that hearing is included in today's agenda papers. Those who had made representations in relation to the associated application for Listed Building Consent were also invited to attend and take part in the public hearing. The points raised relate to the following matters –

Consultation

- Views expressed at consultation events have been ignored
- Muse have either over-stated the level of public representation or failed to make all comments publicly available

Parking, traffic & accessibility

- Car parking within the site is insufficient to serve the proposed development
- Where will visitors to the area park?
- Traffic modelling suggests gridlocking within the network
- The submitted Transport Assessment has not adequately taken account of the impact of the proposed closure of Broad Street on the wider city centre
- Access and parking arrangements for hotel are queried
- Access to the Bon-Accord Centre car park and vehicle access to the John Lewis store would be made more difficult and routes more convoluted
- Disabled car parking on Queen Street is some distance from the square - the disabled car park which existed opposite M&S should be reinstated
- Journey times will be increased by the pedestrianisation of Broad Street, making existing city centre retail premises less accessible
- Potential impact on pedestrian movement between the Bon Accord and St Nicholas Centres

Pedestrianisation

- Pedestrianisation of Broad Street will cause traffic congestion elsewhere
- Disruption to public transport routes and increased journey times
- Concern over how the proposal will affect Police Scotland operations from Queen Street
- The pedestrianisation proposal appears to be premature to a full assessment of the alternative options to achieve similar objectives, and also to an agreed City Centre Masterplan

Design proposals

- Blocks views of Marischal College and Provost Skene's House and acts as a barrier between the two historic buildings
- Design is unsympathetic to its surroundings
- This proposal repeats the mistakes of St Nicholas House
- The proposal represents overdevelopment of the site
- The design, scale, height and massing of buildings remains excessive
- These proposals do nothing to promote the city as a tourist attraction
- Buildings should have more curves to reflect the waves of the sea
- Support for a tall, iconic building
- Buildings should incorporate rooftop activity (e.g. cafés and restaurants)
- Queries whether the water feature in front of Provost Skene's House will remain (sculpture designed by Thomas Bayliss Huxley Jones – currently understood to be in storage per ACC 'Structure Trail Aberdeen' publication)

- Concern over treatment of Flourmill Lane (retained purely as a service lane, rather than introducing linkages with the aim of introducing active frontages and enhancement of this environment in future)
- The layout is well-considered, but less successful in elevation
- Building heights are too uniform, giving a bulky appearance to the whole
- Elevations are like those of any number of other buildings in Scotland
- Building heights should be increased to reduce footprint, open up the site and allow for more green space
- Buildings will cast Broad St into shade for long periods
- The proposed development will ruin the city's skyline

Impacts arising from the proposed development

- Potential impact on existing retail premises - Union Street, George Street etc.
- The opening hours of any cafes/bars should be restricted
- There is no 'need' for new retail uses or hotel – existing vacancies on Union Street suggest that there is no market for additional retail.
- Demolition works have breached noise restrictions – assurances are sought regarding the control of noise during construction
- Re-routing of traffic will have adverse impacts on air quality and will cause noise pollution
- The height of new buildings will create a canyon effect between the development and Marischal College, funnelling wind to uncomfortable levels
- ACC's own STAG appraisal has failed to adequately assess noise and air quality considerations
- Limited mitigation measures are proposed to address impact of diversions

Suggestions for alternative proposals

- The site should be laid out as a largely open civic plaza/civic green space
- Any new open space should incorporate a fountain, statues, benches, flowers etc
- Union Street buildings should be restored and rents made affordable to encourage shops to be located on the main street

Other

- The Council/developer's primary motivation is money
- Money was wasted on consultation as a decision has already been made
- The plans were very difficult to view online due to the size of files
- Arrangements for viewing plans at Marischal College were poor
- Assurances are sought that the integrity and professionalism of the planning service has not been compromised by the Council's interest in the site
- Councillors urged not to vote along party-political lines
- It was understood that the site is held in the 'common good'

PLANNING POLICY

National Policy and Guidance

Scotland's Third National Planning Framework (NPF3)

NPF3 is a long-term strategy for Scotland - the spatial expression of the Government Economic Strategy, and of plans for infrastructure investment. NPF3 identifies national developments and other strategically important development opportunities in Scotland, and informs development and investment decisions of the Scottish Government, its agencies, planning authorities, private investors and other bodies.

In its section on Aberdeen and the North East, NPF3 states that the city centre will be a focus for regeneration efforts.

Scottish Planning Policy (SPP)

SPP sets out national planning policies for operation of the planning system and for the development and use of land. Principal policies relating to sustainability and placemaking are of relevance, as are subject policies, including those on the promotion of town centres; supporting business and employment; and valuing the historic environment. SPP also sets out policy principles in relation to promoting sustainable transport and active travel, and facilitating the transition to a low carbon economy.

Creating Places

This is the Scottish Government's policy statement on architecture and place, which contains policies and guidance on the importance of architecture and design.

Designing Streets

Designing Streets is a Scottish Government policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance.

Scottish Historic Environment Policy (SHEP)

This sets out Scottish Ministers' policies for the historic environment, and complements Scottish Planning Policy. It underlines the requirements of section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that the planning authority, in determining any application for planning permission for development that affects a listed building or its setting, is required to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.

Aberdeen City and Shire Strategic Development Plan (SDP) 2014

The SDP sets out a series of key objectives for the growth of the City and Aberdeenshire. The SDP recognises the importance of the city centre as an asset, and highlights that its regeneration is vital for the economic future of the

area, stating a need to attract more major office developments to the city centre. It also states that there needs to be a strong focus on improving the quality of the city centre's shopping, leisure, commercial and residential environment, with partial pedestrianisation of Union Street having an important role.

A stated objective of the Plan is provide opportunities which encourage economic development and create new employment in a range of areas that are both appropriate for and attractive to the needs of different industries. This must be balanced against another key objective to make sure new development maintains and improves the region's important built, natural and cultural assets.

The SDP sets targets for major employment and service developments in strategic growth areas to show that they are easy to access by walking, cycling or using public transport, and Travel Plans for such developments should reduce the need for people to use cars.

Aberdeen Local Development Plan

C1: City Centre Development – Regional Centre

Development within the City Centre must contribute towards the delivery of the vision for the City Centre as a regional centre as expressed in the City Centre Development Framework. As such, the City Centre is the preferred location for retail, commercial and leisure development serving a city-wide or regional market.

Proposals for new retail, commercial, leisure and other city centre uses shall be located in accordance with the sequential approach referred to in the Retailing section of the plan and in the relevant 'Hierarchy of Centres' supplementary guidance.

C2: City Centre Business Zone and Union Street

The City Centre Business Zone is the preferred location for major retail developments, as defined in policy RT1. Policy C2 seeks to encourage the retention of existing retail uses within the City Centre Business Zone, and in instances where it has been satisfactorily demonstrated that there is a lack of demand for continued retail use, new uses must enhance or adequately maintain daytime vitality and an active street frontage. Proposals to use basement and upper floor levels for retail, residential and other uses compatible with a city centre location will be encouraged in principle.

I1: Infrastructure Delivery and Developer Contributions

Development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed. Where development either individually or cumulatively will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities

T2: Transport impact of development

New developments must demonstrate that sufficient measures have been taken to minimise the traffic generated. Transport Assessments and Travel Plans will be required for developments which exceed thresholds set out in the associated 'Transport and Accessibility' Supplementary Guidance. Maximum car parking standards are set out in the associated supplementary guidance.

D1: Architecture and Placemaking

In order to ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Landmark or high buildings should respect the heights and scale of their surroundings, the urban topography and the city's skyline, and should aim to preserve or enhance important views.

D3: Sustainable and Active Travel

New development will be designed in order to minimise travel by private car, improve access to services and promote access to services and promote healthy lifestyles by encouraging active travel. Development will maintain and enhance permeability, ensuring that opportunities for sustainable and active travel are both protected and improved. Access to, and movement within and between, new and existing developments will prioritise transport modes in the following order – walking, cycling, public transport, car and other motorised vehicles.

Street layouts will reflect the principles of Designing Streets and will meet the minimum distances to services as set out in Supplementary Guidance on Transport and Accessibility, helping to achieve maximum levels of accessibility for communities to employment, essential services and areas of recreation. Existing access rights, including core paths, rights of way and paths within the wider network will be protected and enhanced. Where development proposals impact on the access network, the principle of the access must be maintained through the provision of suitable alternative routes.

D5: Built Heritage

Proposals affecting Conservation Areas or Listed Buildings will only be permitted if they comply with Scottish Planning Policy. In relation to development affecting archaeological resources, further details are set out in the 'Archaeology and Planning' supplementary guidance document.

D6: Landscape

Development will not be acceptable unless it avoids:

- significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct 'sense of place' which point to being either in or around Aberdeen or a particular part of it.
- obstructing important views of the City's townscape, landmarks and features when seen from busy and important publicly accessible vantage points such as roads, railways, recreation areas and pathways, and particularly from the main city approaches.

RT1: Sequential Approach and Retail Impact

All retail, commercial, leisure and other development appropriate to town centres should be located in accordance with the hierarchy and sequential approach as set out below and detailed in the 'Hierarchy of Retail Centres' supplementary guidance.

Tier 1 – Regional Centre
Tier 2 – Town centres
Tier 3 – District centres
Tier 4 – Neighbourhood centres
Retail Parks

Proposals serving a catchment area that is city-wide or larger shall be located in the City Centre, preferably in the City Centre Business Zone.

Proposals serving a catchment area of a size similar to that of a town centre or district centre shall be located in a town centre or a district centre, but may also be located in the City Centre Business Zone.

NE3: Urban Green Space

Permission will not be granted to use or redevelop any parks, playing fields, sports pitches, woods, allotments or all other areas of urban green space (including smaller spaces not identified on the Proposals Map) for any use other than recreation or sport, unless an equivalent and equally convenient and accessible area for public access is laid out and made available in the locality by the applicant for urban green space purposes. In all cases, development will only be acceptable provided that:

1. There is no significant loss to the landscape character and amenity of the site and adjoining areas;
2. Public access is either maintained or enhanced;
3. The site is of no significant wildlife or heritage value;
4. There is no loss of established or mature trees;
5. Replacement green space of similar or better quality is located in or immediately adjacent to the same community, providing similar or improved benefits to the replaced area and is as accessible to that community, taking into account public transport, walking and cycling networks and barriers such as major roads;
6. They do not impact detrimentally on lochs, ponds, watercourses or wetlands in the vicinity of the development; and
7. Proposals to develop playing fields or sports pitches should also be consistent with the terms of Scottish Planning Policy.

Note - Only larger areas of Urban Green Space are zoned as NE3 on Proposals Map

NE5: Trees and Woodlands

There is a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that contribute

significantly to nature conservation, landscape character or local amenity, including ancient and semi-natural woodland which is irreplaceable.

Appropriate measures should be taken for the protection and long term management of existing trees and new planting both during and after construction.

Buildings and services should be sited so as to minimise adverse impacts on existing and future trees and tree cover.

Native trees and woodlands should be planted in new development.

NE6: Flooding and Drainage

Where more than 100sqm of floorspace is proposed, developers will be required to submit a Drainage Impact Assessment. Further detail is contained in the relevant 'Drainage Impact Assessments' supplementary guidance. Surface water drainage associated with development must:

1. be the most appropriate available in terms of Sustainable Urban Drainage Systems principles; and
2. avoid flooding and pollution both during and after construction.

Connection to the public sewer will be a pre-requisite of all development where this is not already provided, and private wastewater systems in sewered areas will not be permitted.

NE9: Access and Informal Recreation

New development should not compromise the integrity of existing or potential recreational opportunities, including access rights, core paths, other paths and rights of way. Core Paths are shown on the ALDP proposals map. Wherever appropriate, developments should include new or improved provision for public access, permeability and/or links to green space for recreation and active travel.

NE10: Air Quality

Applications for development which has the potential to have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are proposed and can be agreed with the Planning Authority. Such planning applications should be accompanied by an assessment of the likely impact of development on air quality and any mitigation measures proposed. Attention is drawn to the associated 'Air Quality' supplementary guidance.

R6: Waste Management Requirements for New Development

Details of storage facilities and means of collection must be included as part of any application for development which would generate waste. Further details are set out in the 'Waste Management' supplementary guidance.

R7: Low and Zero Carbon Buildings

All new buildings must install low and zero-carbon generating technologies to reduce their predicted carbon dioxide emissions by at least 15% below the levels required by the 2007 building standards. Further guidance, including exceptions and routes to achieving 'deemed compliance' is set out in the associated 'Low and Zero Carbon Buildings' supplementary guidance.

Supplementary Guidance

City Centre Development Framework
Transport and Accessibility
Archaeology and Planning
Hierarchy of Retail Centres
Drainage Impact Assessments
Air Quality
Waste Management
Low and Zero Carbon Buildings
Infrastructure and Developer Contributions Manual
Aberdeen City and Shire Design Review Panel

Other Relevant Material Considerations

Bon-Accord Quarter Masterplan

The Bon-Accord Quarter Masterplan (BAQMP) does not carry the weight of supplementary guidance in decision-making, but given its specific focus on this site and its surrounds represents a noteworthy material consideration. It is also noted that its content relating to this area of the City Centre, identified as the 'Civic Heart', is mentioned in the City Centre Development Framework. In terms of scale and massing, the BAQMP recognised that historically Provost Skene's House was tightly enclosed within a dense mediaeval townscape. The masterplan envisaged a small, intimate court to its frontage, surrounded by buildings of 4-5 storeys, which could include a hotel. It was noted that the rear of Provost Skene's House was once a solid wall with other buildings built up against it. The BAQMP states that building heights should be no more than 5 storeys onto any new Broad Street civic space in order to reflect the height of Marischal College, but identified the possibility of increasing to six or seven storeys away from the square, on the site of the former St Nicholas House tower. Buildings along Upperkirkgate should respond to the lower scale and general informality of the mediaeval and Georgian townscape and not exceed 3 storeys. Potential for one or two floors of below-ground car parking was identified.

ALDP Main Issues Report

The Aberdeen Local Development Plan Main Issues Report (MIR) identifies demand for growth and investment in the city centre from the retail sector. The conclusions of a retail study show that there is potential for developing an additional 30,000 to 35,000sqm of retail floorspace in the city centre by 2022.

Strategic Infrastructure Plan

Aberdeen City Council's Strategic Infrastructure Plan (SIP) identifies the proposed 'Marischal Square' development as a project contributing towards a stated goal for 'A Better Image for Aberdeen'.

Design Review

The reports of Architecture and Design Scotland and the Aberdeen City and Shire Design Review Panel represent material considerations in the planning process.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan, comprising the Aberdeen and Aberdeenshire Strategic Development Plan and the Aberdeen Local Development Plan, and that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas

Pedestrianisation

Local authorities have powers to carry out certain works without planning permission, termed 'permitted development', under Part 12 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). Class 31 of this secondary legislation allows for a local authority, in its capacity as Roads Authority, to carry out '*on land within the boundaries of a road, of any works required for the maintenance or improvement of the road, where said works involve development*'; or '*on land outside but adjoining the boundary of an existing road of works required for or incidental to the maintenance or improvement of the road.*' This application was made by Muse Developments Ltd, and on submission it was understood to be the applicants' intention that Muse developments would intend to carry out the works relating to the pedestrianisation of Broad Street. On that basis, the works would require a formal grant of planning permission. It has since been established, via written confirmation from the Council, that the ACC would intend to carry out these works in its capacity as Roads Authority, and therefore these pedestrianisation works, which involve *the 'maintenance and improvement'* of the road, along with works on land adjoining the road '*incidental to the maintenance or improvement of the road*', would constitute development permitted by the aforementioned secondary legislation, and therefore do not in themselves require planning permission. On that basis, plans and drawings relating to the pedestrianised civic space on Broad Street should be treated as illustrative, demonstrating how the redeveloped St Nicholas House site could integrate with the Council's proposals for that pedestrianised space. Taking account of this background, determination of this application will not extend to assessment of pedestrianisation, nor its associated effects on the transport network, including noise and air quality.

National Policy

The proposed development involves a mix of uses, including restaurants, hotel, offices and retail, all of which can contribute to the regeneration of the City Centre as envisaged in NPF3. As will be discussed in detail below, uses such as these, which make a contribution to the vitality and viability of existing retail centres, are ideally located in the City Centre, consistent with the 'town centre first' policy advocated by Scottish Planning Policy. The re-use of a prominent brownfield site is also in line with this expression of national policy, which states that consideration should be given to such sites before new development takes place on greenfield land.

Strategic Development Plan

The Aberdeen City and Shire Strategic Development Plan (SDP) highlights the importance of city centre regeneration and its role in the economic future of the area. This proposal's combination of shopping, leisure/restaurant uses and new office accommodation is entirely consistent with the SDP's aspirations. The balance between encouraging city development and respecting our city's built heritage is recognised and is explored further in the 'Design and Scale' and 'Impact on Conservation Area and Setting of Listed Buildings' sections of this report. The principle of a mixed-use redevelopment on this highly accessible City Centre site is consistent with the SDP's targets for major employment and service developments to be easy to access by walking, cycling or using public transport.

Aberdeen City Council's Strategic Infrastructure Plan (SIP), whilst not a planning policy document, is expressed as a mechanism for the delivery of Strategic and Local Development Plans. The proposed Marischal Square development is identified as a key goal in working towards 'A Better Image for Aberdeen', with significant benefits to the regeneration of Aberdeen City Centre. The progression of this scheme is therefore consistent with the aims of the SIP.

Zoning and Principle of Mixed-Use Development

The application site lies within the defined city centre boundary, and is zoned as part of the City Centre Business Zone in the ALDP. Policy C1 refers to retail, commercial, leisure and other 'city centre' uses being located in accordance with the sequential approach set out in the Council's 'Hierarchy of Retail Centres' supplementary guidance. That supplementary guidance document sets out that the policy approach within the City Centre is to support retail development, and to promote the city centre as the preferred location for all developments serving a city-wide or regional market. On that basis, the inclusion within this proposal of retail, restaurant and hotel uses is entirely consistent with the provisions of policy C1 (City Centre Development) and the associated 'Hierarchy of Retail Centres' supplementary guidance. Retail, restaurant and hotel uses are considered likely to contribute positively to the vitality and viability of this first-tier retail location, whilst upper level office accommodation would generate additional footfall in this area of the city centre to support both the commercial uses within the development and those in the City Centre generally.

Policy C2 (City Centre Business Zone and Union Street) highlights that the City Centre Business Zone, within which this site lies, is the preferred location for major retail developments serving a catchment area that is city-wide or larger. Policy RT1 (Sequential Approach and Retail Impact) establishes that smaller scale retail proposals may also be appropriately sited in the City Centre. This proposal is considered to be consistent with the aims of these policies, in directing new retail development to existing retail centres of an appropriate catchment.

The City Centre Development Framework (CCDF), which incorporates principles previously set out in the Bon-Accord Quarter Masterplan, identifies this area as *'Aberdeen's 'Civic Heart, with the redevelopment of the St Nicholas House site, the formation of a civic square in front of Marischal College, a new courtyard to the north of Provost Skene's House and new pedestrian linkages between Marischal College being key to improving the potential of this area'*.

The CCDF advocates a broad range of uses around any civic square, incorporating retail, restaurants, offices, residential, hotel, cultural and civic. The 'Civic Heart' is seen by the CCDF as being the neighbourhood most appropriate to support a genuine mix of uses with residential and office uses at upper levels. The importance of creating live frontage and activities at all times of day and into the evening is stressed, with the aim of creating a *'successful, positive and useable'* public space.

This application involves a 'live' glazed frontage being presented to its main street elevations on Broad Street and Upperkirkgate. Retail and restaurant uses would be located on ground floors, providing an active frontage during daytime and into the evening, whilst the office uses at upper floors would make a significant contribution to populating Broad Street and any future pedestrianised space, whilst generating business for the commercial premises below. A colonnade, which had been shown along the Broad Street frontage, has been removed from the proposal in order that these active frontages are not set back from Broad Street. The presence of a 125-bed hotel will contribute towards ensuring there is a degree of activity within the area into the evenings, supporting commercial uses such as restaurants and bars beyond standard office hours. The development is well-positioned to interact with the heavy pedestrian footfall which currently exists between the St Nicholas and Bon-Accord shopping centres. The presence of a prominent ped access in the Upperkirkgate frontage and the public spaces within the development are likely to attract a proportion of that foot traffic into the development, supporting retail and restaurant uses. This mix of uses and relationship with the existing shopping centres is consistent with the vision expressed by the City Centre Development Framework.

Design and Scale

Broad Street Frontage

The scale of buildings varies across the site, with upper floor levels commonly set back from the development frontage in order to reduce overall massing. The frontage onto Broad Street ranges from 4 and 5 storey sections with glazed

frontage to granite-clad sections ranging from 5-7 storeys. The northern end of that Broad Street frontage, adjacent to the junction with Upperkirkgate and Gallowgate, would be of 6 storeys, featuring a natural granite cladding. This section would be linked to a 5-storey granite-clad section by a 4-storey glazed portion, which features 5th and 6th floor accommodation progressively stepped back from the building's frontage. A pend at ground floor level of this glazed section would provide linkage to the covered courtyard space within the development.

The second building with a frontage onto Broad Street lies to the south, with a gap of 11m separating these buildings and affording views into Provost Skene's House, at the heart of the site. By way of comparison, the distance between the buildings on opposite sides of St Catherine's Wynd has been measured at approximately 8.90m. Both proposed office buildings step down to this gap (to 4 and 5 storeys respectively) and utilise glazed frontages, allowing for reflected views of Provost Skene's House and its recognisable roofscape.

The southern of the two buildings fronting onto Broad Street steps up from the 5-storey glazed section described above, to a section of granite-clad frontage of 6 storeys, with 7th floor accommodation set back and glazed. The southern end of this Broad Street frontage, opposite the junction with Queen Street and the spire of Greyfriar's Church, would be a full 7 storeys in height, reflecting the increased height of the building immediately opposite.

The submitted sections demonstrate that the height of the northern building will be comparable with that of Marischal College, and its massing will be further reduced through upper floors being set back at various points. At a maximum of 7 storeys, the southern building is the taller of the two, reflecting its position opposite the spire of Greyfriar's Church. In general terms, the scale and massing of the buildings along this Broad Street frontage is considered to demonstrate due regard for its context and is appropriate to its setting.

Upperkirkgate Frontage

The highest point in the development's Upperkirkgate frontage is at the junction with Broad Street and Gallowgate, where it achieves 6 storeys to reflect its prominent corner position and the height and scale of the adjacent Marischal College. This 6 storey section is approximately 6.5m higher than the former Aberdeen University Students' Union building which sits immediately opposite. That building is readily identifiable as the tallest on Upperkirkgate presently, with others generally ranging from 3-4 ½ storeys. The Upperkirkgate frontage of the new development would subsequently step down to 5 glazed storeys (plus set-back 6th floor). Due to the falling ground levels as Upperkirkgate heads westwards, the section of this building lying to the west of the pend benefits from an additional floor, which sits below the level of Broad Street. This section of the building is granite-clad, with a 5-storey frontage. The BAQMP indicated that development along Upperkirkgate should respond to the *'lower scale and general informality of the mediaeval and Georgian townscape'* and should not exceed 3 storeys. Clearly the proposed buildings are substantially taller than recommended in the BAQMP. It is noted that the height of the Upperkirkgate

frontage steps down as it progresses westwards, with upper floors set back by 5-6m as it approaches the junction with Flourmill Lane. The massing of this elevation is broken up through the use of different materials, with the frontage essentially divided into at least 3 distinct parts. Glazed shop frontages are further sub-divided, with this sub-division carried through in the position of windows in upper floors. This serves to give the building some vertical rhythm, reflecting the generally modest building widths on the opposite side of Upperkirkgate. Whilst these buildings are slightly higher than those opposite, the manner in which their massing is broken up is such way that this does not appear to be overpowering or incongruous. Whilst the overall heights may be higher than was suggested in the BAQMP, the development nevertheless appears to demonstrate consistency with its principles.

Hotel building

The proposed hotel, which sits at the south-western corner of the site, would be 7 storeys high, though it is noted that the overall height of this block is comparable to the 6 storey sections of the adjacent office 01 building, due in part to the difference in internal floor-to-ceiling heights. This area of the site was identified in the BAQMP as being the area best suited to accommodate higher buildings, with a height of 6-7 storeys mentioned. The L-shaped hotel building's design differs from the other two buildings, utilising a combination of different cladding materials, arranged with a vertical pattern and incorporating colour, and slightly reflective elements. This building, which presents its frontage to the internal space around Provost Skene's House rather than any street frontage, is more regular in form than the others, with no set-back floors at upper level. The entrance/reception area is shown with full-height glazing and a coloured aluminium cladding surround. The precise details of these materials and their colouring/finishes would commonly be the subject of further discussion and agreement through use of an appropriately worded condition. The height of this building is considered to be appropriate for this part of the site and consistent with the guidance previously expressed by the Council through the Bon-Accord Quarter Masterplan.

Scope to integrate with proposals for civic space

In assessing the design merits of the proposal, it is noted that the ALDP requires that development should '*demonstrate due consideration for its context and make a positive contribution to its setting*'. The Council's City Centre Development Framework, which in the decision-making process carries equal weight to the policies within the ALDP, emphasises the central role which forming a new civic space will play in providing an enhanced setting for Marischal College. Whilst it has been established that such a pedestrianisation/civic space proposal can be progressed separately by ACC in its role as roads authority, it is nevertheless appropriate to ensure that the development proposals under consideration today demonstrate due regard for those aspirations and can be fully integrated into those wider proposals.

As the applicant has progressed designs for the civic space in parallel with their proposals for the redevelopment of the former St Nicholas House site, it is evident that these two elements of the wider vision have not been considered in

isolation, and that it should be readily possible for buildings to come forward separately from the civic space, notwithstanding due consideration of traffic modelling and other relevant factors. As has been highlighted previously in this report, the composition of uses proposed within the development lends itself to both populating this area and supporting the live and active frontage of commercial uses appropriate to a city centre location.

General

The scale of buildings proposed is greater than that envisaged by the BAQMP, however many of the principles set out in that document have influenced the development of this proposal. The historically dense urban townscape around Provost Skene's House is reflected in the layout, where the historic building is set at the heart of the site within a new open space of an appropriately intimate scale, which incorporates a new hotel as identified in the BAQMP. The buildings positioned around that area of open space are taller than the 4-5 storeys recommended in the masterplan, with heights of up to 7 storeys shown, however it is noteworthy that various sections of upper floor level having been set back to reduce overall massing. Ultimately, any increase in height on that previously envisaged by the BAQMP should be considered based on its relationship with its surroundings and any adverse impact as a result of that increase in height, rather than be interpreted as an absolute restriction.

The BAQMP recommended that frontages to Broad Street be limited to 5 storeys. The proposed development's Broad Street frontage is generally of 5-6 storeys, with only a small part achieving 7 full storeys at its frontage, reflecting the increase in height at Greyfriar's Church, immediately opposite. The scale of the Broad Street frontage is considered to be appropriate to this context and broadly consistent with the principles underpinning the BAQMP, in that the scale and height of buildings along this frontage has been designed to respect and respond to the scale and importance of Marischal College. The scale of the hotel building, which achieves 7 storeys, is consistent with the recommendations of the Masterplan, which indicates that the south-western corner of the site would be best suited to accommodating buildings of a greater height. Taking these matters into account, it is considered that the proposal demonstrates due regard for its context through its variation in height, materials and massing, and would make a positive contribution to its setting through the redevelopment of this prominent city centre site, enhancement of public space around Provost Skene's House, and the provision of an appropriate scale of development frontage to Broad Street which would complement the formation of a civic space on Broad Street and the consequent enhancement of the setting afforded to Marischal College. In this regard, the proposal is considered to accord with the provisions of policy D1 (Architecture and Placemaking) of the ALDP.

By enhancing the setting of Marischal College and Provost Skene's House, the proposal demonstrates 'physical value', as defined in Creating Places, the Scottish Government's policy statement on architecture and place.

The proposal's evolution has responded to a number of the issues raised in dialogue with Architecture and Design Scotland and the Aberdeen and

Aberdeenshire Design Review Panel. Opportunities have been taken to encourage permeability through the site from Netherkirkgate and Union Street beyond. Pends have been reconfigured to allow for an experience of going from a larger to a smaller enclosed space, echoing the original medieval urban grain and allowing for the 'discovery' of Provost Skene's House and its more intimate surroundings. The horizontal emphasis in glazing proportions remains, despite comments that this would appear to jar with the vertical rhythm of the development's Broad Street frontage, influenced by Marischal College opposite. Relocation of the pend in the Upperkirkgate elevation has resulted in less of the vertical emphasis in the massing of the development frontage which had been encouraged by the Panel. The proposed hotel building is now treated as a stand-alone element, using a different architectural language, as this has previously appeared to be a slightly compromised version of the other buildings. On balance, it is evident that many of the issues raised through engagement with A+DS have been actively explored and resulted in positive changes to the proposal.

Setting within landscape

The proposed redevelopment involves significant change in the urban landscape, which is already apparent through the demolition of St Nicholas house, which has opened up previously unseen views across the site. This has been a particularly strong theme in the comments made via representations and at the public hearing. Particularly prominent is the view of Marischal College's striking frontage on approach along Schoolhill and Upperkirkgate. Provost Skene's House, which had previously been largely obscured from Broad Street by the 3-storey wing of St Nicholas House, is also a much more prominent feature. The value of these views is recognised, and the relationship of any development to its surroundings is an important material consideration, however this must be considered in context. This brownfield site lies in a prime City Centre location, and whilst due consideration should be given to taking advantage of opportunities which exist for enhancing the setting of important historic buildings, it would not be considered reasonable to impose strict restrictions on development on this site for that sole purpose, particularly given that there is no such strong constraint expressed in the Local Development Plan or its associated supplementary guidance.

Policy D6 (Landscape) stipulates that development should avoid obstructing important views of the city's townscape and landmarks, when seen from busy and important publicly accessible vantage points, such as roads, railway lines and recreation areas. Whilst these new views, opened up following the demolition of St Nicholas House, are recognised, it must also be acknowledged that these did not exist previously, and that the demolition of any large city centre building is likely to offer new perspectives on its surroundings. The presence of these views should not preclude the redevelopment of a brownfield site at an appropriate scale, which demonstrates due regard for the desirability of enhancing the setting of any adjacent listed buildings and the appearance of the wider conservation area. This proposal allows for views of Provost Skene's House from Broad Street, through a gap in the frontage formed by new buildings, to a lesser extent through the two street level pends in that same frontage, and along Flourmill Lane. These views are considered to allow for glimpses of this historic gem at the

heart of the development, drawing people in to the heart of the development. It is recognised that the north-western elevation of the building has been given much greater prominence through the clearance of the St Nicholas House site, however it is noted also that this is the rear elevation of the building and the BAQMP has highlighted that this elevation was at one time a solid wall with other buildings built up against it.

The proposed development would not interrupt views of Marischal College from Broad Street, however the recently revealed view on approach from Schoolhill/Upperkirkgate would not be retained. Whilst the scale of buildings proposed in the foreground of that view is greater than what had existed previously at St Nicholas House, it should be noted that the topography along this line of sight is such that even the relatively modest buildings which existed on this part of the site previously had obscured much of the frontage of Marischal College, with views restricted to the tower at its northern end. The proportion of the Marischal College frontage which would benefit from unobstructed views would not be fundamentally different, however it is noted that the spires of the frontage will not be seen protruding above the rooftops of the St Nicholas House site, as had previously been the case. Taking these points into account, the proposal would not result in an established important view of the city's townscape being obstructed, but rather the redevelopment of a site at a scale consistent with its central urban location would obscure a view which had not existed prior to the clearance of the site. The absence of any historic basis for this view of Marischal College, in conjunction with new opportunities for views of Provost Skene's House being embraced by the proposal, indicates that the proposal would accord with the aims of policy D6 (Landscape).

Impact on Conservation Area and Setting of Listed Buildings

The application site is in a potentially sensitive location due to the presence of the category A-listed Provost Skene's House and Marischal College, along with a number of category B and C listed buildings situated along the northern side of Upperkirkgate. The proposals are considered to represent a positive response to these valuable listed buildings, as highlighted by Historic Scotland's response, summarised earlier in this report. The progression of the scheme has been underpinned by a clear understanding of the historical context of the site and the pattern of development which had existed prior to the development of St Nicholas House. The BAQMP described how Provost Skene's House has historically been tightly enclosed by other buildings, and had not existed as a standalone building in an open setting. Taking that into account, it is considered that this building has historically been tightly enclosed as part of a dense urban fabric, and is oriented in such a way that its principal elevation does not face onto a street. The proposals for a landscaped public space to the front of Provost Skene's House are considered to be an appropriate response to the building and its context, and provide an opportunity for the enhancement of its former setting as part of the St Nicholas House site.

Historic Scotland has expressed satisfaction that the proposals would not have any significant adverse impact on the setting of Provost Skene's house, Marischal College and Greyfriar's Church, and stated that the setting of these

listed buildings and the wider setting of the Conservation Area could be positively transformed by the proposed development and the associated plans for the pedestrianisation of Broad Street and formation of a new civic space. Clarification of works directly affecting the building and landscape surfacing etc would be a matter for the associated application for Listed Building Consent. Having had regard to the views expressed by Historic Scotland, it is considered that the proposal demonstrates accordance with the relevant 'Valuing the Historic Environment' section of SPP, which promotes the care and protection of the historic environment and advocates the enabling of positive change in the historic environment, informed by a clear understanding of the importance of the heritage assets affected. This proposal has avoided significant change to the fabric of these assets, and would enhance the setting of Provost Skene's House through the provision of an enhanced open space and the progression of a development which has been informed by a clear understanding of the historic development pattern and the local context. Consequently, the proposal is also considered to accord with policy D5 (Built Heritage) of the ALDP, which requires compliance with SPP, and the City Centre Development Framework, which requires development to improve the setting of and respect Marischal College and Provost Skene's House as important historic buildings. The proposals are considered to preserve the setting of the surrounding listed buildings and the wider Conservation Area, as encouraged by the Scottish Historic Environment Policy (SHEP) and the relevant 1997 Planning (Listed Buildings and Conservation Areas) (Scotland) Act.

Economic Benefits

The applicants' supporting planning statement states that the proposal has the potential to create in the region of 1,500 gross full-time equivalent jobs. It is stated that the majority of these would be attributable to the office element of the proposal, with the remainder from restaurants, shops and the hotel. SPP identifies a series of 'Core Values' of the planning system, one of which is to *'play a key role in facilitating sustainable economic growth, particularly the creation of new jobs and the strengthening of economic capacity and resilience within communities'*. This proposal is understood to have the potential to create jobs, whilst also regenerating a prominent brownfield site to the benefit of the wider City Centre and contributing towards the Strategic Development Plan's aim to secure more major office developments within the City Centre to meet an identified need.

Access, Parking and Transport

The Council's Roads Projects Team has intimated that car parking, vehicle access arrangements and servicing are satisfactory, and that modelling work previously undertaken provides comfort that the local road network can adequately accommodate traffic generated by the proposed development. Appropriate provision has been made for car parking within the site, at a level appropriate to this highly accessible city centre location and, based on consideration of the Council's relevant supplementary guidance on Transport and Accessibility. Servicing arrangements via Flourmill Lane have been accepted, with resurfacing of a new service vehicle only zone to be undertaken prior to occupation of buildings. Alternative provision would have to be made for visitor

cycle parking, in the event that Broad Street's pedestrianisation is not progressed, as submissions had indicated this being within the envisaged Broad Street civic space. Appropriate cycle parking would be provided for staff within the underground car park, with showers, lockers and changing facilities also available.

A Travel Plan Framework and associated Travel Plans can be secured through the use of conditions attached to any grant of planning permission, as set out in the consultation response from the Council's Roads Projects Team. Similarly, conditions can be utilised to secure that the building may not be occupied until such time as the necessary roads infrastructure works have been implemented.

The proposal makes good provision for pedestrian access, with connections formed to the site from Broad Street, Upperkirkgate and Flourmill Lane. Hard and soft landscaped spaces within the development encourage pedestrian movement, and it is noted that the pedestrian environment on Flourmill Lane will be enhanced through the widening of the pavement on its eastern side, using land within the application site.

Taking these matters into account, it is considered that the proposal has demonstrated accordance with the provisions of policy T2 (Managing the Transport Impact of Development) and the associated 'Transport and Accessibility' supplementary guidance. The proposal encourages pedestrian movement, makes improved provision for public access and site permeability, is well located relative to public transport services, and would not interfere with any existing core path routes. As a result, this proposal is considered to accord with the relevant provisions of policies D3 (Sustainable and Active Travel) and NE9 (Access and Informal Recreation) of the ALDP.

Environmental Impacts

Noise

The applicants have submitted a noise assessment relating to the development of the St Nicholas house site. The Council's Environmental Health officers have identified potential sources of noise disturbance in building services and plant, deliveries, traffic, amplified music and patrons visiting the development. The comments made by colleagues indicate that none of these noise sources is considered to be significant or insurmountable. It is concluded that the proposed development of the St Nicholas House site would not in itself result in any adverse impact on neighbouring uses or amenity as a result of noise.

It has not been considered necessary for a condition to be attached in relation to amplified music, based on the commentary given in the response by the Council's Environmental Health service, and the separate powers which are available to that service.

Concerns were raised in representations about noise impact arising from both the construction phase and the operation of uses thereafter, with a suggestion that hours should be restricted accordingly. The Council's Environmental Health

officers have intimated that they do not envisage any significant noise impact from these sources, and it should also be highlighted that the hours of operation of any restaurant and retail uses would be considered separately as part of licensing processes. Furthermore, the Council has separate powers to take action in relation to statutory noise nuisance under relevant environmental health legislation. An informative can be attached to any consent granted, making recommendations about appropriate construction working hours for works audible outwith the site boundary, however it should be noted that this cannot be expressed as a condition, due to the statutory powers noted above.

Air Quality

The risk identified in relation to dust emissions associated with construction can be mitigated by appropriate measures, to be agreed via condition. As with noise impact, the implications of pedestrianisation on air quality are for the Council to consider independently of this planning application. By including appropriate measures to mitigate the impact of air pollutants, the proposal can ensure accordance with the provisions of policy NE10 (Air Quality) of the ALDP and the associated Air Quality supplementary guidance.

Microclimate

The submitted Microclimate Assessment demonstrates that the wind microclimate within the site would generally be calmer than was previously the case with St Nicholas House in situ. A relatively windy microclimate had existed previously, with prevailing southerly and northwesterly winds blowing around the St Nicholas House building. Conditions were comparatively calm in the northwestern half of the site. Highly windy conditions had occurred at the centre of the site, of levels which could be uncomfortable for pedestrians.

The wind microclimate around the proposed development would be generally improved compared with the previous situation, though some locations, such as at the south corner of Provost Skene's House, where wind would be channelled between buildings, would be windier than others. Nevertheless, the majority of the site is assessed as being suitable for pedestrian thoroughfare use, and the use of hard and soft landscaping features, in conjunction with due consideration of entrance configurations, can assist in further mitigating localised windy conditions. The report concludes that such mitigation measures can contribute to making the majority of the site appropriate for outdoor seating use during the summer season, but recommends that such seating areas be located with due regard for localised conditions.

The approved Pinnacle Aberdeen development, to the south of the site, has a small effect on wind conditions, but the report concludes that this would not have any significant effect in relation to the proposed development.

Urban Green Space and Trees

The proposed development includes the removal of the existing lawn area and gardens immediately in front of Provost Skene's House. This space represents an area of urban green space, and therefore the provisions of policy NE3 (Urban Green Space) are applicable. This policy highlights that such areas, even if not

specifically identified on the ALDP proposals map, will be protected from development for purposes other than recreation or sport, unless equivalent and equally convenient and accessible space is provided in the immediate area. In this instance, the wider redevelopment of the St Nicholas House site involves a new public garden space of an equivalent scale being laid out in front of Provost Skene's House. This space is envisaged as a formal, structured garden '*similar to those found at historic houses and castles of the north-east*'. This space would be enhanced by virtue of it being accessible from the same level as Broad Street, more visible due to vistas through the new development, and more accessible via the introduction of new routes. Policy NE3 also sets out a series of criteria to be considered in establishing the acceptability of a development. These are set out in full in the Policy section of this report. This space is currently simply laid out, and the quality of the environment had previously been adversely affected by the presence of St Nicholas House, which made this quite a windy space. The proposals for landscaping and reconfiguration of this space would ensure that its character and amenity would be enhanced. Public access would be enhanced through the introduction of new routes, allowing for street level access from Broad Street to the area in front of Provost Skene's House. The site is not understood to be of any significant wildlife or habitat value, and its heritage value is attributable to its relationship to the setting of Provost Skene's House. The submitted Public Realm Strategy demonstrates that the character of this space has been given due consideration, to ensure that its reconfiguration and landscaping are reflective of the character of this historic building. Whilst 6 trees would be removed as part of this proposal, the submitted tree survey has established that these existing specimens all category C trees, are in poor condition, with an anticipated life expectancy of 10-20 years, and can readily be replaced through the opportunity for a comprehensive scheme of landscaping and tree planting across the site. On balance, it is considered that the proposal involves enhancement of the existing landscape quality in this area. Taking these matters into account, it is concluded that the proposals for the redevelopment of this area of urban green space is consistent with the provisions of policy NE3 (Urban Green Space) of the Aberdeen Local Development Plan. Whilst existing trees would be removed, it has been established that the contribution made by the existing poor quality trees could be enhanced through proposals for new landscaping and tree planting. On this basis, the proposal is considered to demonstrate due regard for the provisions of policy NE5 (Trees and Woodlands), the focus of which is on the retention of trees which either individually or as part of a group make a significant contribution to landscape character, local amenity etc.

Archaeology

The applicants have commissioned a desk-based archaeological assessment, which has identified an area of the site, around the lawn to the fore of Provost Skene's House, as having archaeological potential. The Council's Curator of Archaeology has requested that a condition be attached to any consent in order to secure the implementation of a programme of archaeological work, in accordance with a written scheme of investigation to be submitted to, and agreed in writing by, the planning authority. These measures can ensure that any works are carried out in a manner consistent with policy D5 (Built Heritage), as it relates

to development affecting archaeological resources, and the associated 'Archaeology and Planning' supplementary guidance.

Waste

No comment has been made by the Council's Environmental Health officers in relation to the management of waste within the development, however the applicants have intimated an intention to produce a Site Waste Management Plan (SWMP). A condition can be used to secure submission of such a plan, to include details of arrangements for the storage and disposal of refuse, to be agreed by the planning authority in consultation with Environmental Health officers prior to commencement. This can ensure compliance with the relevant provisions of policy R6 (Waste Management Requirements for New Development) and the associated 'Waste Management' supplementary guidance.

Environmental performance of buildings

Policy R7 (Low and Zero Carbon Buildings) requires new buildings to achieve a specified reduction in predicted carbon dioxide emissions below levels set out in 2007 Building Regulations. Further guidance is set out in the associated 'Low and Zero Carbon Buildings' supplementary guidance. The applicants have submitted a 'Sustainability and Low Carbon Development Statement' which sets out how air source heat pumps, an eligible LZC technology, would be utilised in the proposed buildings to secure reductions in carbon emissions. This statement and its calculations demonstrate that the two office buildings would achieve the required reductions in carbon emissions through the use of these technologies, but that the hotel building would achieve only a 13% saving in emissions below the level set by the 2007 Building Regulations, failing to reach the required 15%. It is recognised that the submitted calculations demonstrate a significant reduction in emissions being achieved through the use of this technology, but that the starting point in terms of emissions for this building significantly exceeds its target emissions rate. This situation suggests that a 'fabric-first' solution, whereby the built fabric itself is made more efficient (for example through use of thicker/better insulation), should be possible to securing compliance with policy R7 (Low and Zero Carbon Buildings). Given that there is confidence that this can be achieved, it is recommended that a condition be attached to require submission of a scheme demonstrating compliance with policy R7 and the associated 'Low and Zero Carbon Buildings' supplementary guidance.

Drainage

The Council's Roads Projects Team have considered the content of the submitted Drainage Impact Assessment (DIA) and accepted that the proposed arrangements, though non-standard, are acceptable subject to agreement with Scottish Water, and have been accompanied by the necessary calculations to demonstrate that there is no significant risk of flooding. Taking account of concerns raised by the Council's Roads Projects Team, the proposed scheme of surface water drainage can be the basis for this approval, but in the event that pedestrianisation does not occur, the Council, acting as Roads Authority, would not agree to those works, and a condition can allow for the applicants to provide a revised scheme of surface water drainage, to be agreed prior to commencement of works, to be subsequently implemented prior to occupation.

The Council's Flooding Team has noted that they have no further comments, provided Scottish Water do not object to the proposal. Similarly, SEPA advise that Sustainable Urban Drainage Systems (SUDS) would be encouraged rather than discharging surface water to a combined sewer, and recommend consultation with Scottish Water to establish that there is available capacity in the public sewer. Scottish Water has stated that they have no objection to the proposed development, but have highlighted that the applicant may be obliged to contribute towards works to the local network prior to being allowed a connection. This is not a matter for this application and the applicant will be required to address this directly with Scottish Water. A condition requiring submission and agreement of a site-specific Construction Method Statement, as suggested by SEPA, could be attached to any consent granted.

Drainage proposals are considered to be satisfactory, and have not resulted in any objections from the relevant consultees. The submitted information demonstrates that the proposed system would have sufficient capacity to avoid any increased risk of flooding post-development. Flooding and pollution during construction can be avoided through the use of a condition requiring submission of a Construction Method Statement, as recommended by SEPA. Taking these points into account, the proposal is considered to accord with the relevant provisions of policy NE6 (Flooding and Drainage) of the ALDP and the associated 'Drainage Impact Assessment' supplementary guidance.

Developer Contributions and Strategic Transport Fund

Whilst it has now been established that the Council's powers as roads authority would allow for the progression of a pedestrianised civic space on Broad Street without any formal grant of planning permission, and that the detail of those proposals should be treated as illustrative in consideration of the current application, it has nevertheless been considered that the significant financial commitment made by the applicant to enhancement of the public realm via the envisaged civic space and the associated public realm enhancements within the former St Nicholas House site is such that it would be unreasonable to impose further financial obligations. In the event that Broad Street pedestrianisation does not go ahead, the public realm works within the site are themselves sufficient to outweigh any payable developer contributions.

The proposed development is required to make a contribution to the Strategic Transport Fund, as highlighted in the Roads Projects Team's response. This can be secured via a planning agreement, with consent issued on conclusion of a suitable agreement.

In securing such public realm enhancements, the proposal can accord with the provisions of policy I1 (Infrastructure Delivery and Developer Contributions) and the associated Infrastructure and Developer Contributions Manual, adopted as Supplementary Guidance to the ALDP. In securing payments towards the STF, the proposal will demonstrate accordance with supplementary guidance to the Strategic Development Plan, entitled 'Delivering Identified Projects Through A Strategic Transport Fund'.

Other Matters Raised in Representations and at Public Hearing

Many of the issues raised in representations and at the public hearing, including those relating to the impact of pedestrianisation, design matters, car parking, air quality, noise impact, tree removals and retail policy considerations have been addressed earlier in this report through assessment against the relevant provisions of the development plan. Outstanding issues are considered as follows:

Consultation

Whilst one of the functions of a Pre-Application Consultation Report is to set out how an applicant has responded to any matters raised during pre-application consultation, an applicant is not obliged to make those changes, with any application for planning permission to be determined on its merits. The manner in which the applicants have presented information in the submitted Pre-Application Consultation Report is considered to accord with the requirements of the relevant regulations, and is understood to be an accurate reflection of the consultation undertaken and the responses received. This report has been made publicly available on the Council's website.

Impact on existing retail uses

The acceptability of new retail uses relative to the zoning of this site has been discussed earlier in this report. Representations have raised concerns over the potential for new retail uses to result in an adverse impact on existing retail uses at nearby locations, such as Union Street and George Street. The approach to consideration of retail uses set out in Scottish Planning Policy and the Aberdeen Local Development Plan is based around encouraging retail uses to defined retail centres of a size appropriate to their catchment. As this site involves the siting of retail and restaurant uses within the City Centre, the first-tier retail location serving a regional catchment, it is consistent with the 'town centre first' policy advocated in SPP, and it is not necessary for the applicant to demonstrate a 'need' for those uses, as a competitive market will respond to demand. Nevertheless, the recent Aberdeen and Aberdeenshire Retail Study has identified demand for a significant level of retail floorspace across the city. Whilst this is not an official policy document, it represents the most current assessment of unfulfilled retail demand, and supported preparation of the ALDP Main Issues Report. It is noted also that retail uses on Union Street benefit from an additional level of policy protection, which encourages the retention of existing retail uses.

Alternative proposals

It is noted that several representations expressed support for alternative developments, however the planning authority is obliged to make its determination based on the proposal put forward, subject to any changes an applicant may make voluntarily. Whilst comments relating to vacancies on Union Street are noted, the planning authority does not have powers to set rents in privately owned commercial premises as an incentive to prospective tenants.

Other

The motivations of the Council and the applicants in submitting this application are not a material consideration in assessment of the proposal on its own merits. As has been mentioned previously, pre-application consultation is a statutory requirement. The planning authority's role in assessing the merits of a development proposal and making a recommendation based on the provisions of the development plan and any other material considerations is entirely separate from the Council's interest in the development as landowner. Difficulties experienced in viewing large files on the Council's website are acknowledged, and additional efforts were made to sub-divide large documents into more readily downloadable sections. Whether the site is held in the common good is not a matter for consideration by the planning authority, and whilst it is understood that the status of the land and any restrictions applying to the sale of common good assets warrant consideration by the Council, this will not be discussed further as part of this assessment of the proposal's planning merits.

Matters Raised by Community Council

Issues raised by the City Centre Community Council in its written response and at the public hearing are largely addressed in the 'Design and Scale', 'Impact on Conservation Area and Setting of Listed Buildings' and 'Setting Within Landscape' sections of this report. Points relating to the Council's sale of the land do not constitute a material consideration in the assessment of this application for planning permission, and it has been established in this report that works relating to the closure and pedestrianisation of Broad Street do not require planning permission and therefore are not for consideration as part of this assessment. That support had been expressed for alternative proposals of a lesser scale is noted, however the planning authority's assessment is based on the merits of the current proposal only. Comments in support of additional hotel rooms in the City Centre are noted. Comments in relation to the enlivening of spaces through the use of lighting are noted, and a condition attached to any consent can secure submission of a lighting strategy, to be agreed with the planning authority. The drawings submitted indicate the presence of a water feature within the pedestrianised civic space, though it has been established that the Council will take forward any proposal for that space separately from this planning application.

Conclusion

In summary, the proposal is considered to represent an appropriate form of contemporary development for this city centre brownfield site, consistent with the visions set out in the Strategic Development Plan and the Aberdeen Local Development Plan. Its scale and massing demonstrate due regard for its surroundings, and would not result in detriment to the setting of the listed buildings within and surrounding the site, nor the character and appearance of the wider Union Street Conservation Area. The arrangement of the site has been influenced by the guidance set out in the relevant sections of the City Centre Development Framework and the associated Bon-Accord Quarter Masterplan, and is consistent with the aspiration for a mixed-use development which can present live and active frontages, making a positive contribution to the vitality and viability of the City Centre. Architecture and Design Scotland has been actively engaged in the design process, and the proposals have evolved positively as a

result of a series of workshops. The proposal has been designed to integrate with the Council's vision for a pedestrianised civic space on Broad Street, but is capable of being implemented independently. The development enhances pedestrian accessibility and involves the provision of new and enhanced public spaces within the development site. The proposal makes appropriate provision for vehicle and cycle parking within the site, and the Council's Roads Projects Team has indicated that proposed access and servicing arrangements are satisfactory, subject to appropriate conditions. The traffic modelling undertaken has demonstrated to the satisfaction of the Council's Road Projects Team that the local roads network can accommodate the additional traffic associated with the development.

In conclusion, the proposal is considered to accord with the relevant provisions of the development plan, and whilst the matters raised in representations and at the public hearing are noted, it has not been considered that any of those matters, or any other material considerations, would outweigh the provisions of the development plan. On that basis, it is recommended that members express a willingness to approve the application, subject to conclusion of a legal agreement to secure financial contributions towards the Strategic Transport Fund and to allow for developer contributions assessment to be revisited in the event that the envisaged civic space is not progressed. It is recommended that, on conclusion of such an agreement, planning permission be granted subject to the conditions set out below.

RECOMMENDATION

Willingness to approve subject to conclusion of a planning agreement to secure:

- **appropriate financial contributions towards the Council's Strategic Transport Fund; and**

REASONS FOR RECOMMENDATION

The redevelopment of this prominent brownfield site for a mixed-use scheme is consistent with the site's location and zoning as part of the City Centre Business Zone in the Aberdeen Local Development Plan (ALDP), and the site-specific guidance set out in the City Centre Development Framework supplementary guidance. The location of restaurant, retail and hotel uses within the development would make a positive contribution to the vitality and viability of the City Centre, reflecting its status as a first-tier retail location and consistent with the principles of policy C1 (City Centre Development), C2 (City Centre Business Zone and Union Street) and RT1 (Sequential Approach and Retail Impact) of the ALDP. The presence of a major office development within the City Centre is consistent with the aspirations of the Strategic Development Plan.

The development's scale and massing are considered to demonstrate due regard for local context, and it would make a positive contribution to its setting by providing enhanced access to and setting for Provost Skene's House, in accordance with policy D1 (Architecture and Placemaking). New and enhanced public spaces would be provided within the development, along with improved pedestrian linkages through the development, in accordance with policies D3 (Sustainable and Active Travel) and NE9 (Access and Informal Recreation) of the ALDP. The proposal is considered to preserve the setting of the adjacent listed buildings and the character of the wider Union Street Conservation Area, and would avoid obstructing established and important views of the City's townscape and landmarks, as required by policy D6 (Landscape). The proposal makes appropriate provision for car parking within the development, in accordance with the guidance set out in the Council's 'Transport and Accessibility' supplementary guidance, and it the submitted Transport Assessment has been found to demonstrate that the local roads network can adequately accommodate traffic generated by the development proposal, with the necessary mitigation measures.

Whilst it is acknowledged that an area of Urban Green Space would be affected, the proposal involves the provision of replacement green space of similar or better quality in the same location with improvements in accessibility, consistent with policy NE3 (Urban Green Space). Acceptable proposals for site drainage have been proposed, in accordance with policy NE6 (Flooding and Drainage), and agreement of mitigation measures during construction can avoid adverse impact on air quality, as required by policy NE10 (Air Quality). Agreement of a suitable Waste Management Plan, and a scheme detailing carbon reductions can secure compliance with policies R6 (Waste Management Requirements for New Development) and R7 (Low and Zero Carbon Buildings) and the associated 'Low and Zero Carbon Buildings' supplementary guidance.

The proposal is considered to demonstrate its compliance with Scottish Planning Policy's aims in relation to the promotion of town centres, supporting business and employment and valuing the historic environment, as well as those in relation to sustainable transport and active travel.

CONDITIONS

it is recommended that approval is granted subject to the following conditions:-

(1) That no part of the development hereby approved shall be occupied or brought into use until such time as a 'service vehicles only' zone and associated resurfacing have been implemented around the junction of Flourmill Lane, Netherkirkgate, the development car park entrance and the exit out onto Broad Street, in accordance with a drawing submitted to and approved in writing by the planning authority, in consultation with the Council's Roads Projects Team - in the interests of pedestrian safety and the free flow of traffic.

(2) That the development hereby granted planning permission shall not be occupied unless the cycle storage facilities as shown on the approved drawings, or others subsequently approved in writing by the planning authority, have been provided - in the interests of encouraging more sustainable modes of travel.

(3) That no part of the development hereby approved shall be occupied or brought into use until such time as a scheme for the allocation of car parking to respective uses based on their floorspace has been submitted to and agreed in writing by the planning authority, in consultation with the Council's Roads Projects Team - in order to ensure that each occupying use has access to an appropriate level of car parking and compliance with the Council's 'Transport and Accessibility' supplementary guidance is maintained.

(4) That no development pursuant to this grant of planning permission shall be undertaken until a revised Framework Travel Plan, which takes into account all users/occupiers and includes the production of sample Travel Packs for the distinct user/occupier groups and the identification of mode share targets for the different users, along with aims and objectives for each - in order to encourage sustainable travel.

(5) That hotel and office uses shall not be brought into use until such time as an individual Travel Plan for each occupier has been submitted to and approved in writing by the planning authority, based on the Travel Plan Framework referred to in condition 4 and including a Travel Pack for employees and (for the Hotel) guests.

Retail and restaurant units may not be occupied until such time as a Travel Pack, submitted to and approved in writing by the planning authority, has been produced and distributed to staff, based on that produced for hotel staff.

- in order to encourage sustainable travel.

(6) That no development pursuant to this grant of planning permission shall be undertaken until such time as a dust management plan, detailing dust mitigation measures and controls, responsibilities and any proposed monitoring regime, has been submitted to and approved in writing by the planning authority, in consultation with the Council's Environmental Health officers. Thereafter, works shall be carried out in full accordance with the agreed dust management plan, unless otherwise agreed in writing by the planning authority - in order to mitigate adverse air quality impacts arising during construction.

(7) No development shall take place within the area indicated (in this case the area of the whole development) until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The programme of archaeological work will include all necessary post- excavation and publication work - in the interests of protecting items of historical importance as may exist within the application site.

(8) That no development pursuant to this grant of planning permission shall be undertaken until a site specific Construction Method Statements (CMS) has been submitted and approved in writing by the Planning Authority in consultation with SEPA (and other agencies as appropriate). Thereafter, all works on site must be undertaken in accordance with the approved CMS unless otherwise agreed in writing with the Planning Authority - In order to minimise the impacts of necessary construction works on the environment.

(9) That no development shall commence until such time as a detailed scheme of materials and finishes, including material samples, has been submitted to and approved in writing by the planning authority -in the interests of visual amenity and preserving both the setting of adjacent listed buildings and the character of the Union Street Conservation Area.

(10) that no buildings within the development shall be occupied unless a Waste Management Plan, including details of arrangements for the segregation, storage, collection and management of hotel, commercial and business waste, , have been submitted to, and approved in writing by, the planning authority, and thereafter has been implemented in full - in order to ensure compliance with policy R6 (Waste Management Requirements for New Development) of the Aberdeen Local Development Plan.

(11) that no buildings within the development hereby approved shall be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to the planning authority and subsequently approved in writing, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full – to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

(12) that no buildings within the development hereby approved shall be occupied unless the scheme of drainage shown in the submitted Drainage Impact Assessment, drawing ref 95814/2001-A, or any other such scheme as has been submitted to and approved in writing by the planning authority prior to development commencing, has been implemented in full - in order to ensure surface water is appropriately managed.

(13) that no part of the development hereby granted planning permission shall be occupied unless details of suitable filtrated extraction systems, with any terminal point at the highest part of the building have been submitted to and approved in writing by the planning authority and that the said scheme has been implemented in full and is ready for operation - in order to avoid adverse impact arising from the release of odours.

(14) that all building services and fixed plant including fans, ventilation exhausts and inlets shall be designed to not exceed 40db LAeq outside nearby residential properties and an internal level of NR35 between the hours of 07.00 and 23.00

and NR25 at all other times with windows closed - in order to ensure appropriate noise levels within buildings.

(15) That no development shall commence until such time as 1:20 construction drawings, showing the detailing of points where there would be a change in the surface finishes (e.g. point where glazed sections of frontage meet granite-clad sections) have been submitted to and approved in writing by the planning authority - to ensure an appropriately high quality of detailing commensurate with the civic scale and setting of the proposal

(16) That no development shall commence until such time as an external lighting strategy for the site has been submitted to and approved in writing by the planning authority, and thereafter no building within the development shall be brought into use or occupied until such time as any agreed lighting measures have been fully implemented - in the interests of visual amenity.

(17) that the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing Nos. PL-003-Rev A & PL-004-Rev B of the plans hereby approved or such other drawing(s) as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

(18) That, unless otherwise agreed in writing by the planning authority, deliveries to the premises via heavy goods vehicles shall be restricted to 07.00 to 19.00 Mon-Sat and 09.00-19.00 Sun, in order to prevent any adverse impact on amenity as a result of deliveries and servicing occurring at unsociable hours.

(19) that no buildings hereby granted planning permission shall be occupied unless the areas of public open space and associated hard and soft landscaping as identified on Drawing No. TOWN566(08)5001-R03(or such other drawing as may be subsequently approved), excluding those works relating to the pedestrianisation of Broad Street, have been laid out in accordance with a scheme which shall be submitted to and approved in writing by the Planning Authority prior to commencement. No development pursuant to this planning permission shall take place unless such a scheme detailing the manner in which the open space is to be managed and maintained has been submitted to and approved in writing by the planning authority - in order to provide an appropriate setting for the surrounding buildings.

(20) That no buildings hereby granted planning permission shall be occupied unless appropriate measures have been implemented to mitigate localised wind conditions within the development site, in accordance with a scheme which has been submitted to, and approved in writing by the planning authority prior to commencement of development - in order to ensure that the environment within areas of public open space demonstrates due regard for localised wind conditions.

(21) that, notwithstanding their annotation as 'retail' on the submitted drawings, none of the ground-floor commercial units hereby approved within office buildings 01 and 02 shall be used other than for uses within Use Classes 1 (shops) or 3 (food and drink) of the Use Classes (Scotland) Order 1997 unless planning permission has been granted for a change of use of the unit; and

that at least 50% of that ground-floor commercial floorspace shall be used for purposes within Use Class 1 (shops) unless otherwise agreed in writing by the planning authority

- in the interests of securing an appropriate live and active frontage to the development, and maintaining an appropriate mix of uses which can contribute positively towards the vitality and viability of the City Centre as a first-tier retail location.

INFORMATIVES

1. Environmental Health - recommend that construction works audible at the site boundary are restricted to the following - Mon-Fri 07.00-19.00; Sat 09.00-17.00; and Sun no noisy activities audible at boundary.

2. Informative: It is recommend that the CMS is submitted at least 2 months prior to the commencement of any works on site; this is to allow the necessary agencies sufficient time to fully review the mitigation proposals to avoid any potential delays to the project moving forward.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 09 June 2014 12:03
To: PI
Subject: Planning Comment for 140698

Comment for Planning Application 140698
Name : Dustin Macdonald
Address : 18 Thistle Court Aberdeen AB10 1ST

Telephone : [REDACTED]

Email : [REDACTED]

type :
Comment : The City Centre Community Council, as statutory consultees, have to comment on the Marischal Square planning application put forward by Muse and designed by architects Halliday Fraser Munro.

We would like to point out that during the consultation a very large number of the comments submitted indicated the desire for a much larger open space and less development.

We would have liked a large, central, civic square, however, we realise that the land was sold as a development site with a legal requirement to provide a certain square footage of retail space, offices and a hotel. We, therefore, have to be content with the size of the proposed 'civic space' in front of Marischal College. This space, however, relies on the pedestrianisation of Broad Street, which raises concerns re: traffic management on Upperkirk gate, and the safety of pedestrians. We hope that a solution will be found.

We can see some of merit in the development i.e. the hotel will provide 125 much needed, four-star rooms in Aberdeen. We were told that businesses are looking for high quality 'new' offices in the city centre, rather than refurbishing the empty spaces in the buildings on Union Street. While this is disappointing, we have no choice but to accept that this development will provide 175,000 square feet of office space.

We think that the new gardens in the middle of the development next to Provost Skene's House will, possibly, create a nice, quiet space. However feel the size/scale of the development is very large and are disappointed that there doesn't seem to be much difference in heights of the various buildings. We were led to believe that the Upperkirk gate end of the development would have considerably lower elevations, however this does not appear to be the case.

We like the idea that there will be 24-hour access enabling the public to walk through the development at any time of the day or night. We understand that there will be security measures in place.

We understand that people will be able to see straight through a gap in the buildings opposite Marischal College to see a view of Provost Skene's House. The design shows the buildings on either side, raised up off the ground, with the use of lots of glass on the ground floor.

We would, however, like to see the opening between Broad Street and the centre of the development, made larger, with better integration between the two civic spaces. If this means losing commercial space we would see it added in height on to the Union Street side of the development.

We would like to see more detail on how the space could be brought to life e.g. using coloured lights on interactive pavements, lights on fountains/water features, webcams placed on the tops of buildings with screens showing live aerial views of Aberdeen.

We liked that the inspiration for the different shapes and colours of the proposed buildings came from the pre-war tenements that were there before St. Nicholas House was developed. We do, however, feel that the design is not iconic and we are disappointed that the buildings are not expected to last more than sixty years.

We feel that in the current state we object to the application on the basis that the scale of the development is much larger than first thought and that there is not enough consideration for the civic space. If our concerns were addressed we would reconsider our position

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P&SD Letters of Representation		
Application Number: 140698		
RECEIVED 10 JUN 2014		
Nor	Sou	Map
Case Officer Initials: GEE		
Date Acknowledged: 19-6-14		

ROSEMOUNT & MILE-END COMMUNITY COUNCIL

15 April 2014.

Head of Planning & Infrastructure
Planning & Infrastructure
Strategic Leadership
Aberdeen City Council
Marischal College
Broad Street
Aberdeen AB10 1AB

Dear Sir/Madam,

MARISCHAL SQUARE MASTERPLAN.

On behalf of the Rosemount & Mile-End Community Council the following observations & comments are submitted for consideration when final decisions are made by the City Council.

- 1) To make Broad Street into a pedestrian area will cause traffic congestion with a knock on effect throughout the surrounding area, especially if bus stops are relocated to Upperkirkgate. The city centre is already seriously congested & such a proposal will only add further gridlock & frustration.
- 2) Has Police Scotland response going north from the Queen Street HQ been taken into consideration from both efficiency & safety to the public ?
- 3) Disabled parking on Queen Street is some distance from the Square.
- 4) What are the arrangements for the proposed hotel in terms of traffic access & parking ?
- 5) Where are the car parks for the general public who wish to visit this area ?
- 6) Where is the traffic especially buses being re routed to if Broad Street becomes "Pedestrian Only" ?

These are general points which require to be researched in some depth as if any of these proposals are likely to be adopted & introduced the consequences could be catastrophic.

The views of the R&MECC with regard to Marischal Square is that :-

- a) It should be left as an open space with a minimum number of new buildings & those being no more than two storeys high & Broad Street remaining as it is.
- b) There is no requirement for a hotel in these plans or area..
- c) There is no need for additional shopping malls/arcades
- d) Any cafe/bar (s) should have restricted hours for closure (i.e. Midnight) to avoid adding further disorder to the city centre.

Finally, the foregoing views expressed by the members of the Rosemount & Mile-End Community Council are not isolated in the public domain at large within the City. WHY does the City Council & Councillors not LISTEN & TAKE ACCOUNT OF PUBLIC OPINION any more ??

It appears that yes we have been given the opportunity of public consultations but they prove to have little purpose, limited impact & indeed costly, when the minds of the elected members are already made up.

Yours faithfully,



(G A Duncan)

Rosemount & Mile-End Community Council.

P&SD Letters of Representation		
Application Number:		
RECEIVED 22 MAY 2014		
Nor	Sou	MAp
Case Officer Initials:		
Date Acknowledged:		

Development management
 Enterprise, Planning and Infrastructure
 Aberdeen City Council
 Business Hub 4
 Marischal College
 Broad Street
 Aberdeen
 AB10 1AB

Queens Cross/Harlaw Community Council
 c/o Ken Hutcheon
 5 Harlaw Terrace
 Aberdeen
 AB15 4YU

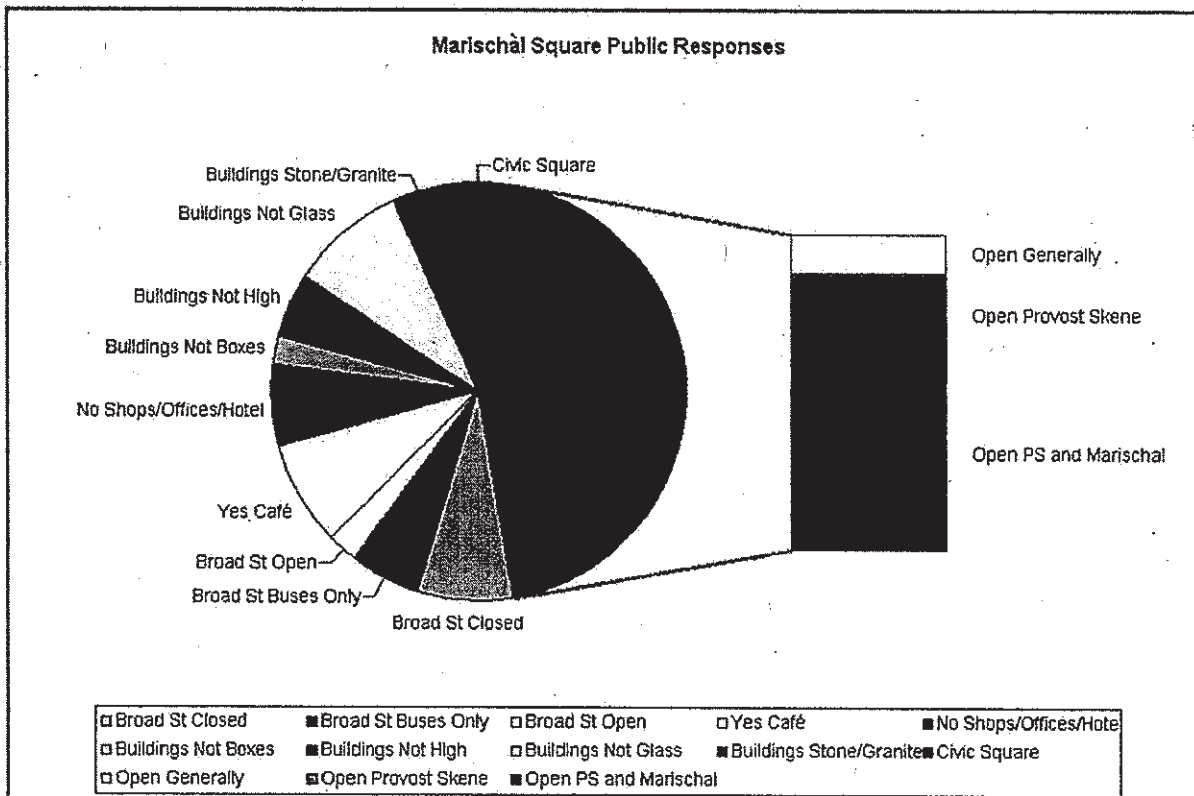
22nd June 2014

Dear Sir,

Subject : Marischal Square Planning Application Ref 140698
 Objection on behalf of Queens Cross/Harlaw Community Council

We wish to object to the Planning Application for the new development of Marischal Square. As a Community Council our main concern is to ensure that the comments and objections of the citizens of Aberdeen have been taken into account. Unfortunately this does not seem to be the case.

One of our members (Mr Ken Hutcheon) has analysed the responses which were made public from the Phase 1 exhibitions and his chart is given below.



One can see immediately the main desire for Aberdonians who saw the Public Exhibitions is for an open civic square where they can view Marischal Square and Provost Skene's House. This is not what is being developed.

Our members are concerned that the shops planned for the new development will draw customers from the already struggling Union Street shops to the further detriment of Union Street.

It would seem that the Planners of this new development completely missed the opportunity of utilising the magnificent views available of Marischal College and the historic interest generated by Provost Skene's House. Even with a little thought and using buildings of varying heights the views

of Marischal College and Provost Skene's house could be created. This cannot be beyond the wit of architects to design.

Also with less than major changes the large building on the corner of Marischal Square nearest Union Street could be repositioned (turned clockwise) and hence create a much larger civic square which the people of Aberdeen strongly desire.

The present design obliterates the perspective and character of the area and further detracts from the attraction the city centre.

The changes suggested would not appear to fundamentally endanger the financial agreements and contracts which appear to be the motivating criteria for the design.

We would strongly recommend the architects are asked to rethink the plans but this time giving a stronger emphasis on the desires of the people of Aberdeen and indeed the tourists to this fine city who would be enthused by the views created by the changes suggested above.

Regards,

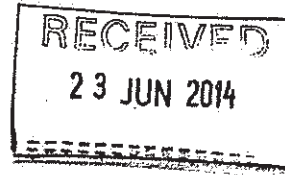


Ken Hutcheon on behalf of Queens Cross/Harlaw Community Council

P&SD Letters of Representation	
Application Number:	160698
RECEIVED	24 JUN 2014
Nor	Sou
Case Officer Initials	ECC
Date Acknowledged	16-7-14

20th June 2014

Mr Gavin Evans
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB



Dear Sir

PLANNING APPLICATION – 140698
FORMER ST. NICHOLAS HOUSE, BROAD STREET, ABERDEEN

REPRESENTATION ON BEHALF OF JOHN LEWIS

I write on behalf of John Lewis in relation to the proposed redevelopment of the former St. Nicholas House, Broad Street, by Muse Developments Ltd (App reference 140698).

This representation follows the John Lewis Store Manager having already raised his concerns with Aberdeen City Council. In addition, John Lewis has also been in discussion with F&C REIT who, as we understand, share concerns regarding this proposed development.

John Lewis have traded from their department store on George Street, Aberdeen since 1989, and have a strong link with the long-established Bon Accord and St. Nicholas Centres, with John Lewis subletting their rooftop to the Bon Accord Centre for additional parking and a pedestrian bridge link between Centre and the John Lewis store. Stocking over 350,000 lines over four storeys, John Lewis are the largest retailer in the city centre and represent a significant trade draw to customers visiting the city centre and generate notable 'cross visitation' custom to other retailers in the centre.

As a department store with such a range of lines, John Lewis retail a vast array of larger, 'bulkier' goods, including electrical goods, furniture and furnishings, and also operate a very successful 'click and collect' service from the store. As such, easy vehicular access to their store and the Bon Accord Centre car park is fundamental to John Lewis's retail strategy and success in the city. Indeed, John Lewis are made aware from customer feedback that easy access (or even just the perception of easy access) is fundamental to their choice of shopping destination. The Council will also be fully aware of John Lewis's proposed upgrades to their Customer Collect service at their Aberdeen store, with the proposed installation of new customer bays and new store entrance, resulting in improved customer service, and a further investment in the city centre of circa £800,000.

John Lewis are supportive of city centre investment in Aberdeen and therefore is reluctant to object to this application, however, on their behalf, we would like to raise significant concerns regarding the details of the proposed development and their potential impact upon the customer access to the Bon Accord Centre car park and, by extension, vehicle access to the John Lewis store. These concerns are outlined below.

The Proposed Development

We understand that the proposals entail mixed use development including office, hotel, retail, restaurant, leisure, civic space including car parking, access, landscaping, infrastructure and public realm improvements, including private parking provision, all at the former St. Nicholas House site, between Flourmill Lane and Upperkirkgate, including Provost Skene's House and incorporating Broad Street.

Directors: W Baxter Allan Dip Tp MRTPI Gordon MacCallum Dip Tp MRTPI

160 West Regent Street * Glasgow G2 4RL

Keppie Design Ltd. Registered in Scotland no 159423.

www.keppiedesign.co.uk

It is noted that a key feature of these proposals is the proposed pedestrianisation of part of Broad Street, from Queen Street to Upperkirkgate, and the associated creating of a civic square between the development site and Marischal College.

It is also noted that the pedestrianisation of Broad Street has been a long-held Council ambition for a number of years, having been included in the Bon Accord Quarter Masterplan (2006), the Aberdeen City Centre Development Framework (2012), the Aberdeen City Council/Ryden sales particulars for the site and also having been subject of a full Council decision in March 2014 – all of which precede the submission of Muse Developments' application - to progress with the option of "full pedestrianisation" of Broad Street. As such, it could be seen that this aspect of the proposed development is as much, if not more, a proposal by Aberdeen City Council as it is a proposal by Muse Developments as part of the redevelopment scheme.

Impact of Pedestrianisation of Broad Street

We have reviewed the supporting information provided with the planning application, and specifically our transport advisors (JMP Consultants Ltd) have reviewed the Transport Assessment. A Review Note by JMP is enclosed with this application, and this should be read in conjunction with this representation.

Based upon the information provided by the Bon Accord Centre, it is estimated that the Loch Street Car Park receives 650,000 car visits per year, whilst the Harriet Street Car Park receives 350,000 car visits per year, totalling some circa 1 million car visits per year to the car parks that provide customer parking for the John Lewis store.

It is also estimated that the closure of Broad Street will impact upon 13% of the total usage of these two car parks i.e. 130,000 car visits per annum, with these trips originating from the south of the city and approaching the car parks via Broad Street.

This closure of Broad will require alternative routes to be found for those customers using these car parks, and the general associated dispersal of traffic around the city will result in increased congestion at alternative junctions, and therefore alternative routes to the car parks will also increase the journey times for customers. We have attached a plan which highlights potential alternative routes for those customers, including a longer and more convoluted route via Main Street North, and a route via Union Terrace which will be more convoluted and subject of increased traffic and journey times.

In addition to highlight a number of failings in the Transport Assessment submitted with the Marischal Square planning application, JMP's Review Note raises a number of significant concerns specifically in relation to the impact of the pedestrianisation of Broad Street upon customer vehicular access to the John Lewis store and the Bon Accord Centre, including:

- Suggestion that the number of vehicles visiting the Marischal Square development will far outstrip the car parking levels proposed, with overspill traffic diverting to the Bon Accord Centre and the surrounding network;
- Reference to a number of test models showing instability, and that *"this instability manifests itself as gridlocking within the model network whereby the model network cannot complete their trip due to network congestion"*;
- The closure of Broad Street will result in vehicles re-routing either via Union Terrace and Schoolhill or via West North Street, representing a diversion of 1 mile per diverted vehicle (in each direction);
- There will be a 26% increase in journey times on the Eastbound carriageway of Schoolhill and 23% on the westbound carriageway in the AM peak period as a result of Broad Street closure;
- There will be a 22% increase in journey times on the Eastbound carriageway of Schoolhill and 45% on the westbound carriageway in the PM peak period as a result of Broad Street closure;

- As Schoolhill is proposed to be the main route serving the Bon Accord Centre, it is clear existing patrons of John Lewis and the Bon Accord Centre will be significantly adversely affected by the closure of Broad Street;
- Other than the relocation of one variable message sign, no measures are proposed to mitigate against the above-noted diversion impacts;
- The Council's own STAG Appraisal has failed to adequately assess Noise and Air Quality considerations, which calls the reporting and options appraised into serious question.

This impact on traffic routes and journey times will have a significant impact upon the customer experience of those visiting John Lewis by car, and could discourage them from visiting the stores and choosing to shop elsewhere. Indeed, even if they were to continue to shop at the John Lewis store, this will be accompanied by increased congestion, longer journey times and a poorer customer experience, and would also be to the disbenefit of all users of the city centre.

Overall, it is anticipated that the proposals by Muse to pedestrianise Broad Street will significantly impact upon car travel to the car parks servicing John Lewis and increase congestion and journey times through the city centre. It is considered to be a very real possibility that this will have an adverse impact upon the retail performance of the John Lewis store and therefore have an adverse impact upon the vitality and viability of the city centre, contrary to well-established local and national planning policy.

Indeed, it is considered that the Transport Assessment has insufficiently taken into account the impact of the proposed closure of Broad Street upon the wider city centre, and specifically the vehicular access to the city's largest retailer, and the long-established retail destinations at the Bon Accord and St. Nicholas Centres. We trust that the Council will seek to remedy this during the assessment of the planning application, or indeed undertake their own wider study, in advance of making any determination on this planning application.

Policy position

With regards to the issue raised above, it is clear that there is tension between the proposed development at the former St Nicholas House, including the pedestrianisation of Broad Street, and both the letter and the spirit of both local and national planning policy relating to town centres and retail/commercial development.

As a mixed-use development including office, hotel, retail, restaurant, leisure and civic space within the City Centre Business Zone, it is noted that the proposals generally accord with Policies C1 and C2 of the Local Development Plan. However, the supporting 'Spatial Strategy' text in the Local Development Plan clearly places an emphasis on "*the maintenance of a vibrant city centre*"...and where "*It is vital for the future prosperity of Aberdeen that the City Centre is enhanced and promoted as a safe, attractive, accessible and well connected place...*" [emphasis added]. As is outlined above, it is considered that the impact of the pedestrianisation of Broad Street is that it will likely reduce the vibrancy of the city centre, and reduce the accessibility, particularly for car users accessing existing, and currently vibrant, retail destinations, including the John Lewis store.

In addition, Policy RT1 advises that "*in all cases, proposals shall not detract significantly from the vitality or viability of any first, second, third or fourth tier retail location...*". As above, whilst it is located itself in the same first tier location, it is considered that the closure of Broad Street will detract significantly from the vitality and viability of the city centre. As such, it is considered that the proposed development creates tension with Policy RT1.

In addition to the above provisions from the Local Development Plan, and in a similar vein, national planning policy, as set out in Scottish Planning Policy (February 2010), highlights the importance of accessibility, vibrancy and vitality in city centres. Para 54 advises that "*To be identified as a town centre, a diverse mix of uses and attributes, including a high level of accessibility should be provided*". Para 59 advises that "*Examples of vitality and viability indicators include...physical structure of the centre, including opportunities and constraints, and its accessibility...*" As above, it

is considered that there will be an adverse impact upon the accessibility of the John Lewis store car parks as a result of the closure of Broad Street.

Conclusions

As outlined above, John Lewis are supportive of city centre investment in Aberdeen and are therefore reluctant to object to this application, however, they do have significant concerns regarding the details of the proposed development, particularly that of the closure of Broad Street, and its impacts upon the wider city centre network. It has been demonstrated by JMP's Review Note (enclosed) that the pedestrianisation of Broad Street will have a significant adverse effect upon customer vehicular access to John Lewis and the Bon Accord Centre.

As such, we would recommend that Muse Developments, and indeed Aberdeen City Council, remove the proposal to pedestrianise Broad Street from the Marischal Square proposals, given the significant adverse impact it will have on the local road network.

Should, for whatever reason, the applicant persist with the proposed pedestrianisation of Broad Street, then it is absolutely incumbent upon the Council as planning authority to ensure that additional studies are undertaken, and appropriate mitigation measures put in place, to ensure that there is no such significant adverse impact upon the surrounding city centre road network, and particularly the impact upon customers accessing the John Lewis store (the city's largest retailer) and the Bon Accord Centre by car. If the applicants fail to demonstrate this, then we trust that Aberdeen City Council, as planning authority, will have no option other than recommending refusal of the application.

I trust all of the above is in order. Should you wish to discuss any of the above or require any further information, please don't hesitate to contact me.

Yours sincerely,



Chris Mitchell
Associate

Enc JMP Review Note
 Potential Alternative Routes Plan

cc Stephen Wright / Hannah Chapman John Lewis Partnership (by email)

GVA James Barr

**COPY FOR YOUR
INFORMATION**



Ref: AM07

206 St Vincent Street
Glasgow G2 5SG

23 June 2014

Mr Gavin Evans
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

gva.co.uk/scotland

Direct Line: 0141 305 6306

Dear Sir

**PLANNING APPLICATION REFERENCE 140698
FORMER ST NICHOLAS HOUSE, BROAD STREET, ABERDEEN, AB10 1GY**

REPRESENTATION BY F&C REIT

On behalf of our client F&C REIT, we hereby submit the following representation to planning application reference 140698 at Former St Nicholas House, Broad Street, Aberdeen, AB10 1GY.

Background to F&C REIT

Our client, F&C REIT Asset Management, is the asset manager of Bon Accord and St Nicholas Shopping Centres in Aberdeen. They also own approximately 20 smaller properties situated on Schoolhill, Upperkirkgate, George Street and St Andrews Street in Aberdeen City Centre.

The two centres were acquired in November 2013. Clients of F&C REIT collectively invested [REDACTED] in the commercial property sector of Aberdeen during 2013 having been attracted by the strong growth projections for the city and the region. Bon Accord and St Nicholas shopping centres have played a pivotal role in prime retail provision in the city during the last 25 years, and have an annual footfall of [REDACTED] per annum. F&C REIT intends that this role should continue and be enhanced.

Proposals

Having reviewed the planning application documents as available on the Aberdeen City Council's website, planning application reference 140698, we understand that the proposed scheme is for the redevelopment of land on the former St Nicholas House site, between Flourmill Lane and Upperkirkgate, including the Provost Skene's House and incorporating Broad Street to meet Marischal College. The proposals are for a mixed use development

GVA James Barr is a trading name of GVA Gimley Limited registered in England and Wales number 6382509.
Registered office, 3 Brindleyplace, Birmingham B1 2JB. Certified to ISO9001 and ISO14001. Regulated by RICS.
London West End, London City, Belfast, Birmingham, Bristol, Cardiff, Edinburgh, Glasgow, Leeds, Liverpool, Manchester, Newcastle
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incorporating a range of uses including retail, hotel, leisure, restaurant and leisure use. We also understand that the proposals include car parking; however this will be for private use for the office facilities.

F&C strongly support economic development within the city centre that aids the Council's objectives within policies C1 and C2 of the Aberdeen Local Development Plan (ALDP), for retail use within the City Centre Business Zone. The proposals include the redevelopment and regeneration of a key site within the city centre and therefore the uses proposed can enhance this location.

F&C REIT have held discussions with John Lewis (JL) regarding these representations. We know JL also strongly support investment within the city centre but share significant concerns around the proposals, specifically the pedestrianisation of Broad Street and the transport impacts that this will create. These concerns are addressed below in further detail.

Pedestrianisation of Broad Street

We note from the supporting plans and documents, that the proposal includes the pedestrianisation of part of Broad Street as part of the civic square, subject to the successful promotion of a Traffic Regulation Order (TRO).

Whilst F&C REIT support the inclusion of an amenity space as part of the Muse proposals, our client **strongly objects** to the proposals to pedestrianise Broad Street. This objection primarily arises from their interests at Harriet Street and Loch Street car parks, as well as concerns around potential impact on pedestrian accessibility to both Bon Accord and St Nicholas centres.

F&C REIT and JL instructed JMP to review the transport implications of the application proposals. JMP's Review Note (enclosed) raises significant concerns in relation to the impact of vehicle access to the Bon Accord Centre and associated car parks, as well as John Lewis.

JMP's review estimates 1 million vehicle entries per annum into the Harriet Street and Loch Street car parks and of these vehicles it is estimated that one third approach from the south of the city. Accordingly the pedestrianisation of Broad Street will result in traffic from the south of Broad Street (eg. Union Street, Market Street, etc) having to divert further away from the city centre to access these car parks.

This diversion has been estimated by our client's traffic consultants to have a significant impact on those arriving by car from the south of Broad Street. In order to access the car parks, these vehicles will need to take a longer and more complicated route of access than currently required. Our client is concerned that this could have a significant impact on cars accessing their car parks, which in turn will impact considerably upon associated footfall within their centres. This is extremely concerning considering our clients future ambitions to enhance their assets at this location through further investment, as well as maintaining Bon Accord and St Nicholas centres as the prime focal point for retail provision in this part of the

city, which in turn supports investment and growth in nearby shopping streets such as Union Street.

In addition to this, there will be a similar issue for buses which will need to be redirected if they can no longer access north-south via Broad Street. It is considered that access for buses from the south may be drawn away from Union Street and that this will impact on potential footfall within the city centre retail core.

Further to this, JMP's Review Note states that proposed bus stop infrastructure along Upperkirkgate may be considered substandard in size and layout on a corridor where traffic volume and journey time will already be significantly increased by the proposals. This will only increase journey length and difficulty in access along Upperkirkgate.

This proposal could be compounded further by the Council's aspirations to achieve a part-pedestrianised Union Street in the future. Furthermore the Council's Transportation Study for Broad Street hints at other possible future measures such as restricting private vehicle access to Market Street which would compound the current proposals significantly.

Our clients also have concerns in relation to the proposed increase in journey times on Schoolhill resulting from the proposed pedestrianisation of Broad Street, as suggested within the Fairhurst Transport Assessment submitted as part of the submitted application. This assessment suggests a 26% increase in journey times eastbound and 23% westbound in the AM peak, and a 22% increase in journey times eastbound and 45% westbound in the PM peak, as a result of the Broad Street closure. It is clear therefore that access along Schoolhill to our clients car parks will be significantly affected, having a detrimental impact on customer experience and potentially discouraging visiting both our clients assets, John Lewis and other city centre stores.

Additionally this potential increase in traffic along Upperkirkgate and onto Schoolhill (as a result of not being able to drive along Broad Street) may potentially cause increased safety issues for pedestrians crossing between Bon Accord and St Nicholas centres, leading to a loss of permeability and accessibility across this desire line, that is one of the busiest crossings in Aberdeen city centre.

Pedestrian movement in and around the Bon Accord and St Nicholas Shopping Centres is monitored and analysed by F&C REIT. They are able to quantify that about 20 million pedestrians per annum cross the road between the two centres at Schoolhill / Upperkirkgate. This makes this part of the city centre very significant in terms of pedestrian usage but also in the wider image of Aberdeen as a place to visit and enjoy as a pedestrian.

It is difficult to envisage similar pedestrian usage of Broad Street, even if pedestrianisation goes ahead. Yet increased traffic along Schoolhill / Upperkirkgate could significantly affect permeability and pedestrian movement using this busy crossing between the two centres.

As a result of impacts on air quality in the same location it will also make this space less attractive to use from the perspective of pedestrians and cyclists. We would question the

compatibility of this outcome with the Council's Transport Strategy. We note that First Bus (one of the main public transport operators in the city has also publicly raised concerns on these proposals).

We quote from the Broad Street Civic Square Main Transportation Study (as presented to Aberdeen City Council March 2014; section 5.4.1) which states:

*"Due to the issues being experienced through the traffic modelling process, it has **not been possible within the timescales of this report to model air quality changes and to fully determine the impacts of the options.**" (our emphasis)*

In our view, the transport assessment submitted within the application does not sufficiently take into account the potential impact on the wider city centre of the pedestrianisation of this route and the impact this could have on footfall to other retail areas within the city centre.

We quote again from the Main Transportation Study (as presented to Aberdeen City Council March 2014; section 3) which states:

"The re-routing of the...bus services would increase the frequency of buses on these routes and would impact on traffic flows and servicing/deliveries of existing businesses along these routes"

It is our client's opinion that the civic square could be successfully created to enhance the amenity of this area, without the requirement to fully pedestrianise Broad Street at this location. We would question whether the assessment undertaken has fully appraised the potential alternatives to full exclusion of vehicular traffic from Broad Street.

We are also aware of the Council's proposed City Centre Masterplan which is due to be commissioned in summer 2014. We would suggest that this would be the opportunity to review these strategic proposals for vehicle and pedestrian movement across the heart of the city centre rather than via a stand-alone planning application for Marischal Square.

Summary

Our client wishes to **object** to the Marischal Square planning application in so far as it includes the proposed pedestrianisation of Broad Street, for the following reasons:

- The pedestrianisation proposal appears to be premature to a full assessment of all the alternative options to achieve similar objectives.
- The proposal also seems premature to an agreed City Centre Masterplan the process for which has now commenced;
- The potential impact on the pedestrian environment at Schoolhill / Upperkirkgate does not appear to have been fully assessed;
- The potential impact on users of the Bon Accord and St Nicholas Centre and the proposed investment in improving these city centre facilities;

We look forward to confirmation of the receipt of this letter and would ask to be kept informed of the progress of this application.

Meanwhile should you have any queries or wish to discuss the above, please do contact me.

Yours faithfully

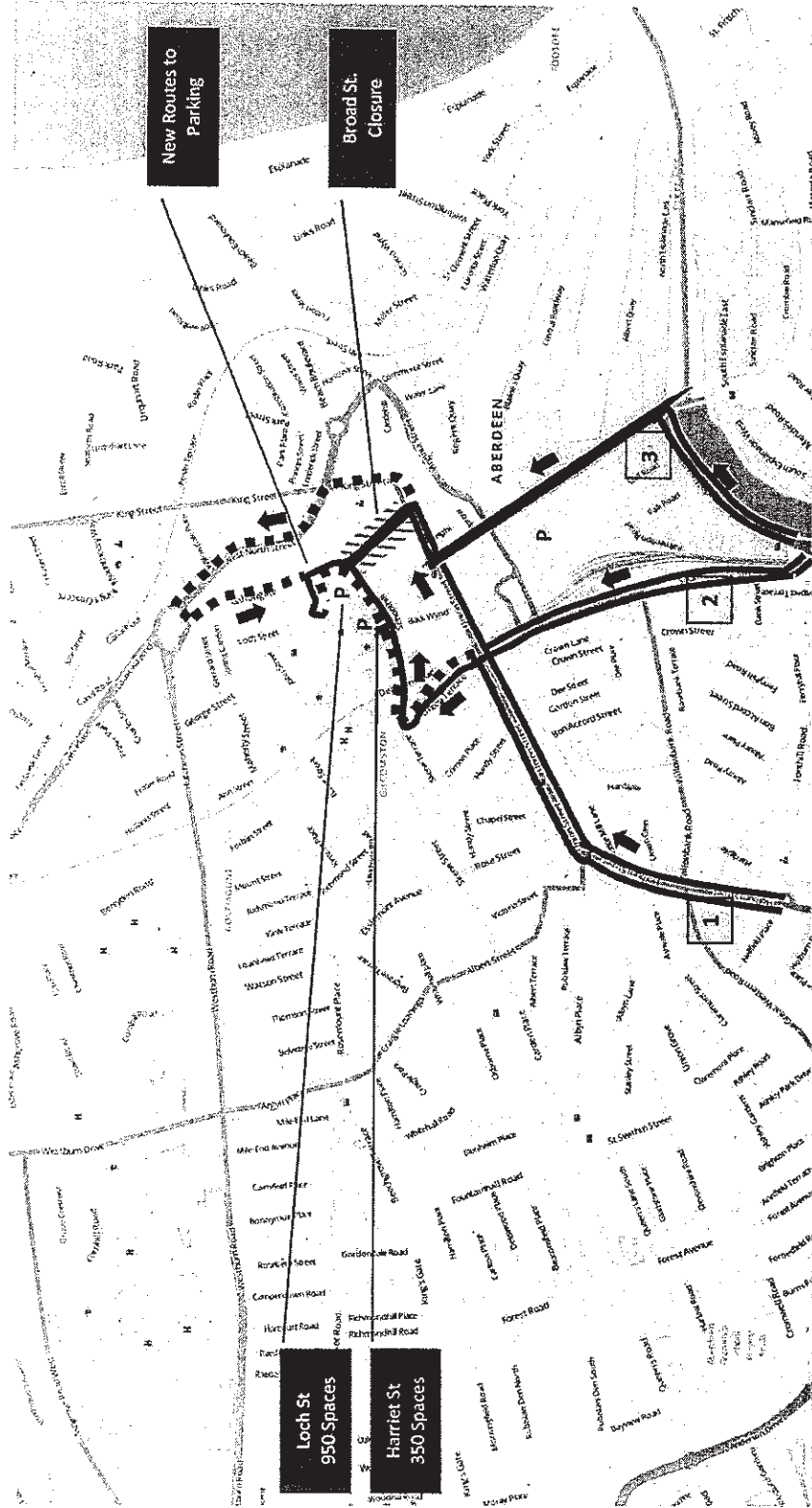


ALASDAIR MORRISON MA (Hons) DipTP MRTPI
Associate
For and on behalf of GVA James Barr

Enc.

cc Margaret Bochel Head of Planning; ACC
Joanne Wilkes and Spencer Gower F&C REIT

Pedestrianisation of Broad Street, Aberdeen



- Total entries are 1 Million per year. (350,000 Harriet St., 650,000 Loch St.)
- 1/3 of traffic approach from South of City.
- All vehicle access to Loch St from South will need to travel extra 1 mile (dotted line via West North St.) 70,000 vehicles.
- Traffic to Harriet St from South via Harbour will also travel extra mile. (58,000 vehicles)
- Loch St becomes first car park reached after diversion via West North St.
- Increased traffic wishing to use Loch St will use Schoolhill.



Review Note

Date 16 June 2014

Job No/ Name SCT3883

Subject Marischal Square Development

Introduction

JMP Consultants has reviewed the transportation implications associated with the proposed Marischal Square Development (Aberdeen Council Reference: 140698) on behalf of our joint clients John Lewis and F&C Reit.

The intention of this review is to inform our client's representations to Aberdeen City Council in relation to the submitted planning application.

A Transport Assessment (prepared by Fairhurst and dated April 2014) was submitted with the planning application. This has been reviewed to understand the proposed transport implications of the development along with the Aberdeen City Council Committee Report of 5th March relating to the Broad Street Civic Square Assessment which are relevant to the pending planning application. The SIAS report "Aberdeen City Centre: Broad Street Testing Report February 2014" has been reviewed in relation to the pedestrianisation of Broad Street along with the "Broad Street Civic Square: Main Transportation Study" which informed the 5 March ACC Committee to discuss the Broad Street Proposals. It is noted that the Fairhurst TA relies on the outcomes of the reports highlighted above.

Overview of Proposals and Transport Interventions

It is noted that the proposed development consists of the following land uses:

- 19,680m² GFA of Office
- 2,397m² GFA of Retail / Restaurants
- 125 Bedroom Hotel
- 5,314m² of Public Realm Space

As part of the development, it is noted that there will be the provision of 250 car parking spaces to cater for the needs of the proposed development. A key part of the development proposal is the pedestrianisation of Broad Street along the development frontage which is intended to improve pedestrian accessibility.

It is understood that the pedestrianisation of Broad Street is a Council objective and it is understood that the proposals are at the early stages of consultation with regard to the promotion of new Traffic Regulation Orders that would be necessary to affect the change. The section of Broad Street proposed for pedestrianisation falls within the planning application red line boundary.

Trip Generation

The transport assessment indicates that the proposed development will generate 480 and 475 vehicle trips in the AM and PM peak periods which is a significant increase on base traffic levels.

These vehicle movements will largely be focussed on the proposed development access point to the car park which will be via Flourmill Lane with the generated traffic subsequently routed via Upper Kirkgate.

Proposed Car Parking

It is noted that a total of 250 office-related car parking spaces are proposed as part of the proposed development although the trip generation levels suggest that the number of vehicles that will be visiting the development far outstrip the car parking that will be provided on site. The Transport Assessment suggests that this overspill car parking activity will divert to the nearby Bon Accord Centre. This would appear to be an unsatisfactory way of planning for the transport needs of a new development. We would have thought that with a limit on car parking on site, the Transport Assessment and Travel Plan would have come forward with a strategy to improve the accessibility of the site by sustainable transport modes to the point where there was not a need to rely on the infrastructure external to the site to accommodate its transport and parking requirements.

Impact on Public Bus Services

The TA states that a total of 14 public bus services (both directions) would need to be re-routed from Broad Street if it is pedestrianised. It is understood that these services would be re-routed via Upper Kirkgate where new bus stop infrastructure would be required to accommodate the services. From the "Broad Street Civic Square: Main Transportation Study" which informed the 5 March ACC Committee to discuss the Broad Street Proposals, it is understood that there are concerns over the provision of this information. The TA states that the standard bus bay lengths cannot be provided due to geometric constraints and it is only possible to provide a lay-by on the east-bound carriageway.

In a situation where a large proportion of the existing Broad Street traffic is being re-routed via Upper Kirkgate, it is concerning that sub-standard facilities will be provided on a corridor where there is a recognition of increased journey times for vehicles using the route. Marischal Square traffic will also be focussed on this corridor. We fail to see how such a scenario is improving accessibility by bus to this City Centre Area.

Pedestrianisation of Broad Street

We note that a STAG appraisal has been undertaken as part of Aberdeen City Council's consideration of Broad Street. On review of the work that has been undertaken, we would comment that Environmental Impacts such as Noise and Air Quality do not appear to have been assessed adequately within the appraisal process. In a situation where Broad Street sits close to an Air Quality Management Area and Candidate Noise Management Areas, it is difficult to understand why such impacts have not been assessed. If these effects had been scored negatively, then the ultimate scoring would have been altered and to the point of changing the final comparison of the options appraised.

The information provided within the TA report refers to the current SIAS report "Aberdeen City Centre: Broad Street Testing Report February 2014" which was produced on behalf of Aberdeen City Council to explore the options around the pedestrianisation of Broad Street. Of particular concern is the statement within that report:

"to assist with the accommodation of this traffic demand increase, the modelling has included peak spreading measures and a review of all traffic signal timing in the network. Even with these measures, the model has shown some level of instability in the 2017 Reference Case Model and subsequent test models. This instability manifests itself as traffic gridlocking within the model network whereby the modelled network cannot complete their trip due to network congestion".

The above statement suggests that due to the levels of traffic within the modelled area, the model is not providing reliable results. This is of significant concern if this is the basis upon which key decisions about the effectiveness of traffic management measures and development impacts are being based.

Also of concern is the reference within this report to the potential future pedestrianisation of a section of Union Street which we understand is an option being considered by Aberdeen City Council as well as a section of Market Street. Such a move would again significantly impact upon traffic management within the City Centre and until these City Centre Traffic Management Plans are known, it is difficult to see how new development will fit within this framework and complement existing developments. The proposals would therefore appear to be premature until such time as the City Centre changes are fully understood and assessed.

Direct Impact on Vehicular Access to Bon Accord Centre and John Lewis Facilities

The Bon Accord Centre is an established shopping centre and travel patterns to the development are well known. There are currently estimated to be over 1m vehicle entries into the car parks associated with the development (Loch Street car park – 950 spaces and Harriet Street car park – 350 spaces). Of these vehicles, it is estimated that one third approach from the south of the city and access via a route that includes Broad Street.

If Broad Street is pedestrianised then vehicles (travelling from the south of the City) will require to re-route via other less-direct routes in order to access the Bon Accord Centre Car Parks. A review of the available routes would indicate that vehicles from the south wishing to access the Car Parks would now need to re-route via Union Terrace and Schoolhill or via West North Street. This represents a diversion of 1 mile per diverted vehicle (in each direction).

The re-routing of traffic along Schoolhill will mean that the majority of traffic will now encounter the smaller Harriet Street Car Park (350 spaces) first rather than the Loch Street Car Park (950 spaces) which increases the potential for operational difficulties at the smaller parking facility. There are also concerns over a potential increase in traffic flows along Littlejohn Street and Mealmarket Street in the context of vehicles heading away from the Bon Accord Shopping Centre.

The Fairhurst TA contains telling results at Tables 8-3 and 8-4 which show that there will be a 26% increase in journey time on the Eastbound carriageway of Schoolhill and a 23% increase on the Westbound carriageway in the AM peak Period as a result of Broad Street and Marischal Square impacts. The impacts are exacerbated in the PM peak with a 45% increase in journey times on the westbound carriageway and a 22% increase in the eastbound carriageway. As Schoolhill is proposed to be the main route serving the Bon Accord Centre (as a result of the proposals), it is clear that access to this area for existing patrons of the Bon Accord Centre will be significantly affected.

It is noted that no mitigation measures are proposed with regard to the above diversion impacts with the exception of relocating one variable message sign. It is noted that reference is made to assessment work undertaken by others but the TA also states that the assessment work is on-going. Again this suggests that a decision on the proposed development would be premature until such matters are concluded.

It is of significant concern that the impact of change has not yet been fully established and it would be incumbent on this development to present a full picture of not just the impact of the new development in terms of increased trip generation in the area but to also fully understand the impact on the surrounding road network that the pedestrianisation of Broad Street will bring about along with other ACC intended City Centre schemes (Union Street / Market Street).

Summary

- It is noted that the proposed Transport Assessment seeks to demonstrate that the proposed closure of Broad Street is intended to improve pedestrian accessibility to the area. However, the proposed development proposes maximum car parking standards and generates in excess of 470 vehicle trips onto the network. In these circumstances, there would appear to be a disconnect between trying to improve pedestrian accessibility in the area and the trip generation / parking characteristics associated with the development. The same can be said of accessibility by bus where the proposal is to relocate the buses to sub-standard facilities on Upper Kirkgate while also increasing bus journey times.
- The level of impacts identified on Schoolhill are high in terms of the increased journey times associated with vehicles accessing the Bon Accord Shopping Centre. It is concerning that there is a general recognition of these impacts in the submitted Transport Assessment but no form of mitigation is proposed to address these impacts which will be felt most by customers of the Shopping Centre.
- It would appear that the development "as presented" is reliant on the closure of Broad Street as all traffic assessment work has been based on Broad Street being pedestrianised along the development frontage. It is noted that the pedestrianisation of Broad Street will require to be the subject of a separate consultation exercise and TRO process before it can be implemented. This being the case, there is no guarantee that the proposals will be successful. In these circumstances, consideration should have been given to the scenario where the proposals to pedestrianise Broad Street are not successful. This could have been addressed through the presentation of a sensitivity test where Broad Street is assumed to operate as per the existing situation.
- The submitted Transport Assessment does not appear to take account of any AWPR impacts on City Centre traffic patterns and only seeks to look at the impact of pedestrianising Broad Street. Aberdeen City Council has plans (at early consultation stage) to look at pedestrianising parts of Union Street and Market Street. Such proposals could potentially have a major impact on the assessment work that has been undertaken to date for the Marischal Square Development. It is therefore considered that a decision on the submitted proposals is premature until the impact of these other City Centre changes are understood and the traffic impacts fully assessed.
- We would consider that the work undertaken to date for the Marischal Square Development is incomplete. There is no true evaluation of traffic impacts in the City Centre associated with Aberdeen City Council's aspirations for pedestrianising City Centre Streets and the submitted Transport Assessment does not demonstrate that the impacts of the proposed and the pedestrianisation of Broad Street can be mitigated to an acceptable level. The result of this is that John Lewis and the Bon Accord Centre (and its tenants) are faced with the prospect that customer access by vehicle will be significantly affected.
- Based on the above review, it is concluded that a planning decision based on the information currently available would be inappropriate and premature until the consequences of the proposed traffic management measures are fully established.

Ref Planning Application 140698
Development Management
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

5 Harlaw Terrace
Aberdeen
AB15 4YU

Tel [REDACTED]

22nd June, 2014

Dear Sir,

Subject : Objection Planning Application Ref 140698 Marischal Square Development

I wish to object to the Planning Application for the new development of Marischal Square.

I am particularly concerned that the shops planned for the new development will draw customers from the already struggling Union Street shops to the further detriment of Union Street. Hence the amenities of the area would be diminished by the facilities being planned for Marischal Square.

I object to the changes in the plans for the frontage of Provost Skene's House which shows the Historic Arch, stairs and walls have been removed. Thus again detracting from the amenity and attraction of this important area in the centre of Aberdeen.

I would strongly recommend the architects are asked to rethink the plans but this time giving a stronger emphasis on the desires of the people of Aberdeen and indeed the tourists to this fine city who would be enthused by having a large open square where they could sit and admire the beauty of Provost Skene's House and Marischal College.

Regards,

[REDACTED]

Kathleen Hutcheon

Ref Planning Application 140698
 Development Management
 Enterprise, Planning and Infrastructure
 Aberdeen City Council
 Business Hub 4
 Marischal College
 Broad Street
 Aberdeen
 AB10 1AB

5 Harlaw Terrace
 Aberdeen
 AB15 4YU

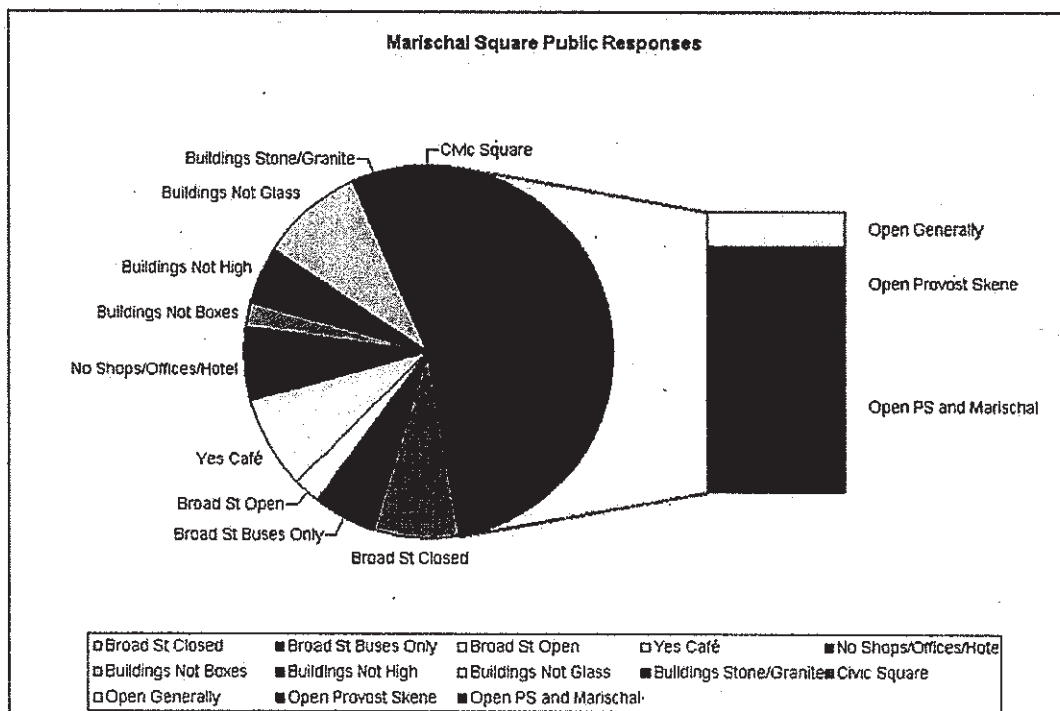
Tel 01224319891

22nd June, 2014

Dear Sir,

Subject : Objection Planning Application Ref 140698 Marischal Square Development

I wish to object to the Planning Application for the new development of Marischal Square. I am concerned that the Planners of this new development completely missed an opportunity of utilising the magnificent views available of Marischal College and the historic interest generated by Provost Skene's House. Even with a little thought and using buildings of varying heights the views of Marischal College and Provost Skene's House could be created. This cannot be beyond the wit of architects to design. The present design is not compatible with the character of the area and of the city centre of which it will become a significant part. With less than major changes the large building on the corner of Marischal Square nearest Union Street could be repositioned (turned clockwise) and hence create a much larger civic square which the people of Aberdeen strongly desire. I did an analysis of the Phase 1 Public responses and the chart below shows the result of my review of the feedback from the public who attended the Exhibitions.



One can see immediately the main desire for Aberdonians who saw the Public Exhibitions is for an open civic square where they can view Marischal Square and Provost Skene's House. This is not what is being developed.

Despite Councillor W Young stating to the P&J (date 27/5/14) that "Some people who have responded have misunderstood what the consultation was about." I would suggest they are very clear what they want and that is for the council who are representing the people of Aberdeen to take action to

ensure the plans for Marischal Square are implemented in accordance with their wishes and not those of the developers MUSE.

I would also note that the feedback on these plans has been difficult to obtain. For example the Phase 11 public feedback was only available at the end of May despite repeated requests for these and yet the fact that the report is dated December 2013. Also MUSE have stated that 4000 comments have been made by the public although only 1100 have been made public. The other 2900 have not been made available despite repeated requests for their release.

MUSE also state on their website at

<http://www.marischalsquare.co.uk/index.php/proposals/initial-exhibition/provost-skenes-house>

"Provost Skene's House will be at the heart of the Marischal Square project.

The role and setting of Provost Skene's House will be given special consideration in the new development. It will be protected from the demolition then re-opened at an appropriate time. Money is being set aside for conservation work."

We now see in these plans (and those of Ref 140755) that the money being set aside appears to be for removal of the Historic Arch and other parts of the frontage of Provost Skene's House. I strongly object to this which seems to be consistent with MUSE planners attitude to denude Central Aberdeen anything of character, which includes the magnificent view of Marischal College from afar.

Thus I would suggest the information and feedback available for this significant project for Central Aberdeen has been poor and to some extent misleading.

The changes suggested above would not fundamentally endanger the financial agreements and contracts which appear to be the motivating criteria for the design which has been created.

I would strongly recommend the architects are asked to rethink the plans but this time giving a stronger emphasis on the desires of the people of Aberdeen for a design in keeping with the character of Aberdeen and providing a large open square where views of Marischal College and Provost Skene's House can be seen clearly without squinting through an alleyway between new mainly glass buildings. This would also be appreciated by the tourists to this fine city who would be enthused by the views created by the changes suggested above

Regards,



Ken Hutcheon

P&SC Letters of Representation	
Application Number: 1401098	81071
RECEIVED	24 JUN 2014
No.	Sub
Case Officer Initials: OTEK	MAP
Date Acknowledged: 3-7-14	

3 Springbank Place,
Aberdeen AB11

Dear Sir/Madam,

Marischal Square development: Planning Reference 140698

I am concerned that the proposed development would lead to a loss of amenity and is out of character with the historic area in which it is to be sited, and that criticisms made during earlier stages of the planning process have been ignored. In particular:

1. The height of the proposed new development will mean that Marischal College itself would be overshadowed, thus making it impossible for visitors to appreciate a key part of Aberdeen's heritage;
2. More generally, it is necessary to ensure that the site is developed in such a way that it complements the architectural gems that it will adjoin. An open square would be the most obvious way to achieve this: this suggestion has been made, so it is sad to see it being ignored;
3. The current plan is for yet more retail shopping facilities; yet the city centre already has an over-supply of retail space. Union Street is blighted by pawnbrokers and money-lenders, betting shops and charity outlets, since Aberdeen simply cannot support enough legitimate retail businesses to use all the space available for them. Creating yet more retail space while there is under-used capacity in George Street and Union Street would be insane, both financially and in terms of planning. The most probable consequence would be further decline in the city centre, more un-let premises and of course an increased deficit for the city council;
4. I am also concerned that the plans do not include provision for the many bus services that currently use Broad Street to enter and leave the city centre. Any disruption to these services could easily cause severe congestion, leading to extreme and irreversible blight in the city centre.

In sum, the proposed development would squander a great opportunity. This site represents the heart of Aberdeen, and could so easily enrich the lives of residents and attract substantial numbers of visitors. Insensitive development, as planned, can only be described as criminal irresponsibility.

I trust that this objection will lead to a change in direction.

Yours faithfully,

J. David Reece (Dr.)

PI

From: webmaster@aberdeencity.gov.uk
Sent: 20 June 2014 21:48
To: PI
Subject: Planning Comment for 140698

Comment for Planning Application 140698

Name : Fred Wilkinson
Address : 7d Ferryhill Gardens
Ferryhill

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I object to this project in it's entirety for the following reasons.

1. It will overshadow and obscure views of both Marischal College and Provost Skene's House - two pieces of our heritage we should be doing all we can to show off, and views of which should be central to any plan for a civic square at the old St Nicholas House site.
2. There seems little point in taking down the much maligned St Nicholas house to replace it with something equally, if not more unsightly and uninspiring, and which will be counterproductive to the aesthetic and ambient qualities and 'feel' that the creation of a civic square is meant to provide.
3. The amount of office space, commercial property and retail space sitting empty in and around the city centre belies claims that more of such space is needed now, or will be in the foreseeable future.
4. As well as a wasted opportunity to place our unique, beautiful, historic buildings at the focus of the civic square, this development will have no reverse gear if it is deemed by Aberdonians to be wrong, and the most worrying aspect of the 'no turning back' dynamic is the proposal to make changes to Provost Skene's house, which I gather involves removal of peripheral parts of the building such as the surrounding wall and stone arch. To anyone at least a passing interest in Aberdeen's architectural and cultural heritage, this would be considered disastrous and unforgivable.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 20 June 2014 22:04
To: PI
Subject: Planning Comment for 140698

Comment for Planning Application 140698

Name : Duncan MacLean
Address : 4 Delgaty Lane
Dyce

Telephone :

Email : [REDACTED]

type :

Comment : I object due to the following:

- Broad street and Schoolhill are already congested at peak hours; closing Broad street will reduce an already marginal selection of routes around the city centre causing further congestion, pollution, extended journeys and waste of fuels.

- The proposed height of the development will leave the pedestrian area largely in the shade for more than half the year. This will lead to it being little-used and disliked.

- Aberdeen has an excess of "glass box" office/shopping developments, all of which detract from the historic granite frontages around them.

- Additional offices in this location will further tax an already overloaded road, parking and public transport infrastructure.

Regards,

Duncan MacLean.

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PI

From: JONATHAN RUSSELL [REDACTED]
Sent: 20 June 2014 21:39
To: PI
Subject: Planning Reference 140698

Dear Sir or Madam

I am contacting you re the planning reference above concerning the proposed development for Marischal Square.

I attended both the consultation exercises but it would seem that only a small number of people participated.

My concerns are on a number of levels.

Firstly the height of the proposal will obscure the view of Marischal College does the building need to be at such a uniform height or at such a high height at all. We have just got rid of one eyesore in St Nicholas House we do not want another.

More work requires to be done to make sure the development compliments both Provost Skene's house and Marischal College.

Most people I gather were looking for an open square and there are concerns that much of the area will be taken up with shopping and hotel facilities. Is this being done for financial reasons?

As with other new developments in the city they have always had a detrimental effect on other shopping areas in particular both George Street and of particular concern at present Union Street

There are dangers as such that more shops would further affect the decline in shops operating on Union Street.

Has there been proper consideration of how this would affect bus services which presently use Broad street. We should be encouraging people to use buses rather than cars in coming to the city centre could this development have a detrimental affect on this goal?

There needs to be Community participation regarding the development.. Is this going to be any community representatives on the development board? There need to be a wider base of representation in such developments which includes the common people of Aberdeen and not just vested business interests.

Yours Sincerely

Jonathan Russell
3 Springbank Place
Aberdeen

PI

From: webmaster@aberdeencity.gov.uk
Sent: 23 June 2014 01:26
To: PI
Subject: Planning Comment for 140698

Comment for Planning Application 140698

Name : Jacqueline Sinclair
Address : 66 Whitehouse Street
Aberdeen
AB10 1QH

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : The development will dominate the area as the buildings are too tall. The development will not maintain the area's character and identity.

The public realm should be developed to provide an appropriate setting for Marischal College and Provost Skene's House, and provide a centre for civic activities. There is a too good to miss opportunity to provide a centre for civic activities and this could be achieved very easily without overdeveloping the site. We were promised that St Nicholas House would be demolished to make way for a Civic Square and this is not the case. Now we are told that the Civic Square will be a pedestrianised Broad Street and not on the site of St Nicholas House at all. Instead we are getting a development that is purely for maximising commercial gain and NOT the civic Square we were promised.

Mixed use; it is possible provide a mixed-use development but on a much smaller scale. The Union Street end of the site would lend itself to small cafes, and the hotel, while Provost Skene's House could re-open as the Museum and very successful coffee shop it has been for years. There could still be the underground carpark.

The length of time people spend in a public space is a key indicator to its comfort. Comfort can be defined by its physical properties, such as providing a range of seating types, shelter from rain and sun; - this could all be easily provided without destroying the historic feel of the area.

This development will ruin the city's skyline.

People do not really want to be overlooked on all sides by office workers and people sitting in restaurants they want space and air and a feeling of a right to be there. Creating a Civic Square on the area that was the wrap around part of St Nicholas House opposite Marischal College would have easily created a fantastic, enviable Civic Square that would showcase not only Marischal College and Provost Skene's House, but the interesting buildings on Upperkirkgate, leaving the potential for holding very large public events with the option of 'temporarily' closing Broad Street while events were on. Broad Street should not be closed off to traffic as it is well used by buses and cars and there is also the potential for open topped buses for tourists to view the world-class tourist attractions of Marischal College and Provost Skene's House.

The development is relying on the closure of Broad Street to deliver the promised Civic Square, but the closure of Broad Street will cause major traffic problems and hazards to pedestrians on Schoolhill and Upperkirkgate as these narrow streets will have to deal with the many re-routed buses that currently go along Broad Street. Broad Street is wide enough to cope with the traffic but Schoolhill is already very busy and it is quite a narrow street, therefore it makes no sense to pedestrianise Broad Street.

P140098

MR. M. MACKAY,
17, JAMESFIELD
MANER,

ACHINVELL,
ABERDEEN,
AB10 7FS

15th JUNE 2014.

As to whom it may concern,
I don't know why your department
got there (as with other plans) with
all the nonsense & money spent;
on the exhibitions about the
Marshall developments known as
"Marshall Square"


The decisions are usually already
made! The public, ie Aberdeen
citizens, or the majority, clearly
wanted ^{open} space to show off
in particular, "Govest Skene House"
with green space!

NO MORE GLASS BUILDINGS!!

That is precisely what is going
to be built!!
That is the nonsense bit!

Why don't you listen to the citizens
that voted you in?

You are in for a big shock in the
18th September 2014 referendum!

 Yours sincerely,

PI

From: webmaster@aberdeencity.gov.uk
Sent: 21 June 2014 14:47
To: PI
Subject: Planning Comment for 140698

Comment for Planning Application 140698

Name : Kerr Anderson
Address : 3056 Wanakiwin Trail,
Traverse City Michigan, USA

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Having been born and brought up in Aberdeen and lived there for 26 years and spent 8 years getting my education in Marischal College, I have to say that I am appalled that the City is missing the opportunity to create a true, natural City Center open space, bounded by the frontage of Marischal and the Provost's house. A superb job was done with the renovation of Marischal, why not show that to its best in an otherwise crowded downtown area.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 20 June 2014 22:04
To: PI
Subject: Planning Comment for 140698

Comment for Planning Application 140698

Name : Steven Thomson
Address : 95 Sheddocksley Road
AB166QA

Telephone : [REDACTED]
Email : [REDACTED]
type :

Comment : Please please put in a park, fountain, some statues etc, and make it a tourist attraction, benches, flowers,,,,,please we have the Wonderful Marschial college all done up, lets have something adding to it. We have enough office spaces. Make it a unique zone, something that the other cities will be jealous of. Sometimes its not all about making money.

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George and Kathleen Torpey
8 Overton Park, Dyce,
Aberdeen.
AB21 7FT

E-mail 

Dear Sir or Madam,

9-6-14

Planning application No.140698

With regard to the above application I wish to express my objection to the proposals presented in their current form.

What follows are my objections, not necessarily in order of importance.

First of all the closing off of Broad Street to traffic. This would I believe to be a retrograde step. To push more traffic onto Uppergate, Schoolhill and Rosemount Viaduct has to be an ill considered proposal. These areas are already congested, to add more traffic including buses along with the associated air and noise pollution is not a viable option.

My next point is with regard to scale, extent and height of the development. What has been presented is a gross overdevelopment of what is a compact site. Failure to recognise the importance and presence both Marischal College and Provost Skenes House is unacceptable. The building proposed on Upper Kirkgate towards Provost S.H. Should be reviewed with particular regard to height and materials being proposed. The height is of particular concern to me with total loss of sight of our two jewels from Upper Kirkgate and Schoolhill.

At this point I would draw your attention to the "public

consultations" by Muse at the Art Gallery which were a farce and totally inadequate to the planning process. My belief is that no heed has been paid to the interested citizens of Aberdeen.

In view of my comments above and those of certain councillors I would seek assurances that the professionalism and integrity of the planning service has not and will not be compromised.

Yours faithfully,

George Torpey

Ref. No 714

DYSARTBANK
COUNTESSWELLS ROAD
CULTS
ABERDEEN
AB15 9QG

Planning Dept.
Marischal College
Broad St. Aberdeen.

Tel [REDACTED]

12/6/14.

Dear Sirs.

I have yet to meet anyone who wishes to see hideous St Nicholas House replaced by multiple versions in the same ilk obstructing the delightful view which is now revealed of Marischal College and Provost Skene's house. I trust that the charming water feature which offsets the Provost's house remains, it does not seem to be mentioned. It was designed I believe by famous Hurley-Jones. The proposed glass boxes will undoubtedly have to be removed as well as it has been proved that they do not stand the test of time, unlike our listed buildings.

Planning participation is a myth sadly. Aberdeen Art Gallery is about to be destroyed despite the outrage in Aberdeen when all it needed was repairs. It is public knowledge that a young lady was appointed nearly a year ago to let the proposed monuments in Broad St. before they were even advertised.

Aberdeen should learn that visitors do not come to see offices en masse - they come to see our listed buildings and open spaces which make a city famous and cannot be replaced. We should cherish and repair them instead of destruction.

I enclose Jan Smart's letter, please listen. Can we also have the disabled car park which was opposite M.S. returned, it is much needed by those who need it or is it for the Council now?

Yours sincerely

66 Louisville Avenue

Aberdeen

Ab15 4TX

23 June 2014

Dear Sir/Madam

Comments on Marischal Square Development, Broad Street, Aberdeen

MUSE - planning application number 140698

I am very disappointed with the proposals for the site, especially as it is such an important city centre site in terms of strategic siting and civic value to the local population.

In general

I am not in favour of the plans as they stand. I understand that the mix of retail etc is in the Local Development Plan and that the initially promised pedestrianised plaza is no longer on the table. However, the proposed plans are very disappointing and not acceptable. This proposed development is functional but definitely not inspirational, nor aspirational and most certainly not culturally sensitive. We are in the process of knocking down a development which has been hated since it was built 50 years ago and my fear is that we are repeating this mistake on a larger scale. Aberdeen City Council has made a popular and practical move in terms of knocking down St Nicholas House and moving their offices into Marischal College. I really do applaud that decision, despite some of the criticism which was made about the funding of the development in difficult financial times. Now that St. Nicholas House is about to be completely demolished we can truly see the stunning site which is to be developed. We must make the most of it for the future reputation of the city as well as the people who live here.

In making my submission, I have taken into account Policies and Supplementary Planning Guidance, such as the Aberdeen Local Development Plan adopted in 2012. I am sure that I don't need to reference these, but I have added them as an Appendix.

Development scale

Although there have been adjustments made as the application went through its pre-application public consultation phase, I think that the overall density, massing and scale of the development is still too over-powering. The proposed buildings' design, lack the variety and interest lacks the characteristic of Aberdeen's existing skyline. The development should be more sympathetic with the buildings that are around it; the elevations, form, scale and massing of Marischal College and Upper Kirkgate – buildings that tend to punctuate the skyline of Aberdeen rather than flatten it with a large boxes (a feature which is universally hated by Aberdonians). See appendix.

Building height

One of the attributes of St Nicholas House which we hated was the height, which was out of keeping with the surrounding area. I know that the height of the proposed hotel has been reduced from 10 storeys, but even 7 is too high. Will the hotel have a roof garden? It seems unclear to me what the top level is for. It looks to me that the highest building height for frontline is 4 storeys, but we will not be able to see Provost Skene's House from Broad Street or The Kirkgate. This is something that the thousands of respondents to the 3 public consultations felt very strongly about. The plans seem to suggest that there will be a building between Provost Skene's House and Broad Street, obscuring a clear view from the proposed pedestrianised

Broad Street/plaza. I do not believe that the heights of buildings proposed in the application comply with existing policy and certainly cannot be described as "slightly" higher when comparing the heights of the new buildings to when in fact they are probably closer to double the height. Please can we have what we asked for - a clear view of Provost Skene's House from the street?

Design

See appendix

As all the consultations have said so far - NO MORE PLAIN GLASS BOXES!

While the buildings are to be built in a mix of granite and glass, fusing traditional and modern, the design of the buildings are boring and certainly do not enhance the two important historical buildings of Marischal College and Provost Skene's house. There is little to inspire. Recent plans for redevelopment of city centre projects have been met largely with derision and anger from Aberdonians and I had hoped that some bridge building would be done with more interesting designs. I can see that there has been a lack lustre attempt to reflect the pillars design of Marischal College with the granite design of the front line buildings, but they are still just boxes, with nothing to raise interest. As far as the second line, even more boring boxes, are concerned, this is not the sort of architecture which repairs the reputation of the city in terms of a city which lacks vision.

I recently visited Boston and Sydney which have glass buildings close to iconic old buildings and they used a dark reflective glass and more interesting shaped buildings. They are still glass towers, but less offensive. Can we at least have something more like this?



Realistic public access to the plans

Another matter which I will be taking up with various other parties is the difficulty of gaining access to view the plans. The files for planning were on the web, but were so large that they did not download. I told the planning department about this and they said that they were aware of it, but had no legal requirement to have the documents available on the web anyway. What's the point then? I went to Marischal College to view the plans. and I do think that a development of this importance should have had the plans more easily accessible ie on view in the reception. Instead I had to ask for someone from planning to take them to reception and he stood over me while I tried to make sense of all the documents. He was very pleasant, but never the less I felt time pressured as I was keeping him away from his desk. This whole process has had the feel of some small lip service to take into account the wishes of Aberdonians, while making minimal adjustment to the overall design.

I know that it should not matter, but there could be a change of party political leadership by the time this development is finished, what we don't want is another party coming in and blaming the

Labour coalition for a disgraceful development . By that time it will be too late to do anything. I would urge councillors to vote according to the wishes of the people they represent and not along party political lines.

Summary

I object to the plans submitted by MUSE and would ask that Aberdeen City Council refuse planning permission for this version of the development.

Yours faithfully



Dr Lorna McHattie

Appendix

Aberdeen Local Development Plan adopted in 2012

PI

From:
Sent: 23 June 2014 11:10
To: PI
Subject: Objection to planning application no. 140698 St Nicholas House site by R Millar

Objection to planning application no 140698

Mixed use development, on the St Nicholas House site, including office, hotel, retail, restaurant, leisure, etc.

The ideal use to which the St Nicholas House site, in its entirety, ought to be put is a large civic park from which the magnificent facade of Marischal College and the historic Provost Skene House can be appreciated from many viewpoints and from within an attractively landscaped, green environment.

Unfortunately, however, it seems that Aberdeen City Council is committed to Muse with a view to a development, on the site, which includes office, hotel, retail and leisure space.

I assume here that this may be a legally binding commitment, with certain parameters regarding utilizable space established. However, there is certainly no reason that the development should follow the congested plan which forms the subject of the current application.

The present plan shows six large blocks arranged around Provost Skene House and on front of Marischal College in a way which drastically limits the views of both. Especially in the case of Provost Skene House, it will be invisible, except for the occasional glimpse, until the visitor has negotiated chasms between the proposed blocks and is right upon it. Even then, views will be severely compromised, especially those of north-west facing side which has one of the main proposed blocks running its entire length, separated only by a narrow alley. Rubbing salt in the wound, it is proposed that the pleasant courtyard, at the house entrance, be demolished to allow for a couple of token plots of greenery.

There are, however, alternatives to all this which may go some way to part salvaging the ideal of a civic park with which I began. Drastically reduce the number of blocks, decreasing the development's footprint, leaving much more space for landscaping while keeping Broad Street as an essential thoroughfare. Correspondingly, increase the height of each of the remaining blocks or block insofar as it is necessary to fulfil any binding agreements, regarding utilizable space, already reached with the developer.

As illustration, imagine something like the London Shard, a very high but narrow tower, situated on the opposite side of Broad Street from Marischal College. Its relatively small footprint would dramatically increase the visibility of both the Marischal facade and Provost Skene House as well as leaving an extensive area for landscaped greenery. Furthermore, only something of this scale and ambition could form an appropriate compliment to the iconic Marischal facade. Such a tower's strong vertical thrust would form a counterpoint to the horizontal movement of the facade and echo of the impressive Mitchell Tower behind.

In conclusion, I simply reiterate that the ideal use for the entire area is for an attractively landscaped civic park. However, if for legal reasons this is impossible, I still object to the present application since there is so much scope for its improvement along the lines I have suggested.

Yours sincerely,

Roddy Millar

GEE

PI

From: webmaster@aberdeencity.gov.uk
Sent: 16 May 2014 09:38
To: PI
Subject: Planning Comment for 140698

Comment for Planning Application 140698

Name : John Mackenzie
Address : 15 Cornhill Road
Aberdeen

Telephone : [REDACTED]

Email : [REDACTED]

type :
Comment : I think the concept behind the development is entirely misconstrued. The development will be unsympathetic and inappropriate to its surroundings, oppressive in design, and hugely disruptive to vital public transport routes.

A far more strategic approach, that takes account of the heritage, reality, and future standing of Aberdeen City as a historic centre of culture and industry, would be to set out the development area as a largely open "plaza" effectively bounded by the historic urban landscapes of Marischal College, Union Street, Provost Skene's House, and Upperkirkgate, retaining Broad Street as a thoroughfare.

I believe there is more than adequate potential to re-develop areas of Union Street in a sensitive manner to provide opportunities for modern, high-value shopping, and hotel accommodation.

I would advocate total rejection of the development plan as it stands, stepping back from the entire concept, and then setting out a new vision for a world-class focal point that is a celebration of the City, not an imposition upon it. That is something that following generations will thank us for, not a mediocre shopping and hotel complex that will blight our city centre for decades to come as a testament to short-term thinking.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 22 June 2014 23:35
To: PI
Subject: Planning Comment for 140698

Comment for Planning Application 140698

Name : Joan Muir
Address : 8 bis rue du Pic du Midi
64420 Lucgarier
France

Telephone :

Email :

type :

Comment : Although currently living in France (work posting), Aberdeen is our home & we have a house there so feel that we have a vested interest in any future development. I strongly object to the proposed redevelopment of the St Nicholas House site in its current form. Having watched the ongoing demolition and the opening up of the space it seems blatantly obvious that a public garden would be the ideal use for the site - NOT another retail/office complex. Especially as the proposed development seems to involve vandalising an existing historic monument? Also, I am given to understand that concerns have been expressed that a 'wind tunnel' effect will result from the proposed configuration? Based on past experience, when a new retail complex opens, existing businesses suffer - witness Union Street after the opening of Union Square - there is only so much retail demand to be shared out - just because you build more retail units, people do not have extra money to spend, it is merely diverted from elsewhere. Also, where is the parking provision for this development? I thought the site was common land, belonging to the people of Aberdeen, yet I read that the council has already signed a binding legal agreement with the developers prior to any public consultation? Which begs the question of why you are even pretending that this comment "will be taken into account in the determination of the application" as allegedly it is already a done deal? Please explain your motivation for this application and why you think it is the best possible use for the site as I have yet to hear anyone say they are in favour of it. Where is the 'civic amenity' in yet another block of offices/shop units? Can you provide figures to justify the need? Other than during Offshore Europe, is Aberdeen short of hotel beds? Would it not be a better idea to try & encourage the regeneration of Union Street? I live in hope that you will listen to opinions expressed and reconsider this ill-judged application.

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GEE

PI

From: webmaster@aberdeencity.gov.uk
Sent: 01 June 2014 20:55
To: PI
Subject: Planning Comment for 140698

Comment for Planning Application 140698

Name : Ulrike Waller
Address : 67 Linksvie
Aberdeen

Telephone :
Email :
type :

Comment : The space around the front of Marischal College should be retained as an open square. There may be a need for hotels and other commercial units in the city but these should not be tied-in to this development. There is a need for a civic square that makes the city something to be proud of rather than a square that in future times will be viewed as just another development that will need torn down and replaced with something in fashion at that time.

Architecturally and commercially more glass and steel buildings in Aberdeen may be seen as adding financial value to the city, but does nothing to promote the city abroad as a tourist destination or within our own country as a place worth seeing.

We need to think of the Aberdeen of the future and make best use of the existing features of our city. This should be a civic square as a place where people can gather for events such as Hogmanay, international markets, parades and other celebrations and should be seen as a square for the people of this city and not just an add-on in front of the Council Headquarters.

For a city the size and alleged reputation of Aberdeen, this need for a civic square, more in line with the squares of other European towns and cities is long overdue.

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GTE

PI

From: webmaster@aberdeencity.gov.uk
Sent: 30 May 2014 14:04
To: PI
Subject: Planning Comment for 140698

Comment for Planning Application 140698

Name : Clare Robertson
Address : 10 Esslemont Avenue
Aberdeen

Telephone :

Email : [REDACTED]

type :

Comment : The majority of responses to the stage 1 public consultation indicated that the people of Aberdeen want this area to be left open so that both Marischall College and Provost Skene's House can be visible from one viewpoint. This is not possible with the current plans. Furthermore, the number of people indicating that 'glass boxes' would be acceptable was very low. Indeed, Muse publicly stated that they had taken on board that the people of Aberdeen do not want to see another glass box in the city centre. The plans have given us just that, however, another unimaginative, unattractive glass box. It is hard to see how this is any improvement on St Nicholas House. Given the dismal state of Union Street we do not need further space for shops (Union St buildings should be restored and rent made affordable for shops to be located on the main street). With the demolition of St Nicholas House almost complete, it is possible to see how beautiful this area could be; how it could become a tourist attraction spot, showcasing historic and unique attributes of Aberdeen. Please, please don't let this area be destroyed by poor architecture as it has been for decades. This plan is not what the majority of people living in Aberdeen want for their city as outlined in the stage 1 consultation.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 31 May 2014 09:04
To: PI
Subject: Planning Comment for 140698

Comment for Planning Application 140698

Name : Stuart Christie
Address : 7 Station Road West
Peterculter

Telephone :

Email : [REDACTED]

type :

Comment : Why are we again making the mistake of our past by making another glass and concrete box. The development should fit in with the amazing structures around it. I feel you need to find a design that is more pleasing to the eye and not just make the same mistake. Find a local design team you have Grays school of art to bid as well. Please rethink this plan as it will be our future who will be knocking it down in 40 years as another aberdeen council eyesore.

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LEE

PI

From: webmaster@aberdeencity.gov.uk
Sent: 30 May 2014 18:33
To: PI
Subject: Planning Comment for 140698

Comment for Planning Application 140698

Name : Jane Cameron
Address : 42 Seaview Place
Aberdeen
AB23 8RL

Telephone :

Email : 

type :

Comment : I appreciate the city's need to develop, but this particular proposal is totally insensitive to this area and Provost Skene's House. I am not a lone voice , so wonder why the consultation appears to be ignoring the comments in favour of a more open development , allowing both the front of Marischal and Skene's House to be more visible.

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455

PI

From: webmaster@aberdeencity.gov.uk
Sent: 30 May 2014 16:20
To: PI
Subject: Planning Comment for 140698

Comment for Planning Application 140698
Name : Laura Fruhen
Address : 109 Union Grove, AB106SL Aberdeen

Telephone :
Email : [REDACTED]
type :

Comment : Based on the results that you have published from the pub. consultation, I do not see the issues raised by your citizens sufficiently addressed in the design changes that have been made. The results of the consultation clearly show that the public wish for an open space, height limitations and not another glass box that will obstruct beautiful views on the Provost Skene's and MC. Were we all wasting our time?

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PI

From: jim mckay [REDACTED]
Sent: 26 June 2014 18:33
To: PI
Subject: Provost Skene's House.

As an Aberdeen citizen I object most strongly to the Marischal Square development as a short-sighted, grubby, soul-less abortion and an unbelievably stupid missed opportunity for a long-term transformational development that would have benefited citizens and encouraged visitors for generations to come.

In particular I would object even more strongly, if that was possible, to any vandalism of Provost Skene's House. Any 'development' of Provost Skene's House would be desecration.

This is a shameful period in the history of Aberdeen City Council and so incredibly stupidly short-sighted - in forty years time this development will be being torn down as St. Nicholas House is now.

James McKay
Newpark Cottage
Kingswells
Aberdeen
AB158PQ.

SCOTTISH



CIVIC
TRUST

the
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The Prince Charles,
Duke of Rothesay,
KG KT GC PC

Scottish Charity No.
SC012569

Trustees:
Charles Abram
Sheena Andrew
J Mark Gibson
Angus Kerr
David MacRobert
James Simpson
Peter Small
Paul Smart
Alexander Stoddart



Gavin Evans
Case Officer
Aberdeen City Council

Our Ref: 1357

23rd June 2014

Dear Gavin Evans,

Re: 140698 Former St. Nicholas House, Broad Street, Aberdeen

Mixed use development including office, hotel, retail, restaurant, leisure, civic space including car parking, access, landscaping, infrastructure and public realm improvements

The Trust has examined this application for the above and wishes to comment as follows:

The Scottish Civic Trust supports the comments of our affiliated group Aberdeen Civic Society. Please see their response for details of relevant policies.

The Design and Access and Heritage Statements contain a significant amount of analysis of the context within which the application site sits. The urban design approach as described therefore seems well considered and reflects the historic development of this site.

The proposed layout is welcomed, with some reservations. While the St Nicholas Shopping Centre does turn its back on Flourmill Lane, we are concerned that this development proposes to retain the lane as a service/back lane. We do feel that this development could begin to make linkages here, which any future redevelopment south of the application site could build on to reintroduce active frontage to the lane and improve its general environment.

While the layout is well considered, we feel that the proposals are less successful in elevation. The design statement analysis notes the interest, variety and delicate detailing at roof level in the surrounding buildings, and the tension between lower roof levels and higher points, creating prominent towers and landmarks; none of this is reflected in the elevations proposed. A general height of 7 storeys across the site is, we feel, a significant increase over the general height in this area of 4/5 storeys, as identified on page 22 of the Design Statement. This height results in an overly bulky massing, despite the best intentions of the footprint.

In terms of design the elevations are uninspiring, looking much like any other development of this kind, in any other Scottish city centre. What is lacking here is the human scale and intimacy promised by the proposed footprint. The assessment of the historic townscape in the Design Statement suggests a dense area, with buildings that are varied in height, plot width and style, yet drawn together with familiar materials and repeated rhythms. Unfortunately these proposals have failed to achieve this diversity and are instead a large mass with little distinction between the parts and a flat horizontal roofline.



the Tobacco Merchants House 42 Miller Street Glasgow G1 1DT

www.scottishcivictrust.org.uk

The existing low roofline of St Nicholas House at least allows the Category A-Listed Marishal College to remain the focus of Broad Street, with the tower providing a dramatic contrast preventing St Nicholas House from being entirely subservient. In contrast, these proposals would introduce a large and tall building directly opposite Marishal College, creating a canyon-like effect, which would be to the detriment of the setting of the listed building.

In summary, while we feel that while this application makes some general moves in the right direction in terms of layout, the Trust feels that these proposals are not yet befitting of the very high quality built environment surrounding the site. We encourage the Council to refuse this application, and to work towards a more fully resolved solution with improvements in elevational treatment and massing, to better reflect the character of the surrounding area, and to ensure that the setting of several nationally important listed buildings is not negatively impacted by this development.

Chair of Trustees: Alistair J Scott Director: John D A Pelan President: Professor Sir James Dunbar-Nasmith CBE

Patron: The Prince Charles, Duke of Rothesay, KG KT GCB PC

Scottish Charity No. SC012569



John Pelan Director



Gemma Wild Technical Officer

cc Historic Scotland, AHSS, Aberdeen Civic Society

Trustees: Charles Antram Shona Andrew J Mark Gibson Angus Kerr David MacRobert James Simpson Peter Smaill Paul Smart Alexander Stoddart

Form with fields: P&S Letters of Recommendation, Application Number, RECEIVED 24 JUN 2014, Nor, Sp, NAB, Case Officer Initials, Date Acknowledged



GET

PI

From: webmaster@aberdeencity.gov.uk
Sent: 16 May 2014 04:12
To: PI
Subject: Planning Comment for 140698

Comment for Planning Application 140698

Name : Robert Haazen
Address : c/o 90 Provost Rust Drive
Aberdeen

Telephone :

Email : [REDACTED]

type :

Comment : I Love the plans and its about time Aberdeen had some modern buildings and started to look like the Oil Capital as we are. Though I do wish that some of the architecture had more curvy styles other than square edges as the curvy style to me reflects the shapes of waves at the seaside. The curvy styles don't need to be roof bound it can be the corning, basicly curve the corners or do a curvy facade on the building. Hell do it like Dubai and have really stunning architecture like the leaning tower in Dubai, I think that building is beautifully unusual and an engineering wonder, I also know how they built it. I would love to see building projects that are unusual and unique that we can all be proud of and also a tourist attraction. I like the Idea of a nice tall building that is the tallest structure in Aberdeen and have a public Cafe or Restaurant at the top with a panoramic view of our beautiful city for all to enjoy, Families and Tourists. We need to make our city worth it. Ok enough rambling from me. Te plans have my thumbs up tho I would like to see more curvy styles included even though I know that will not happen in this project But please consider this for future projects like this one.

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445

PI

From: webmaster@aberdeencity.gov.uk
Sent: 24 May 2014 09:50
To: PI
Subject: Planning Comment for 140698

Comment for Planning Application 140698

Name : Malcolm Pye
Address : 40 Colthill Road
Milltimber
Aberden AB13 0EF

Telephone : [REDACTED]
Email : [REDACTED]

type :

Comment : I object to making Broad Street a pedestrian precinct and diverting buses along Schoolhill as it will inconvenience bus users and cause gridlock in Schoolhill. Access to Union Street from the north has already been restricted by the building of the Bon Accord Centre and restrictions on Belmont Street and Back Wynd. On Broad Street the buses pull into laybys; on Schoolhill the buses will have to stop on the street impeding traffic movement. The busiest stop for the 19 bus is outside BHS in Union Street where a lot of people coming in from Tillydrone get off and Cults/Culter passengers get on. This proposal removes this stop. There are already pedestrian precincts in the Castlegate and on top of the St Nicholas Centre. Why do we need another? This is a council vanity project whose implications for public transport have not been thought through.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 26 May 2014 11:23
To: PI
Subject: Planning Comment for 140698

Comment for Planning Application 140698

Name : Jenny Wheeler
Address : 47 Gray Street
Aberdeen
AB10 6JD

Telephone : [REDACTED]
Email : [REDACTED]
type :

Comment : The proposed plans are a badly missed opportunity to create a beautiful civic green space which would enhance the wonderful buildings of Marischal College, Greyfriars Church and Provost Skene's House. The design of the buildings will obscure these views and aspects in this conservation area. This is notwithstanding the previous building on the site which was an aberration. The proposed plans go a long way to recreating this situation and should be avoided at all costs.
Provost Skene's House should be a main feature of the area and should be clearly visible from all angles.
The plans do not include any provision for residential accommodation that would attract people to live in the city centre.
Traffic problems are well known in Aberdeen and this proposed development will only exacerbate these in the city centre.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 15 May 2014 08:50
To: PI
Subject: Planning Comment for 140698

Comment for Planning Application 140698

Name : L Ross

Address : Urquhart Road

Telephone :

Email : [REDACTED]

type :

Comment : I don't agree with this site plan as it seems to once again block the view of Marischal College. After the all that money was spent on it, it should be seen! Possibly a one story shopping precinct would be a better idea? Rather than casting any more shadows around that area.

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GE

PI

From: webmaster@aberdeencity.gov.uk
Sent: 31 May 2014 17:43
To: PI
Subject: Planning Comment for 140698

Comment for Planning Application 140698

Name : Gill Johnston
Address : 10a Duthie Road
Tarves
AB41 7JX

Telephone :

Email : [REDACTED]

type :

Comment : Simply a plea that this application is considered carefully, taking in the views of so many Aberdonians and visitors who really want to retain the unfettered vista of Marischal College seen in all its glory now that St Nicholas House and its surrounds are mostly demolished. It is such a place of beauty and would be so much more valuable to citizens and visitors as a beautiful civic space, than crowded with more glass boxes. I object to this application of the grounds that public opinion is not being properly considered and many people would prefer an open civic space in which to enjoy one of the next example of granite craftsmanship in the world

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 21 May 2014 22:01
To: PI
Subject: Planning Comment for 140698

Comment for Planning Application 140698

Name : Maureen Styles
Address : 13, Boyd Orr Close
Aberdeen
AB12 5RH

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I wish to register my objection to the proposed development of 'Marischal Square'. I lodged my objections after the first consultation, and was advised by Muse that public opinion had been taken into consideration. However, at a second consultation it appeared that no improvements had been made. I am an Aberdonian born and bred, and it pains me to see so much of the heritage of this beautiful city being destroyed. This council has the opportunity to make amends, and give the citizens of Aberdeen a public space which they can enjoy, and be proud of. Thank you

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GEE

PI

From: webmaster@aberdeencity.gov.uk
Sent: 31 May 2014 00:03
To: PI
Subject: Planning Comment for 140698

Comment for Planning Application 140698

Name : Sheila Davidson
Address : 4 Balgownie Road
Bridge of Don

Telephone :

Email : [REDACTED]

type :
Comment : Please don't obscure the stunning Marischal College and historically significant Provost Skene's house with a collection of glass blocks just like the ones you have demolished. They will be dirty and dated in no time leaving us with another St Niks. Please, for once listen to the citizens of Aberdeen. This is too important to our city push through, thinking only of pound signs!

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CEE

PI

From: webmaster@aberdeencity.gov.uk
Sent: 02 June 2014 21:32
To: PI
Subject: Planning Comment for 140698

Comment for Planning Application 140698

Name : Edmund Smith
Address : 33 Leggart Terrace
Aberdeen
AB12 5UA

Telephone :
Email : [REDACTED]
type :

Comment : I object to the re-development of this site. The recent demolition has opened up the facade of Marischal college and Provost Skenes house, allowing them to be fully appreciated. I would prefer the site to be utilised a civic place.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 30 May 2014 19:44
To: PI
Subject: Planning Comment for 140698

Comment for Planning Application 140698

Name : Senga MacDonald
Address : Sea Croft,
22 Loirston Place
Cove Bay
Aberdeen
AB12 3PR

Telephone : [REDACTED]

Email : [REDACTED]

Type :

Comment : I believe the proposed development would result in a missed opportunity to have a spectacular city centre area with the Marischal College as a centre piece. Also showing Provost Skene's to full advantage. If the area could be developed as a public open space, it would showpiece the architecture of these historic buildings. The proposed plans, whilst recognising the commercial interest, I believe the gain would be a short term one and a decision to support this would be short sighted.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 03 June 2014 09:37
To: PI
Subject: Planning Comment for 140698

Comment for Planning Application 140698

Name : Rachel Scott
Address : 3 Dawson Wynd
Westhill
Aberdeenshire
AB32 6NR

Telephone : [REDACTED]
Email : [REDACTED]
type :

Comment : I am urging Aberdeen city council to learn the lessons of the past and please don't replace St Nicholas
house with another unattractive monstrosity. You now have the most incredible opportunity to restore what is
potentially the most beautiful location in the city and protect and preserve it for future generations. Recent
demolition work has uncovered views of what should be the jewels in Aberdeen's heritage crown - Marischal College
and Provost Skene's house. Create public space around them - not a giant glass edifice. Aberdeen does not need
any more chain stores or office blocks. By all means have a few cafes around the Marischal college piazza/public
space but please whatever you do, don't squander the incredible opportunity you've been given to right the wrongs
of the past.

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LOE

PI

From: webmaster@aberdeencity.gov.uk
Sent: 30 May 2014 15:46
To: PI
Subject: Planning Comment for 140698

Comment for Planning Application 140698

Name : Michelle Gavin
Address : 26 Cattofield Gardens

Aberdeen
Ab25 3QZ

Telephone :

Email : [REDACTED]

type :

Comment : The Broad Street part of the plans will necessitate the rerouting of most of aberdeens buses which use street. The surrounding area is already gridlocked without the additional strain.

We were promised a Civic Square next to Provosts House and now it is simply a repeat of the disaster which was st Nicholas House

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 03 June 2014 21:02
To: PI
Subject: Planning Comment for 140698

Comment for Planning Application 140698

Name : Derek McWilliam
Address : 58A Whitehall Place
Aberdeen
AB25 2PJ

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I strongly object to the development proposed on the grounds it constitutes over-development of the site. The proposed buildings will be sited even closer to the frontage of Marischal College than the former St.Nicholas House a whilst it was in the most 3 storeys high, the proposed development is 7 storeys and more. The proposed design will create even more of a canyon funelling the wind to uncomfortably high levels. This development misses the opportunity to present Provost Skene House in an aesthetically pleasing way and if it is built it will prevent the creation of a civic square of quality bounded on the east by Aberdeen's most prominent building, Marischal College. The Council has put financial gain before the needs of the community yet again and I must emphasise my objection to the proposals as illustrated in the submission lodged.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 03 June 2014 15:08
To: PI
Subject: Planning Comment for 140698

Comment for Planning Application 140698

Name : JAMES SINCLAIR
Address : 57 CASTLE STREET,
ABERDEEN
AB115BB

Telephone :

Email : 

type :

Comment : This development is yet another wasted opportunity to develop an extremely important public space by turning it into yet another shopping mall/office makeover of which our city centre is being destroyed in favour of money greedy developers. In its present form it has no architectural merit whatsoever nor does it have the remotest aminity with what a public space should look like. It is yet another Union Square type development, insensitive and out of character with the area. It will join the list of disasters which can be found in Guild Street, Shiprow, Castlegate and other areas throughout this city. Our so called planning department are totally out of their depth in these matters and I can only hope the Council comes to its senses and puts a stop to this quick build type of construction.

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405
PI

From: webmaster@aberdeencity.gov.uk
Sent: 30 May 2014 15:56
To: PI
Subject: Planning Comment for 140698

Comment for Planning Application 140698

Name : Genevieve Cseh
Address : 144 Spital
Aberdeen AB24 3JU

Telephone :

Email : [REDACTED]

type :

Comment : I object to the plans for more retail space building in this area. I would like to see this area devoted more to enhancing the historical landmarks which are already located here, ideally with additional open green space, rather than to more retail space and new building. While I understand the need for contributions to economic growth in the city, I believe there are other areas of the city which might benefit from that more than this particular spot. For instance, many of the shops on Union Street seem to be empty or going out of business. If the main thoroughfare in the city is unable to retain business, adding more locations will not help. It is, in fact, a somewhat risky additional expense during difficult economic times. Replacing the monolithic eyesore that was St. Nicholas House with yet more boxy, grey architecture that will obscure Provost Skene's House and divide it once more from Marischal is a mistake. Other cities celebrate their history, but it seems like Aberdeen is, at every turn, trying to suppress and hide its own. The pervasive grey granite is Aberdeen's most unique features, but it also has the tendency to make it look colourless and drab. What is required to infuse it with much-needed beauty and visual variety is a highlighting of the beautiful historical architecture which is almost nowhere else in the city as pervasive as in this particular area, with Marischal, the Townhouse, and Provost Skene's House all in the same place. These should be allowed to stand as features, ideally with added green space such as a park, rather than be hidden behind more colourless concrete and glass. There is more to life, happiness, and civic pride than shopping centres! Aberdeen already has plenty of those! I hope you will consider this option in the plans for this area of the city. On a personal note, I came to Aberdeen from the US nearly a decade ago. What made me fall in love with this city and made it unique was the sense of history and the historical architecture, NOT the shopping centres with chain stores you can find anywhere else. Thank you for your consideration of these arguments against the Muse plans.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 30 May 2014 16:04
To: PI
Subject: Planning Comment for 140698

Comment for Planning Application 140698

Name : Alan Parker
Address : 27F Richmond Walk
Aberdeen
AB25 2YT

Telephone :

Email : [REDACTED]

type :

Comment : This is an outrageous plan that will make the area in front of Marischal nothing special, or to be celebrated. It will, once again, hide the fantastic piece of history that is Provost Skene's House. Surely a much better plan would be to turn the area into a proper civic square, a city centre open space the like of which is missing from Aberdeen City.

For this reason I object to this proposal

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Robert Vickers

From: [REDACTED] on behalf of Aberdeen Civic Society
Sent: 20 June 2014 10:58
To: PI
Subject: Marischal Square ref 140698
Attachments: Aberdeen Civic Society comments on planning application Marischal Square 0614.pdf

Dear Sirs

Please see attached representation from the Civic Society with regards to the Muse Marischal Square application (140698).

Kind regards

Alastair Struthers
Honorary Secretary

On behalf of
Aberdeen Civic Society
www.aberdeencivicsociety.org.uk

Aberdeen Civic Society

Comments on Marischal Square Development, Broad Street, Aberdeen

The committee of Aberdeen Civic Society has studied the proposals for the re-development of St Nicholas House by MUSE under planning application number 140698.

The Civic Society is disappointed with the proposals for the site, which sits in one of the most important and prominent parts of the city. Other cities in the UK seem to have an ability to add value and to build on existing heritage, but in Aberdeen we seem to struggle despite having inherited from previous generations some of the most beautiful buildings in the world that are built with the most wonderful materials in the world.

Aberdeen City Council made a great job of bringing back into use Marischal College; and this is an example of what can be achieved should there be a desire. However, the proposals for the re-development of the St Nicholas House site are, sadly, a different story. The council retains an involvement with the MUSE proposals for the re-development of St Nicholas House as owner of the site. It is therefore a key player in determining what happens to it. Unfortunately it appears to us that someone in a decision making capacity has been influenced by the financial projections of what could be achieved by increasing development density rather than making decisions based on what is good for such an important site in the centre of Aberdeen.

The proposals that are being brought forward should respect the existing buildings of Marischal College, Provost Skene's House and the street elevation of Upperkirkgate – but they do not. Crucially the proposals do not even respect adopted council policies for the development of the site, policies that have been through thorough and extensive public scrutiny at a time before detailed proposals were on the table for consideration.

Despite all of the prior public engagement and consultation over a great many years we feel let down at this late stage in the process for the re-development of the site. We are therefore disappointed that in making our objections known we have to point out to the council that so much of it fails to comply with their own existing and adopted policies.

We have the following detailed comments:

Scale of Development

Despite adjustments having been made as the application went through its pre-application public consultation phase, we feel that the overall density, massing and scale of the development is overpowering bearing in mind the site's important location and compared with its surroundings. Our comments relate specifically to the box-like appearance that is probably 3 storeys too high and lacking the variation and interest that is so characteristic of Aberdeen's existing skyline. The whole development needs to be more human in scale and properly take its place and setting from the buildings that are around it; the elevations, form, density, scale and massing of Marischal College and Upperkirkgate – buildings that tend to punctuate the skyline of Aberdeen rather than flatten it with large horizontal roof structures.

The following Policies and Supplementary Planning Guidance should be referred to in this context:

- Aberdeen Local Development Plan adopted in 2012
- Aberdeen City Centre Development Framework
- The Bon Accord Quarter Aberdeen Masterplan

Details of specific policies and paragraphs are in Appendix 1 to this submission.

In the light of these policies and supplementary guidance, which have been through extensive and wide reaching prior public engagement, it is hard to believe that the heights of buildings proposed in the application comply with existing policy. It is even harder to understand how professional people can describe in words such as "slightly" when comparing the heights of the new buildings to those of the Broad Street elevation of Marischal College and the listed buildings of Provost Skene's House and Upperkirkgate. How can it be that the applicants architect (Halliday Fraser Munro) and heritage advisers (Hurd Rolland) say in application reports that the building heights are only "slightly" higher than adjacent buildings, when in fact they are probably closer to double the height.

Flourmill Lane

The Civic Society has concerns about the height of buildings and uninteresting street level approach taken to the design of new buildings on Flourmill Lane. The opportunity of this development to improve the pedestrian experience in Flourmill Lane has not been taken, it being relegated to a delivery or service area flanked by extremely tall buildings. More could be made of access to Provost Skene's House from Flourmill Lane.

Pedestrianisation of Broad Street

We remain to be convinced that the pedestrianisation of Broad Street is beneficial to the traffic flows in Aberdeen. Increased usage of Union Terrace, Schoolhill and Upperkirkgate for bus traffic will only diminish the pedestrian experience on these streets, which at the moment is relatively pleasant.

Glazing

Much glass has been used as a building material in the proposals. If this is retained, having it mirrored will at least provide a reflection of some of Aberdeen's historic architecture from adjacent buildings.

Summary

We do not have a problem with the principle of development on this site but feel that the existing proposals do little to enhance and celebrate its historic surroundings. We have grave concerns about the scale and bulk of the proposed design. We feel that more could be done to improve Flourmill Lane and access to Provost Skene's House. We remain to be convinced about the pedestrianisation of Broad Street.

We would appreciate it if these points are taken into consideration in the council and Scottish Government's decision making on this proposal.

Appendix 1

Relevant Policies and Supplementary Planning Guidance

Aberdeen Local Development Plan adopted in 2012

- i) Section 3.21 says that
"The skyline contributes significantly to the character of the City. Tall or large scale buildings can add to and positively enhance the identity of the City if well designed. However, they can have a detrimental effect if due consideration is not given to their context, form and massing."
- ii) Policy D1 - Architecture and Placemaking says
"To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution. To ensure that there is a consistent approach to high quality development throughout the City with an emphasis on creating quality places, the Aberdeen Masterplanning Process Supplementary Guidance will be applied. The level of detail required will be appropriate to the scale and sensitivity of the site. The full scope will be agreed with us prior to commencement. Landmark or high buildings should respect the height and scale of their surroundings, the urban topography, the City's skyline and aim to preserve or enhance important views."
- iii) Policy D6 – Landscape says
"Development will not be acceptable unless it avoids: 1) significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct 'sense of place' which point to being either in or around Aberdeen or a particular part of it; 2) obstructing important views of the City's townscape, landmarks and features when seen from busy and important publicly accessible vantage points such as roads, railways, recreation areas and pathways and particularly from the main city approaches;..."

Adopted Supplementary Guidance is also relevant and needs to be taken into account when considering the bulkiness, massing, scale and shape of the new development when compared to some of the adjacent historic and landmark buildings.

Aberdeen City Centre Development Framework

- i) On page 9 section 1.4 Where do we want to go? says
"The City Centre has a strong character with uniformity of materials and styles, reflected in its granite buildings, the grand nature of Union Street and smaller intimate streets and public spaces just off the main thoroughfare. Much of the City Centre falls within designated Conservation Areas and it has a large concentration of listed buildings. Understanding what is of value, protecting and improving the built fabric is vital within the City Centre. The City needs quality design solutions. All development must make a contribution to the wider context of the City."

- ii) On p17 section 2.4.4 **Buildings** says
"A variety of building periods and styles contribute to the character of the City Centre, ranging from St Nicholas Kirk, 16th century Provost Ross and Skene's houses to 20th century shopping centres and civic buildings. The 19th century planned streets are lined in the main by fine granite buildings of 4 or 5 storeys. A variety of public buildings, from St Nicholas Kirk through to St Nicholas House punctuate the skyline. The dominant architectural style can be described broadly as classical or neo-classical. Notable landmark buildings include the Town House, the Salvation Army Citadel and the spires of Marischal College, St Nicholas Kirk, and Triple Kirks, as well as the Schoolhill domes of the Art Gallery, His Majesty's Theatre, City Library and St Marks. These landmarks contribute to the legibility to the City Centre and aid navigation. They are often seen as a visual symbol of Aberdeen."
- iii) On p24 section 3.5 **Tall or Large Buildings and the City's Skyline** says
"Tall or large scale buildings can add to, and positively enhance, the identity of the City and its skyline if well designed. However, they can have a detrimental effect if due consideration is not given to their context. The definition of a "tall building" is one that exceeds the general height of its surrounding context. A "large building" may not breach the skyline, but may be viewed as bulky and at odds with its surroundings from strategic locations. In certain circumstances as little as an additional storey height may set a development proposal out of context. It is not expected that there will be a presumption against tall buildings, indeed the City Centre is the right place for such buildings, but they should respect the height and scale of their surroundings, the urban topography and the City's skyline and aim to preserve or enhance important vistas. Further Supplementary Guidance will be prepared as part of the Aberdeen Local Development Plan to support a Tall or Large Buildings Policy."
- iv) On p32 section 3.6.12 **Broad Street** says
"Broad Street is flanked by the contrasting forms of Marischal College to the east, and the tower block of St Nicholas House to its west. The Bon Accord Masterplan considered this area to be the civic heart of the City with the redevelopment of St Nicholas House site, the formation of a civic square in front of Marischal College, a new courtyard to the north of Provost Skene's house and new pedestrian linkages between Marischal College and St Nicholas Kirk being key to improving the potential of this area. Further information on this can be found in section 4.2 the Civic Quarter. The formation of a civic square is crucial in providing an appropriate setting for the new City Council Headquarters at Marischal College. Uses around the square would include retail, restaurants, offices, residential, hotel, cultural and civic, creating a genuine, economically sustainable mixed use neighbourhood within the City Centre. These uses around the square must create live frontages and activities at all times of the day and evening, resulting in a successful, positive and usable public space."
- v) On p34 section 3.9 **Corners** talks about how to use corners in design and give a new development a sense of place which is another characteristic of Aberdeen,
"Turning a corner on urban blocks in the City Centre has often been seen as a cause for architectural celebration. Whether flamboyant turrets or simple chamfers, corners have traditionally been a focus for finely detailed masonry work, interesting and unique

features. Successful contemporary examples of this are few and far between, but should be encouraged to promote a sense of identity in any new development."

The Bon Accord Quarter Aberdeen Masterplan

- i) There is a key message contained in the note on p2 about the scale of any development proposed for the Bon Accord Quarter, a message obviously felt necessary to reinforce in view of the public engagement that took place at the time:

"Note:

Illustrations and artists impressions within this document are intended to be studies of spaces and building massing. They are not intended to represent specific architectural proposals. Following the principles established in this Masterplan, there will be further design studies of architecture and urban spaces within the context of individual planning applications."

- ii) On p5 there is a question posed with an answer:

"?: The Masterplan needs to ensure that shopping centres integrate fully with their surroundings, that there is permeability within the city and that development is of an appropriate scale"

"In creating new public route connecting Marischal College with St Nicholas Kirk, the masterplan integrates the shopping centres more strongly with the public realm. In addition the new footbridge across Schoolhill enables easy accessibility between the upper levels of the city, from the new Civic Square to St Nicholas Centre and the Bon Accord Centre.

The scale of proposals is commensurate with a thriving modern city centre. There is demand from retailers and their customers for larger modern shop and urban environments with good transport connections and car parking. In all, proposals will increase the amount of retail space within the masterplan area from 55,740 sqm to 74,300 sqm, an increase of some 33%.

Building heights will respond to local context so that, for example on Upperkirkgate they do not exceed three stories. At other parts of the masterplan building heights will not exceed five or six storeys."

- iii) On p12 under the heading of **Public Realm: Analysis** the SPG states that:

"Aberdeen is a city of unique qualities and it is the intention of the masterplan to preserve and draw upon these qualities within an improved city centre environment that enhances the shopping and leisure experience. Central to this ambition is an understanding of how the unique sense of place of Aberdeen is created and how the masterplan can build upon that in the future.

Aberdeen is a city of consistent high quality architecture with the use of granite creating a visually coherent and unified consistent townscape. The three-dimensional

aspect of Aberdeen has developed through history, with changes in level evident in bridges and elevated streets. In addition, the distinctive typological patterns of the medieval Wynds and the Georgian and Victorian streets overlay each other, creating a unique contrast of grandeur and informality. A significant number of architectural landmarks contribute to the Aberdeen experience and help define the spaces and routes in the city centre. These include Marischal's College, St Nicholas Kirk and The Town House. The masterplan lies largely outside the Union Street Conservation Area with the exclusion of Upperkirkgate and Schoolhill and Marischal College. There are two 'A' listed buildings within the masterplan area being Marischal College and Provost Skene's House as well as several other 'B' and 'C' listed buildings on Schoolhill and Upper Upperkirkgate including the listed Robert Sivell murals in the former Student's Union."

iv) On p22 the issue about building heights is again covered and it says that:

"The masterplan will provide an improved setting for Provost Skene's House. Historically the house was tightly enclosed within the dense medieval townscape. With the redevelopment of St Nicholas House in the late 1960's this setting was lost. The objective of the masterplan is to create a smaller scale court to the main front, similar in plan to the existing garden. This court will be surrounded by 4-5 storey buildings, possibly including a hotel, with a smaller scale 2 storey building screening the loading bay and customer pick up to Marks & Spencer from the court. The rear of Provost Skenes House was, at one time a solid wall with other buildings built up against it. The workshop called for Provost Skene's house to be linked with a possible Arts Venue or Visual Arts Centre. This could be achieved by creating a modern glazed structure or atrium to house this additional use or to provide a physical link to other spaces within the masterplan

Building heights should be no more than five storeys on to the square to match the overall height of Marischal's College. There is the possibility that this might increase to six or seven storeys away from the square in the location of the proposed hotel which is the site of the existing 14 storey St Nicholas House.

The south side of the square should be broken into three or four urban blocks with clear gaps between for sunlight to penetrate the space. Elsewhere, buildings to Upperkirkgate should respond to the lower scale and general informality of the medieval and Georgian townscape and not exceed 3 storeys."

P&S Letters of Representation		
Application Number:	140698	
RECEIVED	23 JUN 2014	
Nor <input checked="" type="checkbox"/>	Sou <input type="checkbox"/>	MAp <input type="checkbox"/>
Case Office: initials:	GE	
Date Acknowledged:	08/07/14	

From: webmaster@aberdeencity.gov.uk
Sent: 03 June 2014 09:27
To: PI
Subject: Planning Comment for 140698

Comment for Planning Application 140698

Name : Caroline Medd
Address : 26C Netherkirkgate
Aberdeen

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : as a neighbour of this development I have already experienced your demolition contractor in breach of your noise restrictions twice and it wouldn't appear that you have any control over them. Can I get assurance that the client you will have better control in the main contractor adhering to your noise restrictions and any other construction regulations.

IMPORTANT NOTICE: This e-mail (including any attachment to it) is confidential, protected by copyright and may be privileged. The information contained in it should be used for its intended purposes only. If you receive this email in error, notify the sender by reply email, delete the received email and do not make use of, disclose or copy it. Whilst we take reasonable precautions to ensure that our emails are free from viruses, we cannot be responsible for any viruses transmitted with this email and recommend that you subject any incoming email to your own virus checking procedures. Unless related to Council business, the opinions expressed in this email are those of the sender and they do not necessarily constitute those of Aberdeen City Council. Unless we expressly say otherwise in this email or its attachments, neither this email nor its attachments create, form part of or vary any contractual or unilateral obligation. Aberdeen City Council's incoming and outgoing email is subject to regular monitoring.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 28 August 2014. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Corall, Cormie, Dickson (as substitute for Councillor Townson), Grant, Greig, Jaffrey, Lawrence, Jean Morrison MBE, Noble (as substitute for Councillor Samarai), Jennifer Stewart, Thomson and Yuill.

Also in attendance:- Councillors Cameron and Sandy Stuart.

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=3433&Ver=4>

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

HEARING

PUBLIC HEARING IN RELATION TO THE APPLICATION (REFERENCE NUMBER - 140698) FOR DETAILED PLANNING PERMISSION FOR A MIXED USE DEVELOPMENT INCLUDING OFFICE, HOTEL, RETAIL, RESTAURANT, LEISURE AND CIVIC SPACE, INCLUDING CAR PARKING, ACCESS, LANDSCAPING, INFRASTRUCTURE AND PUBLIC REALM IMPROVEMENTS AT THE FORMER ST NICHOLAS HOUSE SITE, BROAD STREET, ABERDEEN

1. The Hearing was opened by the Convener who extended a warm welcome to all present and explained that at the Planning Development Management Committee meeting of 24 July 2014, consideration was given to a report which recommended, in light of the fact that Aberdeen City Council had a substantive financial interest in the development owing to the Council's ownership of the site, and that in excess of twenty representations had been submitted in response to the application, that a public hearing be arranged, and that this had been agreed.

The Convener made it clear that the purpose of the Hearing was not to determine the application but to allow the Committee to consider (1) officers' objective views of the development; (2) details of the development presented by the developer and their agents; and (3) the views of those who submitted written representations and responded positively to the invitation to speak at the Hearing.

The Convener advised of various procedural matters and thanked those who had participated in the three developer led public consultations which had a significant impact on the proposal, and those who were in attendance and had agreed to participate in the Hearing. The Convener requested those taking part to concentrate on the development proposals on which elected members would be required to decide

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upon, and emphasised that the Hearing was advisory not deliberative. The Convener advised that a decision would not be taken until the Planning Development Management Committee meeting on 25 September 2014 at the earliest.

The Convener invited **Mr Gavin Evans, Senior Planner, Aberdeen City Council**, as the first speaker to address the Committee. Mr Evans described the application proposal, advised with regard to the policy background and the main issues arising, and identified the nature of the concerns expressed by consultees and objectors. His presentation to the Committee was in the following terms:-

The application which is the subject of today's Hearing was submitted by Muse's appointed agents, CBRE, and lodged in May 2014 under reference number P140698. The development proposed relates to the site of the Council's former St Nicholas House offices, along with the section of Broad Street running between Upperkirkgate and Queen Street.

This presentation will contain a brief description of the application site and details of the proposed development. There will also be a brief comment on the consultation process and a summary of written representations by members of the public. I will then set out the main planning policies and national guidance that are directly relevant to consideration of this application, before concluding with a brief outline of the main issues apparent for the assessment of the application.

Site description & context

Broad Street runs north-west from the eastern end of Union Street, providing connection to Upperkirkgate and Gallowgate. To the west lie the Bon Accord and St Nicholas shopping centres, with the Kirk of St Nicholas, Robert Gordon's College and Aberdeen Art Gallery beyond. On the northern side of Broad Street lies the impressive frontage of Marischal College, a category 'A' listed building which was extensively renovated to act as the Council's HQ from 2011.

The St Nicholas House site and the adjacent St Nicholas Shopping Centre are excluded from the Union Street Conservation Area, which surrounds them on all sides. The Conservation Area incorporates the eastern side of Broad Street, the northern side of Upperkirkgate, the southern side of Upperkirkgate and the land to the west of the St Nicholas Centre. The northern side of Upperkirkgate is characterised by a series of townhouses, between 3 and 4½ storeys, the majority of which are listed (category 'B' and 'C').

St Nicholas House was a building of modernist design comprising a 14 storey tower and a long, 3 storey, wing projecting along its Broad Street frontage and wrapping around onto Upperkirkgate. The tower was sited opposite Broad Street's junction with Queen Street. Flourmill Lane runs to the rear and gave access to basement car parking. A pedestrian pend, under the projecting 3 storey wing, allowed for access through from Broad Street to Flourmill Lane, passing a landscaped area in front of the

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category 'A' listed Provost Skene's House, originally dating from the 16th century, which lies at the centre of the site and is considered a rare surviving example of the early burgh architecture. At the time of writing, St Nicholas House is in the final stages of demolition, opening up previously obscured views of Provost Skene's House and Marischal College, the latter of which is particularly prominent on the approach along Schoolhill/Upperkirkgate.

Development Proposal

Detailed planning permission is sought for a mixed use development including the following - office, hotel, retail, restaurant and leisure uses; civic space; car parking; pedestrian access routes; landscaping; other infrastructure and public realm improvements.

The development essentially involves - the formation of three new buildings (two office buildings with retail/leisure uses at ground floor level, and one a hotel); an area of public open space laid out via the pedestrianisation of Broad Street; a new garden space around Provost Skene's House; and a covered courtyard space enclosed by the northernmost of the two office buildings. The siting of buildings and the presence of pends allow for a pedestrian route, running south-east to north-west, which is loosely based on the historic Guestrow route. Two below-ground levels (i.e. below Broad Street level), accessed via Flourmill Lane, would accommodate 250 car parking spaces.

16,264sqm of office floorspace would be provided, along with 2,193sqm of retail (class 1) and restaurants (class 3), and a 4-star hotel (125 bedrooms). Service laybys would be formed in Flourmill Lane, though it is proposed to allow servicing via the Broad Street frontage during certain hours.

The Broad Street frontage would be defined by the two office buildings, between which a break in the frontage would allow for access to and views of Provost Skene's House, which would be set within an area of public open space. Additional accesses are provided via 'pends' off Broad Street into both office buildings. Ground floors within the office buildings are set back behind a colonnade along the Broad Street frontage, which is intended to provide shelter. The majority of ground-level floorspace within these buildings would be in retail and leisure use, including restaurants, the only exception being reception spaces for the offices above.

Office 02, to the south-eastern corner of the site, would achieve a height of 27.75m above ground level to its rooftop (7 storeys) plus rooftop plant above, with the massing of the building broken up at several points by setting upper floor accommodation back from the building's footprint. This is particularly evident in the division separating the two office buildings, where office 02 presents 5 storeys to the internal pedestrian route, with 6th and 7th floor accommodation set further back.

Office 01 occupies the northern end of the site, enclosing a central covered atrium space on all sides and presenting frontage to Broad Street, Upperkirkgate and Flourmill

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Lane, as well as providing the immediate backdrop to Provost Skene's House. This building varies in height due to both the fall in ground levels between Broad Street and Flourmill Lane and the top two floors of accommodation being set back from the building frontage in places, but achieves a height of 24.75m (6 storeys) plus rooftop plant above, along with a further lower floor level providing a retail unit at the corner of Upperkirkgate and Flourmill Lane.

The proposed hotel building, L-shaped in plan and providing accommodation across 7 above-ground floors, would be sited in the south-western corner of the site, adjacent to the junction of Flourmill Lane and Upperkirkgate. It would achieve an overall height of 23.7m to roof level, plus plant above, reflecting the lower floor-to-ceiling height of the hotel building. Pedestrian access from the Netherkirkgate end of Flourmill Lane to Broad Street would be provided via the formation of new pedestrian steps. Stepped access is also shown between Flourmill Lane and the area around Provost Skene's House.

The elevations of the two office buildings are to be principally finished with granite cladding and glazed curtain walling, with the massing of the buildings broken up through the varied use of these materials. A random window pattern is shown in granite-clad sections. Ground floor levels feature a greater proportion of glazing, reflecting the presence of retail, restaurants and reception areas. The hotel building would be finished in a cladding, the precise details of which remain under discussion, but has been shown to feature a more regular window pattern.

Proposals for the composition of the pedestrianised civic space involve granite paving, with sculpted benches and seating edges also in granite. The edges of the pedestrianised space, at Queen Street and Upperkirkgate, are defined by similar benches. Trees, uplift in evenings, would be sited at the Queen Street end of the space, intended to form a strong edge and shelter the space. A series of lawns, including those raised and at ground level, would sit within this space. A water feature and external seating are also indicated.

Supporting Documents

A number of supporting documents were submitted as part of the application, addressing various related matters as follows:-

- Pedestrian Level Wind Microclimate Assessment
- Design and Access Statement
- Noise Impact Assessment
- Planning Statement
- Pre-Application Consultation (PAC) Report and appendices
- Desk-based Archaeological Assessment
- Sustainability and Low Carbon Development Statement
- Heritage Statement
- Public Realm Strategy
- Landscape Surface Finishes Plan

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- Phase 1 Habitat Survey
- Transport Assessment
- Travel Plan
- Drainage Assessment

Pre-application Consultation, Neighbour Notification, Advertisement

A Proposal of Application Notice (PoAN), ref P131473 ,was submitted to the Council on 7 October 2013 for a, *'Mixed use development including office, hotel, retail, restaurants, leisure, civic space including car parking, access, landscaping, infrastructure and public realm improvements'*. PoANs set out an applicant's intended pre-application consultation for developments termed 'Major' by virtue of exceeding specified thresholds, allowing the planning authority an opportunity to confirm that consultation proposals satisfy the minimum statutory requirements and also to specify any further measures it deems necessary. In this instance, the applicant's proposals for public consultation prior to submission of a planning application went significantly beyond those statutory minimum requirements and, subject to confirmation of dates and venues, was considered to be appropriate and proportionate to the development proposed.

The extensive consultation undertaken to date has included the following:-

- Three separate public events, held at Aberdeen Art Gallery in October 2013, December 2013 and April 2014
- Advertisement in local newspapers (Evening Express and Press and Journal) 7 days ahead of each public event
- Invitations sent to key consultees and interested parties two weeks in advance of first event
- After each event, exhibition materials were put on display at Marischal College main reception
- Sessions at local schools and colleges to coincide with the first public event
- An exhibition bus visiting local communities, coinciding with the first public event
- Dedicated website at www.marischalsquare.co.uk
- Neighbour notification and advertisement in the local press were carried out in accordance with the relevant secondary legislation.

EIA Screening

An Environmental Impact Assessment (EIA) screening opinion request was submitted in 2013 by CBRE on behalf of Muse Developments, to determine whether or not an Environmental Statement (ES) would be required. Aberdeen City Council confirmed in November 2013 that an ES would not be required, based on consideration of the characteristics of the development, the location of the development relative to environmentally sensitive sites, and the characteristics of the development's potential impacts.

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A separate application for Listed Building Consent (LBC), ref P140755, has been lodged with the Council. This seeks consent for the following works:

'removal of steps and balustrade to front of Provost Skene's House, re-profile and renew surface finishes between the balustrade and Provost Skene's House and re-location of stone arch'.

This application for LBC is pending determination at the time of writing.

Consultations

Extensive consultation on the proposal was carried out. A full list of the consultation bodies and details of their responses are provided in the report included in today's agenda papers. The local City Centre Community Council, which is represented at today's hearing, raised a number of concerns regarding the proposal. No other consultees have explicitly objected to the proposal, however a wide range of issues have been raised in consultation responses, including those from the Council's Roads Projects Team and Environmental Health officers, some of which remain as yet unresolved.

Representations

43 letters of representation were received in relation to planning application P140698. The report in the agenda papers provides a detailed summary of the objections raised in those representations. Common themes in representations relate to - a perception that comments made to developers during pre-application consultation events had been ignored in the proposal submitted; the potential adverse implications for the surrounding road network of Broad Street's closure to traffic; the poor relationship between the proposed development and neighbouring historic buildings - Marischal College and Provost Skene's House; and the design, scale and massing of the proposed buildings.

A further 93 representations were received in connection with the related application for Listed Building Consent, ref P140755. Whilst determination of these two applications will remain separate, it was considered appropriate to invite those making representations on the application for LBC to attend today's hearing and make representations in person.

Planning Policy and Guidance

In assessing and determining any application for planning permission, the planning authority is obliged to make its determination in accordance with the Development Plan unless material considerations indicate otherwise. The term 'Development Plan' in this context refers to both the Aberdeen City and Aberdeenshire Strategic Development Plan and the Aberdeen Local Development Plan. Details of the most directly applicable parts of those documents are included in the earlier report to committee, which is included in today's agenda pack. Scottish Planning Policy (SPP), which is the statement of Government policy on land use planning, is also a relevant material consideration, and includes principal policies relating to sustainability and placemaking,

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as well as subject-specific policies relating to the promotion of town centres, supporting business and employment, and valuing the historic environment. SPP also sets out policy principles in relation to the promotion of sustainable transport and active travel, and facilitating the transition to a low carbon economy.

Scottish Historic Environment Policy (SHEP) sets out Scottish Ministers' policies for the historic environment, and complements SPP. It underlines the requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that the planning authority, in determining any application for planning permission for development that affects a listed building or its setting, is required to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. SHEP represents a material consideration in determination of proposals potentially affecting the setting of a listed building.

City & Shire Strategic Development Plan (SDP)

The SDP sets out a series of key objectives for the growth of the City and Aberdeenshire. The SDP recognises the importance of the city centre as an asset, and highlights that its regeneration is vital for the economic future of the area, stating a need to attract more major office developments to the city centre. It is also stated that there needs to be a strong focus on improving the quality of the city centre's shopping, leisure, commercial and residential environment, with partial pedestrianisation of Union Street having an important role.

A stated objective of the plan is provide opportunities which encourage economic development and create new employment in a range of areas that are both appropriate for and attractive to the needs of different industries. This must be balanced against another key objective to make sure new development maintains and improves the region's important built, natural and cultural assets.

The Strategic Development Planning Authority (SDPA) sets targets for major employment and service developments in strategic growth areas to show that they are easy to access by walking, cycling or using public transport, and Travel Plans for such developments should reduce the need for people to use cars.

Aberdeen Local Development Plan (ALDP)

The ALDP contains several policies that are directly relevant to the consideration of this proposal. These include the promotion of the city centre as the preferred location for retail, commercial and leisure development, particularly where serving a city-wide or regional market; promoting high standards of design, including a requirement that developments demonstrate due consideration for context and make a positive contribution to their setting; commitment to encouraging sustainable and active travel; a requirement that proposals demonstrate measures to minimise traffic generation; and a requirement that appropriate attention is given to potential for adverse impact on air quality, with mitigation implemented where practicable.

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Whilst there are a number of supplementary guidance documents which will also be of relevance to detailed assessment of this proposal, including those relating to air quality, archaeology, drainage, car parking etc, the City Centre Development Framework (CCDF) is of particular importance, as it includes site-specific guidance relating to the role played by the St Nicholas House site in achieving aspirations for this area, which was identified as the 'Civic Heart' of the city in the Bon Accord Quarter Masterplan (BAQM), a precursor to the CCDF. The CCDF highlights that the formation of a civic square in front of Marischal College, as envisaged by the BAQM, is crucial in providing an appropriate setting for the new City Council Headquarters at Marischal College. The CCDF goes on to state that uses around that square should include retail, restaurants, offices, residential, hotel, cultural and civic, creating a genuine, economically sustainable mixed use neighbourhood within the city centre. The importance of those uses around the square creating live frontages and activities through the day and into the evening is stressed. The St Nicholas House site is identified as a significant opportunity, and the CCDF refers to the BAQM for further detailed guidance on the redevelopment of this area. Among other key points for redevelopment, the CCDF highlights the importance of development improving the setting of Marischal College and Provost Skene's House, respecting their importance as historic buildings. As for spaces around buildings, the CCDF states that Broad Street should be treated as an 'urban square' to improve the setting of Marischal College, and that connected to this should be a smaller, more intimate square at Provost Skene's House.

It is noted that whilst the CCDF clearly envisaged the BAQM being carried forward as supplementary guidance to the plan, it does not have that status and so does not form part of the development plan for decision making purposes, but represents a material consideration, with the weight to be ascribed to its content dependent on factors including its currency and relevance to the proposals.

Summary - main determining factors

Planning legislation requires that in determining a planning application the determination should be made in accordance with the Development Plan unless there are material considerations that indicate otherwise. The application requires to be assessed against the policies and guidance mentioned previously and any other relevant material considerations, including the issues raised in the written representations and by those appearing at the Hearing today. The completion of the assessment will establish whether the proposal is considered to comply with the Development Plan, and determine whether any of those material considerations identified are of sufficient weight to warrant determination other than in accordance with the provisions of the Development Plan.

Important issues to be taken into account include -

- How the proposal responds to the policies of the Local Development Plan;
- The relationship between the proposed development and the setting of the adjacent listed buildings;
- The siting, scale and design of the development;

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- Its visual impact, including when seen from distant/prominent viewpoints;
- The environmental impacts of the development, including those arising from the closure of Broad Street and the associated displacement of vehicle traffic;
- The impact on the amenity of residents in the surrounding areas;
- The access and parking arrangements;
- The traffic impacts of the development on the surrounding road network; and
- The economic, social and cultural benefits of a major regenerative development in the city centre, including the provision of significant areas of public open space

Closing

The emphasis of this presentation has been on the description of the various procedures undertaken and the main factors which require to be taken into account in consideration of the application. This process has been impartial and there will be no evaluation of the application undertaken at this stage. The findings of this Hearing will be taken into account in a later report which will include assessment of the application on its planning merits and make a recommendation accordingly to members at a future meeting of the Planning Development Management Committee. On determination of the planning application, all those who had made timeous representation to that application will be notified of the decision in writing.

Mr Tom Rogers, Team Leader, Roads Projects, Aberdeen City Council, made the following statement regarding transportation and accessibility issues:-

Background

As has been outlined by Mr Evans, this application is for the construction of offices and a hotel on the site of the former St Nicholas House. It also includes proposals for the closure of the section of Broad Street between Upperkirkgate and Queen Street.

Given its city centre location, the proposed development has significant impacts on bus operations, the traffic network and pedestrians. There has been substantial dialogue between the Council's roads officers and agents of the developer. This dialogue has considered:-

- (a) the impact of the closure of Broad Street
- (b) the public transport implications
- (c) traffic impacts on the surrounding road network
- (d) servicing implications
- (e) cycling and pedestrian measures

The developer's agents have submitted a transportation assessment in support of their application. This application has been resubmitted in recent days to address some of the issues raised by the Council's roads officers.

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Traffic impacts

One of the main matters addressed by the transportation assessment is the issue of the closure of Broad Street and its traffic impact. The transportation assessment considered two scenarios:-

- (a) the effect of closing Broad Street in 2017 prior to opening of Aberdeen Western Peripheral Route (AWPR)
- (b) the effect of closing Broad Street in 2023 after the opening of AWPR

The 2023 scenario is seen as being representative of the situation that will exist at the time of the probable AWPR opening date of 2018. The traffic model used covered the whole of the city centre area.

As stated earlier, we have only received the updated transportation assessment two days ago therefore roads officers are still auditing its contents, however the following key issues have been identified:-

2017 Scenario

As previously stated, the 2017 scenario reflects the situation prior to the opening of the AWPR. The traffic modelling used by the transportation assessment indicates that if Broad Street is closed the city centre road network may gridlock on average during 1 in 3 afternoon peak periods; the morning peak periods do not show evidence of gridlocking. While it is accepted that some road users may change their travel patterns and times, nonetheless, this represents a significant risk to the operation of the road network. This is a significant deterioration when compared with the situation of Broad Street being left open. Within the 2017 scenario although some journey times improve there is a general increase in journey times on the network.

2023 Scenario

The 2023 scenario is seen as a reasonable reflection of what the situation will be when the AWPR opens in 2018. In this scenario the reduction in traffic flows within the city centre resulting from the AWPR opening means that gridlocking is avoided and all morning and afternoon peak periods operate successfully. The 2023 scenario provides improved journey times in comparison with the 2017 scenario with there being a better balance between journey time increases and decreases.

Comparing the 2017 and 2023 scenarios, there is a clear risk of intermittent gridlocking of the network if Broad Street is closed to traffic prior to the opening of the AWPR. Consideration should therefore be given to delaying the closure of Broad Street until after the opening of the AWPR in 2018.

Other notable traffic matters are that:-

- (a) the Flourmill Land/Upperkirkgate junction has adequate capacity

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- (b) following closure of Broad Street, the traffic signals at the Upperkirkgate/Broad Street junction will need to be retained since two buses cannot safely pass each other at this junction when routing between Upperkirkgate and Gallowgate
- (c) general road traffic will only be able to enter and exit from Flourmill Lane onto Upperkirkgate. There will be no through route onto Union Street and Broad Street from Flourmill Lane. This will prevent rat running traffic using Flourmill Lane as an alternative route to Broad Street

Servicing

Prior to the closure of Broad Street, the development will be fully serviced from Flourmill Lane. However, once Broad Street is closed a limited amount of servicing will be permitted from Broad Street during a possible restricted period of 6am to 8am. Entry for servicing on Broad Street would be from the Gallowgate/Upperkirkgate junction to Queen Street.

The majority of servicing will be from Flourmill Lane. Two lay-bys will be created permitting access to an underground area extending to the whole development. These laybys will be placed either side of Provost Skene's House. Roads officers are still in the process of confirming that these laybys will not interfere with the operation of the servicing facilities for the St Nicholas Centre. Servicing vehicles will enter Flourmill Lane from Upperkirkgate and exit via St Katherine's Wynd onto Union Street. Very large vehicles may have to exit onto Broad Street via Netherkirkgate. Netherkirkgate and the exits onto Union Street and Broad Street will be restricted to service vehicles only. Sections of Netherkirkgate and St Katherine's Wynd will become shared surfaces.

Parking

Parking will only be provided for the office accommodation. There will be no parking provided for the hotel. The parking provision for the offices is in line with the Council's maximum parking standards for the city centre. 246 spaces have been provided, 11 of which are disabled spaces. 100 cycle spaces will be provided in the car park. Clusters of cycle parking will also be spread throughout the development but the number of spaces involved has still to be agreed. Entry to the car park will be by means of a barrier controlled entry system. The entrance to the car park will be slightly to the north of Netherkirkgate. Provision for motor cycle parking has still to be agreed; Council standards require that 25 motor cycle spaces be provided.

Public Transport

The development has good access to public transport. With the closing of Broad Street it is anticipated that the majority of the bus routes currently using Broad Street will migrate to a route using Upperkirkgate and Union Terrace Gardens. The final arrangements however are still under discussion and the bus companies have made no final decision on this matter. Two bus timing points replacing those on Broad Street will be located at the Upperkirkgate end of the development. A new bus stop will also be

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established in the lay by at the Academy on Schoolhill. There may also be amendments to bus stops on Union Terrace Gardens. A coach drop off point will be provided in Queen Street near the Police Station.

Taxi Ranks/On-street Disabled Spaces

Following closure of Broad Street, a new five space taxi rank will be created on Broad Street outside the Town House extension. An additional five disabled spaces will be provided on Queen Street. These disabled spaces will replace disabled spaces lost on St Katherine's Wynd.

Pedestrians/Cyclists

The introduction of the closure of Broad Street will lead to significant pedestrian and cycling improvements on Broad Street however increased traffic volumes on Upperkirkgate and Schoolhill could lead to a small reduction in pedestrian amenity there. A raised table will be provided at the Queen Street/Broad Street junction.

Travel Plan

A travel plan will be required identifying measures to encourage more sustainable methods of travel.

Officers responded to questions from members and the following information was noted:-

- the design brief had been approved by members as part of an extensive process in terms of the appointment of Muse as the Council's development partner
- an air quality impact assessment had been undertaken which indicated that there would be a detrimental impact for approximately 4,000 properties in the vicinity of the development and a beneficial change for approximately 1,600 properties, however the current levels of air quality already exceeded recommended levels
- Scottish Water had not objected to the application however nor had they responded and officers would press them for a response
- that traffic modelling using the 2023 scenario was a reasonable representation of what the scenario would be in 2018 upon completion of the AWPR, with traffic in the city centre expected to reduce by around 5% or 6% upon completion of the AWPR
- that officers would provide details of accident statistics in relation to the pedestrian crossing between the St Nicholas and Bon Accord shopping centres to Councillor Jennifer Stewart, as well as data in terms of the predicted increase in traffic in the city centre as a result of other major developments

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The Committee then heard from representatives of the developers for the proposal. The Committee first heard from **Mr Stephen Turner from MUSE Developments**. Mr Turner said the following:-

Good morning Convener and Councillors. I am grateful for this opportunity to present to you the scheme that Muse, its team and Partners have been working on for the last 18 months. It reflects a considerable amount of design work and thought including the comments received in three rounds of public consultation.

Muse Developments specialises in complex urban regeneration projects usually with public sector partners. We have won several awards for the quality of the design of our projects. We are delighted to be working with Aberdeen City Council and our funding partner, Aviva Investors, on a development which has the potential to make a major impact for the city in the future. Should the project receive planning permission, we intend to be on site in the first quarter of 2015 and to have Marischal Square completed and contributing positively to the Aberdeen economy within a two-year time scale.

The benefit of having a project like this fully funded by Aviva means that we can proceed without the need for pre-lets and we can complete the development in a single phase and go to the market quickly with opportunities for major businesses to become involved in the prestigious hotel, office and commercial opportunities Marischal Square delivers.

Muse currently has more than 20 active projects, with a value of £2.4bn across the UK including London, Manchester, Leeds, and Liverpool. For Aberdeen to continue to take full advantage of the city's ongoing and deserved prominence as a leading UK business destination, we believe that the city needs more hotel space, additional city-centre grade-A office accommodation and more of the high end bars and restaurants which help service and support a booming business economy. We have already agreed terms with Marriott Residents Inn to occupy the hotel element of the project and our commercial property advisors are making significant headway in attracting top end bar/restaurant businesses to establish their first presence in the city - if the project were to go ahead.

That is good news for jobs and job opportunities for the city and we estimate that Marischal Square has the potential to attract 1,500 jobs to the area when completed. That figure is in addition to the 300 or so temporary jobs created during the construction phase.

However, we are also acutely aware of the strength of feeling among those living and working in Aberdeen that a project like this generates, especially in the way in which it will interact with the civic space element of Marischal Square and, of course, the historic Provost Skene's House. Throughout our extensive consultation process in the city during October, November, December last year and in April this year – which attracted more than 4,000 people overall keen to learn more about Marischal Square – the people of north east Scotland were not slow to highlight the need to ensure that the

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development worked for everyone and those views have, wherever possible, influenced the full planning application which we submitted to the Council earlier this year.

We have listened to the people of Aberdeen and to the wider business community and it is my belief, as well as that of my team, that Marischal Square is a much needed development which can help regenerate and shape the future and long term prosperity of this important area of the city.

To help us all visualise exactly what that means and the way in which the views of the public have been incorporated into the project, can I ask Michael Halliday from CBRE to take you through the next stage of the presentation.

The Committee then heard from **Michael Halliday, Head of Town Planning at CBRE**. He addressed the Hearing in the following terms:-

The re-development of the Marischal Square site has been an aspiration of Aberdeen City Council since 2006 when the Bon Accord Masterplan was produced.

The Masterplan identifies the 'Marischal Neighbourhood' as an opportunity to create a civic space and provide a proper setting for Marischal College but also for a mix of uses including office, residential, restaurants, cafes and retail and a new city centre hotel.

The Masterplan subsequently informed the City Centre Development Framework (2012). The framework identifies that Broad Street should be treated as an urban square to improve the setting of Marischal College.

Connected to this will be a smaller, more intimate square at Provost Skene's House.

The Council's Strategic Infrastructure Plan identified Marischal Square as a key strategic project.

The plan states that the Marischal Square project will, "help generate growth and economic benefit through city centre regeneration, delivering long term benefits of improved air quality, accessibility, job creation and reduction of carbon emissions."

The site also has been allocated within the Local Development Plan as a development opportunity site.

All of these policy documents have been through a rigorous consultation process leading up to their approval by Aberdeen City Council. As a matter of policy the site has therefore been identified as a development opportunity since at least 2006.

Muse has engaged with Aberdeen City Council throughout the pre-application process and post submission of the planning application on design related issues. Muse has also met with the Aberdeen City Council Urban Design Panel (on 2 occasions), Architecture and Design Scotland (undertaking 3 separate sessions) and Historic

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Scotland (on at least 4 occasions) who have made positive comment regarding the proposal and are comfortable with its content in the context of its locale.

Our approach to the pre-application consultation was to engage with the local community and key stakeholders and to provide different opportunities to obtain information and make comment, whether through the Consultation Events, unstaffed displays at Marischal College or the dedicated website.

In my experience, the consultation programme was exemplar and Muse should be commended. The exercise went significantly beyond the statutory minimum required, included three separate public exhibitions over 6 months, a consultation bus (at Stage 1), met with local schools and colleges (at Stage 1 and 2), had a dedicated website, and an unstaffed exhibition after each of the three public exhibitions at Marischal College.

The consultation events were widely publicised through newspaper adverts, direct mailings, through the dedicated website, and fliers. The proposal has also received extensive press coverage. Over the course of the consultation activity, we know that we directly contacted 952 individual parties and that 4,180 people attended the Public Consultation Events.

During Stage 1 and 2 the feedback cards clearly stated there will be an opportunity to make comments direct to the City Council once a formal planning application has been submitted in early 2014. Stage 3 of the Public Consultation illustrated what Muse Developments would be submitting to Aberdeen City Council for planning permission.

In my experience of working on projects of similar scale and profile it is encouraging to only receive 41 objections to the application. Whilst we have done what we can to accommodate the concerns of objectors it is a very small proportion of the overall number of people that participated in the consultation programme.

The principle of pedestrianising Broad Street is highlighted within Council policy documents as well as being an important aspect of the proposed development.

The decision to pursue pedestrianisation of Broad Street was made by Full Council at a meeting on 5th March 2014. Committee papers for that meeting note that 'the Transport Planning objective of the scheme is defined as to create a more user-friendly pedestrian environment to form a civic space on Broad Street.' This defines the policy objective to prioritise Broad Street road space for pedestrians over vehicles. The Marischal Square development provides an opportunity to pursue that objective in conjunction with development of adjacent land to create an attractive high quality civic space.

We have undertaken a Transport Assessment in the context of Aberdeen City Council modelling to review the impact of the Broad Street pedestrianisation and the Muse development on the network. This has been covered by Mr Rogers in his presentation.

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There will be no parking spaces provided for the hotel, retail or restaurant units which recognises that the site is in a highly accessible location where use of sustainable transport can be promoted and encouraged in preference to vehicle trips.

I will now hand over to Stephen Barker, architect for the project to elaborate on the design and some of the changes made in response to the consultation process.”

The Committee then heard from **Stephen Barker from Halliday Fraser Munro** who addressed the Committee in the following terms:-

It has been Aberdeen City Council’s intention to redevelop the St Nicholas House site ever since the decision was taken to relocate the council to Marischal College. The 2.4 acre site was marketed as a Prime City Centre Development Opportunity and a two stage process was undertaken to find the most suitable developer and scheme.

Clear planning guidelines had previously been put in place to ensure that any future redevelopment would meet the Council’s aspirations for the site.

These included the site being identified as an Opportunity Site in the Aberdeen Local Development Plan.

In addition to this the Council approved Bon Accord Quarter Masterplan gives clear guidance as to how the site could and should be developed to enhance this important part of our city centre.

Provost Skene’s House was identified within the Bon Accord Quarter Masterplan as being of high importance with any development retaining and respecting the setting of this Grade A listed building.

The Masterplan proposed that the site include new retail, restaurant and café activities at street level with hotel, offices and residential on upper levels with the aim of creating a genuinely vibrant and economically sustainable neighbourhood.

The planning guidance also proposed that the area of Broad Street lying between St Nicholas House and Marischal College should become a Civic Square with restricted access for vehicles.

In 2011 the Aberdeen City Centre Development Framework was also approved by Aberdeen City Council which again identified the St Nicholas House site as a significant development opportunity.

This document noted that any development should improve the setting of Marischal College and Provost Skene’s House as important historic buildings.

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It also suggested that a Civic Square be created on Broad Street and adjacent to Provost Skene's House and that the development should have live frontages to encourage activity in these spaces.

The proposed Marischal Square Development has closely followed the planning guidance from the outset of the process.

The planning application that is now with Aberdeen City Council realises the majority of the aspirations and opportunities mentioned in the Local Plan, Bon Accord Quarter Masterplan and City Centre Development Framework.

The architectural solution that Muse have presented to the Council is threefold:-

Firstly, to enhance the setting of Marischal College and Provost Skene's House.

Secondly, to create attractive and usable new public space in the heart of Aberdeen

And thirdly, to deliver high quality retail, restaurant, hotel and office space with the aim of creating a genuinely vibrant and economically sustainable neighbourhood.

The design process began by looking to the past. Broad Street is one of the oldest streets in Aberdeen and along with the Gallowgate and Shiprow connected the Port of Aberdeen to Old Aberdeen. Marischal College is one of the most recognisable buildings in Scotland and most would agree Aberdeen's finest building. Provost Skene's House is a hidden gem and one of the few fragments of the past remaining in this part of the city.

The vision began with the idea of reintroducing some of the historic street patterns within the new development which had been lost when the slums were cleared long before St Nicholas House was built.

The line of Guest Row which had existed for hundreds of years crosses the site parallel to Broad Street. Part of the vision was to reintroduce a pedestrian route along the historic route of Guest Row whilst also introducing other lanes and vennels within the development.

This approach of looking to the past for inspiration has been acknowledged as a great place to start by both Historic Scotland and Architecture and Design Scotland.

The proposals submitted to Aberdeen City Council do not aim to recreate the past or to be a pastiche of historic architectural styles. The design is both modern and contemporary whilst taking its cues from the past.

Following the acknowledgement of the importance of Guest Row and other pedestrian routes across the site, a series of significant new public spaces were identified. The development is more than a single square and would be better called "Marischal Squares".

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The largest public space is Broad Street where the intention is to remove all vehicles and create a new pedestrianized area in front of Marischal College. This new space will realise the aim of enhancing the setting of Marischal College whilst giving Aberdeen a large civic space.

A second smaller more intimate space is proposed in front of Provost Skene's House. This new space will have a different character to Broad Street and is intended to be more like a secret garden often found in the castles and historic houses of the North East of Scotland. Provost Skene's House will be accessed directly off of this new space.

A third, and hopefully very popular space, will be the covered courtyard to the north of the development. This public space will be protected from the worst of the weather and will provide a year round outdoor space in the city centre.

These three public spaces are at the heart of the development and are connected together by a network of paths, lanes and vennels.

The ground floors of the buildings which define these spaces will mainly be cafes and restaurants which will bring activity to the whole area both during the day and in the evenings.

The ground floor units are fully glazed and double height which will bring many benefits. Pedestrians walking along Broad Street will be able to look through the glass buildings to see Provost Skene's House. Those in the space outside Provost Skene's House will be able to look through the glass buildings to see Marischal College. Everyone enjoying the new restaurants and cafes will see both Marischal College and Provost Skene's House whether they be sitting inside or outside.

Provost Skene's House is retained as the central building in the new development. The intention is for it to remain as a city council owned and operated cultural and tourist attraction. The only proposed alterations to the building are the adjustment of ground level outside the building to improve access and the relocation of the wall and arched gate to open up the view of Provost Skene's House and improve its visibility and accessibility.

Detailed discussions have taken place with the planning authority and Historic Scotland to ensure that these proposed improvements do not have a detrimental effect on this important listed building.

The Scale and massing of the proposed buildings is the result of dialogue with the planning department, Historic Scotland and Architecture and Design Scotland, whilst following the principles set out in the planning guidance.

The highest buildings are seven storeys high and are significantly lower than the former thirteen storey tower of St Nicholas House. The massing of the building has been

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broken down through the use of different materials and eaves heights whilst maintaining a strong edge to the urban block.

This approach is seen throughout Aberdeen and in fact was present on Broad Street before the old buildings were cleared away in the early 20th Century.

The apparent scale of the buildings has been further reduced by setting the upper floors back and forming roof terraces. When viewed from a distance across the rooftops the development is of a similar height to Marischal College minus the spires and towers.

Traditional local materials have been selected for the development.

Aberdeen's rich granite heritage dictates the use of this stone as the main material in the development.

In addition, large areas of glazing have been introduced to break down the scale of the buildings, to ensure a good environment for the buildings users and to reflect the surrounding buildings.

These traditional materials will be detailed in a contemporary manner whilst still reflecting the proportions of the surrounding buildings such as the vertical windows of Marischal College.

Muse and their team have met with the public at several stages during the design process. These events have directly affected the proposals in a number of positive ways.

The original artist's impressions of what the scheme could have been like indicated glass walls with coloured glass fins. There was fairly strong feeling to move away from all glass facades and so the designs evolved to include large quantities of granite.

Throughout the consultation process people told us that both Marischal College and Provost Skene's House are much loved buildings that should be celebrated and safeguarded for future generations.

In response the positions of the buildings were altered to ensure that new views of Provost Skene's House could be seen where previously it was hidden by St Nicholas House. The size of the open space in front of Provost Skene's House was also increased by reducing the size of the office building next to it.

Some people were concerned about building heights. In response Muse were able to reduce the building heights across the development to a maximum of 6 – 7 storeys, with the highest buildings being located at the Union Street end of the site where previously there was a 13 storey building.

Broad Street was noted by many as being very windy due to the design of the former St Nicholas House tower. As a direct consequence of the consultation process, Muse

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undertook a wind modelling exercise allowing potential issues to be designed out. The proposed building designs will funnel less wind whilst tree planting will divert gust upwards resulting in a more hospitable environment.

In conclusion, the proposed Marischal Square development has drawn its inspiration from the past whilst confidently looking to the future. The mix of retail, restaurant and café activities at street level with hotel and offices on upper levels will hopefully create a genuinely vibrant and economically sustainable neighbourhood.

The new public spaces are an exciting opportunity to establish a strong civic heart for Aberdeen and a fitting setting for Marischal College and Provost Skene's House.

The representatives of the Developers responded to questions from Members, and the following information was noted:-

- that the Square could accommodate the International Market hosted in the City
- that the Council would retain ownership of Provost Skene's House
- that during the consultation process all views were recorded
- that adding public art to the proposal would be encouraged as well as getting cultural organisations involved in the development
- that a wind assessment had been undertaken and that the design of the development would divert gusts of wind upwards thus reducing the effect on pedestrians
- that the developers would produce the wind assessment details if requested
- that an asset management company would deal with any maintenance issues relating to the buildings within the development

The Committee then heard from **Dustin MacDonald of the City Centre Community Council** who addressed the Committee in the following terms:-

The Members of the City Centre Community Council would like to state that during the consultation exhibitions, the majority of the public who attended, all commented on how they would like to see a bigger, open civic space and we would echo that sentiment. However, we do realise that the land was sold as a development site with a legal requirement to provide a certain square footage of retail space and offices together with a hotel and we made our comments based on the application we had before us.

That being the case, we do not object to the principle of the application but we do have a number of concerns regarding its design and layout as well as the lack of a guaranteed civic space – the latter relying heavily on the closing of Broad Street. As a Community Council we spent a lot of time looking at the details of the plans from a community perspective to see what exactly the long term benefits would be.

We think that the new gardens in the middle of the development next to Provost Skene's House will, hopefully, create a nice, quiet space. However, we feel the size and scale of the development is very large and we are disappointed that there does not

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seem to be much difference in the height of the various buildings. We were led to believe that the Upperkirkgate end of the development would have considerably lower elevations, however, this does not appear to be the case.

We like the idea of 24 hour access enabling the public to walk through the development at any time of the day or night and were pleased with the assurances that security measures would be in place at all times.

We understand that people will be able to look straight through a gap in the buildings opposite Marischal College and see Provost Skene's House which is a good concept. The design shows that this will be achieved by the buildings on either side to be raised up off the ground with the use of lots glass on the ground floor.

We would however, in addition to this, like to see the opening between Broad Street and the centre of the development made larger, to create better integration between the two civic spaces. If this means losing commercial space, we would see it as being added to the height on the Union Street side of the development.

We would also like to see the space brought to 'life', e.g. using coloured, interactive lights on pavements, fountain/water features and possibly webcams placed on the top of buildings with screens showing live, aerial views of Aberdeen.

We liked that the inspiration of the different shapes and colours of the proposed buildings came from the pre-war tenements which were there before St Nicholas House was developed. We were also glad to see the intention of using different colours of granite to compliment Marischal College. However, we feel that the design is not 'iconic' enough and are very disappointed that the buildings are not expected to last more than sixty years.

To sum up therefore, we feel that more effort could have been made to provide a better civic space in the centre of Aberdeen. The whole development is very overbearing and sits almost at one height.

A 'trick' has certainly been missed here in creating something worth visiting as it would have been great to be able to come along Broad Street to visit not only Marischal College but something equally as stunning on the opposite side – which is not happening with this development."

Mr MacDonald responded to questions from Members, and the following information was noted:-

- that the Community Council did not find it that easy initially to find out information on the proposal
- that the Community Council would prefer to see proposals for a larger civic space within the development, with better view of the iconic buildings in the vicinity

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- that the Community Council would welcome more independent businesses into the area to create a localised niche market in the square
- that the Community Council would welcome webcams/interactive viewing platforms in the development as well as big screens being erected for major events
- that there needs to be a balance between office space and leisure pursuits within the development
- that there is a need for affordable family friendly activities/retail/catering outlets within the development to encourage as many people to the area as possible.

Mr Dominic Fairlie, Chairman of Aberdeen Civic Society was next to address the Committee and his statement was in the following terms:-

The objects of our society are:

- to stimulate public interest in and care for the beauty, history and character of Aberdeen
- to encourage the preservation, development and improvement of public amenity and historic interest in the city
- to encourage high standards of architectural planning in the city

The Society has a membership of about 150 and our activities are run on a day to day basis by an Executive Committee of which I am the chair.

We believe that long lasting and sustainable economic benefit can be achieved through our built environment. Investment in our built environment, meaning both protecting and enhancing the good things that already exist as well as the development of new projects, has the power to change people's perception of the city, adjust how they care for it and in turn influence human behaviour towards it. In Aberdeen we are lucky in that we have inherited from previous generations some of the most beautiful buildings, streets and public spaces - much of it is world class, the basis of it has been there for centuries and it gives to Aberdeen its unique sense of place. Residents from other cities in the UK would love to have a built environment of this quality; it is often visited and admired. We need to ensure that the good parts of the city are not destroyed or their character changed so much that they are no longer able to make their own valued contribution to the city's economy. It is therefore a mistake to attempt to yield short term benefits from our built environment, because invariably it will be more expensive in the end. Remember, St Nicholas House only lasted 45 years, a small fraction of the time that most of the buildings that surround it have already lasted and they will no doubt last a good deal longer yet.

So, the first point I would like to make is that we are generally happy to see the former St Nicholas House site developed. We are not a group that would like to see it left as open space. We are keen to see investment in Aberdeen, and we are delighted that there is a desire for money to be spent on the redevelopment of the site. It lies in the middle of a built up area, St Nicholas House existed on the site and before that the area comprised a mix of commercial and residential properties, many of them relatively high

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density tenements together with a network of streets and lanes. It is probably true to say that the tenements were a higher density of development than St Nicholas House. I do not need to remind you that the site is surrounded by some of Aberdeen's treasures, notably Marischal College, Provost Skene's House and the remaining street elevation of Upperkirkgate.

So, despite being happy with the principle of development we feel it necessary to object to the MUSE application. In our written objection we raised four specific issues, and I would like to concentrate on two of them here, those that we believe are fundamental. The other two you will be able to see in the written representation that we made.

Firstly we feel strongly that the development is too big - the buildings are too high, too boxy, and they make little attempt to blend in or respect the adjacent historic buildings. They overpower Marischal College, Upperkirkgate and Provost Skene's House. They do little to enhance our existing built environment; in fact they do the opposite, and are more likely to detract from the value of the existing built environment regardless of how much they will cost to build or how many jobs they will create. To see just how big the new buildings will be I would refer you to the cross sectional drawings that form part of the planning application. These show clearly the relationship of the new buildings compared with those around it. In my view the key drawing is not the artist's impressions that we have seen this morning, but the one called "Site Section 3". If you access it through the website you may need to wait a while for it to download, but once it is there I would challenge you to find Provost Skene's House, and then look at the building heights compared to both Upperkirkgate and Union Street.

The redevelopment of the St Nicholas House site has been under consideration by the Council since the mid 2000s, well before any detailed proposals were on the table. At the time the Council undertook public engagement exercises and used the results to draw up official documents such as the Aberdeen City Centre Development Framework, the Aberdeen Local Development Plan 2012, the Bon Accord Quarter Masterplan and other adopted guidelines that exist to regulate development and to protect things that are seen as important to Aberdeen's character. They call for new development to respect existing buildings and point out the role that tall buildings have on the skyline. The redevelopment of the St Nicholas House site is one of the development sites included in these policies as we have heard already today, but they call for a much more considerate development than that in the existing MUSE application.

All of these public engagement exercises led to the development of adopted Council policies which remain relevant and in force today. They are material considerations against which this application has to be considered. Pre-application consultation, which MUSE carried out before the planning application was submitted, is a part of the modern planning process, but the outcome of it does not over-ride previously adopted Council policies. The fact that the Council, as landowner, may have decided a year ago that the development will comprise shops, offices and a hotel also does not over-ride adopted Council policies. Any decision on the planning application will have to be taken in the light of all relevant matters, and adopted policies that have been carefully

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considered over a long period of time through extensive prior public engagement and often examined by external reporters, must surely be the most relevant.

We would ask why the Council, who is the landowner in this case, has chosen to run with a proposal that in so many ways goes against much of its own adopted policy? Why does it have to be up to people and organisations like ours to have to object and point out the failings of the application when compared to the existing adopted policies? Could the Council not have taken its decision on the preferred scheme after reviewing whether or not the proposal complied with its own policies? It appears to us that MUSE may not be the problem; and perhaps the landowner is seeking to extract as much development profit out of the site as it thinks it can get away with. If this development is approved the existing built environment - in particular the setting of Marischal College, Upperkirkgate and Provost Skene's House - will be the loser. The development, as proposed, is just too big and the density is just too high. A better scheme may be one in which at least three stories of development are removed - only then would it be more in keeping with its surroundings, with a development density higher than that of St Nicholas House but probably closer to what it was when the site contained streets of tenements.

The second point I would like to make relates to the pedestrianisation of Broad Street. Broad Street is best described as a very useful street for both public transport and private vehicles and its closure would restrict opportunities for north-south traffic in the city centre, opportunities which have already been restricted by existing traffic management in the area. Re-routing traffic, especially buses, along Union Terrace, Schoolhill and Upperkirkgate will make these streets less appealing to pedestrians than they are at present. Full pedestrianisation of Broad Street as seems to be proposed in this application is - in our view - a mistake. It is worth mentioning in this context that the relatively recent pedestrianisation in the Back Wynd and Belmont Street area is not a full pedestrianisation - traffic still uses the streets. A better option therefore may be to make Broad Street more pedestrian friendly, perhaps by giving the pedestrian priority over vehicle movements - rather like at Back Wynd and Belmont Street. Full pedestrianisation changes the character of the area, often making the space feel more threatening; especially at night - for that you only need to witness the changes that have happened at the Castlegate. A better option may be to look at how lively and welcoming the Thistle Street and Chapel Street area is, still with traffic flowing through it, and learn what it has that makes it function so well.

We appreciate that further work is required, probably involving consultation of some kind, into the pedestrianisation proposal for Broad Street. We would like to be involved in any further discussions that may occur.

The other two points we made related to Flourmill Lane and the materials - the glazing in particular. These can be seen in our written representation.

I would like to make two further observations. Firstly, Aberdeen City Council is one of the few Councils that does not publish on its website the representations made by anyone other than statutory consultees. We believe, particularly for applications like

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this one, which are so important to the city and how it functions, that all representations should be published as soon as they are made.

The second point I would like to make is that the people of Aberdeen have elected representatives, Councillors, to make planning decisions on our behalf. Elected representatives on the Planning Development Management Committee have an obligation to consider the application correctly under planning law, and this means that there should be no interference in the decision making process from the economics of the proposal. We would be disappointed, and I am sure that in this I speak for many people in the city, if members of the Planning Development Management Committee did not properly consider the application and approve it or refuse it as the case may be. Whilst I appreciate that a process has to be followed in cases such as this where the Council is both the landowner and the planning authority, members please do not abdicate the responsibility you have been given for decision making by deferring to Full Council (where local politics often takes precedence) or to Scottish Ministers (where decisions are often not in the best interests of local people). Consider this application and decide on it based on what you think is best in the long term for our city.

The Committee then heard from **David Reece, a resident of the City** who provided the following information:-

Mr Reece explained that he had only recently arrived in Aberdeen and expressed his admiration of the site and how he had been overwhelmed by the beauty of Marischal College and the majesty of Provost Skene's House. He expressed his view that the site was a strategic setting and that Edinburgh was a good example of how important buildings were promoted to retain the historic atmosphere of the City.

He explained that the development needed to compliment what is already there and that the development must allow for clear views of Marischal College and Provost Skene's House. He explained that the area should be "opened up" more and be planted with trees and other plant life to create a public space.

In conclusion he urged those present to preserve what was best for the City in the area.

Mr Reece responded to questions from Members, and the following information was noted:-

- that the City should respect the legacy that Archibald Simpson created and the all citizens should behave in a civilised manner when it comes to the architecture and fabric of the City
- that buildings such as the Music Hall, the Art Gallery and local independent restaurants and pubs give Aberdeen a special character and that the development should reflect this
- that the development should promote the arts in the City and that it requires to blend in with its surroundings.

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Ms Linda Smith, a resident of the city, was next to address the Committee and her statement was in the following terms:-

My name is Linda Smith. I was born in Aberdeen, went to school in Aberdeen and university in Aberdeen. I love Aberdeen and am proud of Aberdeen and want it to be seen as a city that other people admire and want to visit; to be seen as a city led by those who show not only sound common sense in their dealings, but also imagination and clarity of vision when tackling issues. However it appears to me that this doesn't always happen. Too often, short-term financial concerns drive decisions, particularly those that affect the important history and heritage of Aberdeen.

When the demolition of St Nicholas House inadvertently revealed that fabulous view of the granite splendour of the Marischal College façade, it should have made the Council planners pause, question what they were doing and re-think their plans for that historic area of Aberdeen.

The removal of that crumbling and degraded example of sixties' 'brutalist architecture' – oh so aptly named – did not just offer the perfect setting for the granite poetry of Marischal College, but also restored to its rightful prominence one of Aberdeen's few remaining late mediaeval gems in Provost Skene's House, virtually hidden from view for the last forty plus years and neither celebrated nor cherished, as it would have been in many other cities. In Europe, it would have been the highly visible main attraction on any tourist map.

A city that offers such a fascinating mix of history and stunning workmanship would be a magnet for visitors from around the world and thoughtful management of the surrounding space would guarantee Aberdeen a place in any Rough Guide to Scotland.

Numerous letters to the local press, articles in national newspapers and a multitude of comments on social media indicate that my view of what should be done with that space is shared with the majority of Aberdonians. And my/our vision is simply to leave it largely as an open space. Grass, flowers – think about native plants such as heather, juniper, thistles even – granite rockeries, winding paths, display areas for local artists, sculptors, poets. A water feature is always popular, and of course, benches, but don't forget bushes and small trees to provide shelter – this is, after all, the North East of Scotland and it can be chilly, even in summer. Muse's design, for want of a better word, is nothing but a replication of the previous dusty, miserable wind tunnel, complete with outdated buildings on stilts.

On the side nearest to that other abomination, the St Nicholas Centre, you could have low-rise buildings, snack bars, market stalls selling quality local goods, restaurants, even a boutique hotel, low rent studios for local artists and craft workers and even opportunities for small scale theatre work. In fact, we could make Aberdeen a genuine City of Culture, which it will never be, if we carry on down the path of narrow-minded commercial gain.

It is neither rational nor in any way visionary to replace one mistake with another. Muse has not even attempted to marry their development sympathetically with its

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surroundings – as they would have been encouraged to do in other cities of historic note, like York. Nor to my mind are their intentions regarding Provost Skene's House entirely honourable, as their application, to remove the current paving, dyke and arch proves. Instead we should look for inspiration to Europe where historic city centres have been far more sensitively developed, providing space not just for tourists, but also for locals, to enjoy their own town.

We don't want an area full of identical buildings, identical chain stores, identical hotels. We don't want to live in a characterless, mall-ridden Anytown. We want a space that says, "This is our Aberdeen". Somewhere for the next generation of Aberdonians to look upon with pride, not with regret for what has been irrevocably lost.

Mr Richard Slipper of **GVA James Barr** was next to address the Committee on behalf of **F&C REIT**. His statement was in the following terms:-

I am Richard Slipper, a Senior Director with GVA James Barr and we are planning advisors to F&C REIT who are the investment asset managers for the St Nicholas and Bon Accord centres. F&C regret that they cannot be here to speak to the Committee but they do intend to hold further meetings with local representatives and stakeholders on 15 September when they are next in Aberdeen. F&C have also commenced face to face discussions with senior officials and it is agreed that we will take up discussions with your recently appointed city centre masterplan team.

My clients are also in close contact with the John Lewis Partnership and John Lewis have confirmed that they endorse the content of this deputation.

At the outset I wish to confirm that my clients have objected to the Marischal Square development due to one concern – the Broad Street closure to all traffic. F&C REIT wish to make it clear that, apart from this element, they are strong supporters of a new mixed use redevelopment on the site and the added vitality this can bring to the prime retail, office and leisure focus to the north of Union Street.

Through the Bon Accord / St Nicholas centre and office investments around the city, F&C REIT handled nearly £300m of client asset investment in the commercial property sector of the city during 2013, having been attracted by the strong growth projections for the city and the region.

Bon Accord and St Nicholas shopping centres have played a pivotal role in prime retail provision in the city during the last 25 years, and have an annual footfall of 11.6 million people per annum. Jointly these centres and John Lewis accommodate more than 80,000 square metres.

A critical function of Aberdeen's city centre vitality and viability is consistently high pedestrian footfall through the retail and leisure facilities and, as well as strong public transport links, there is the critical issue of shoppers finding their way to a secure off-

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street parking space with ease of access. It is estimated that the car parks support 1 million vehicle visits per annum.

It is these levels of established visitor numbers and vitality to the city centre that is the concern of my clients.

Pedestrian movement in and around the Bon Accord and St Nicholas Shopping Centres is monitored and analysed by F&C REIT. They are able to quantify that about 20 million pedestrians per annum cross the road between the two centres at Schoolhill / Upperkirkgate. This makes this part of the city very significant in terms of pedestrian usage. We believe there is an important issue at stake here – the need to look at the impact of closing Broad Street to all traffic without a careful investigation on the impacts to car access and subsequent pedestrian flows around this part of the city.

My clients wish to make it clear that there is a warm welcome to the speedy resolution of the Marischal Square development and the vast majority of the current proposals by Muse are welcomed by my clients and early delivery is encouraged.

The objection raised today is a concern about the singular objective to close down Broad Street without looking at alternatives.

Mr Slipper then illustrated his clients' concerns with some traffic flow diagrams.

In summary, we respectfully request that, following today's hearing, an accelerated priority brief is given to the BDP-led masterplanning team to reconsider Broad Street and to engage with our client's transport experts, to investigate an alternative Broad Street solution as part of the final Marischal Square consent.

We urge Committee to explore options to keep Broad Street open. F&C see this as a high quality shared space – a new way of pedestrian dominant space which still allows vehicle permeability, to allow parking and the benefit of the delivery of pedestrians into the public spaces. Perhaps it will not be a 'broad street', but a narrower controlled running surface with a focus on way-finding to car parks and localised traffic. There would still be ample space for a Square. Vitality will be delivered because people will be delivered – by way of easy parking and existing the car to become pedestrians in the linked spaces. We believe this solution can be delivered via an expedited joint study between F&C, Muse and Aberdeen City Council transport experts.

Convener, I am grateful for this opportunity to speak and for your patience and attention. We would welcome a follow up discussion with your senior officials at the earliest opportunity.

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Members asked a number of questions of Mr Slipper, and the following information was noted:-

In terms of how vitality in the city centre could be achieved, Mr Slipper suggested it was not necessary to have vast expanses of space, but rather the important factor was to have well-connected, busy spaces. The priority should be movement, spaces, then buildings. He suggested there could still be slow-moving traffic and passenger drop-off around the proposed development, and it was not necessarily the case that all traffic should be banned.

Mr Slipper's clients had held meetings with the developer and these discussions were not yet concluded. He added that he was sure his clients would be open to an approach from the Council in terms of putting resource into public realm works if this assisted with the bottle-necking of traffic in the area.

In relation to the suggestion of a walkway or bridge being created between the St Nicholas Centre and the Bon Accord Centre, he advised that his clients would be willing to engage with a formal request from the Council to discuss the matter if required, but noted that such a bridge would be challenging.

He considered that there were options to make Broad Street different, such as reducing its size and still maximising the space outside Marischal College. He added that signage would assist and traffic could share the space.

Mr Ken Hutcheon of Queens Cross / Harlaw Community Council was next to address the Committee. He advised that he was there to represent both his own views, and those of the Community Council.

He referred to the Marischal Square planning application, as well as the planning application which related to Provost Skene's House, noting that there had been more formal objections to the latter. He advised that he would be referring to the financial and contractual concerns, the regulatory design contraventions, the wishes of the Aberdeen citizens, and difficulties with information dissemination. He reminded the Committee that Marischal College was the world's second largest granite building, considered to be an icon by many Aberdonians. He added that the arch to be removed from the front of Provost Skene's House dates from 1673.

He stated that the financial and contractual obligations would be very influential, and added that although he had been advised by the Council that the contract would bear no impact on any planning decision, his experience of large organisation decision-making suggested that was highly improbable.

Mr Hutcheon referred to the feedback from the Phase 1 consultation and advised that he felt there had been confusion caused by the Council mentioning at this time that part of Union Street might be closed off. He explained that having analysed the feedback,

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there had been no more than 12 submissions in favour of the design. Other submissions had shown that the public did not want high, glass, box-shaped buildings.

Mr Hutcheon then referred to the Phase 2 consultation, but added that as Muse had put the consultation into different categories, it was difficult for him to compare the Phase 1 and 2 responses. Mr Hutcheon also advised that he had encountered difficulties when trying to obtain the results of the Phase 2 consultation and had finally obtained these on 27 May 2014.

Mr Hutcheon finished his presentation by stating that the designers seemed to have thrown away a major opportunity and proposed a boring set of square buildings targeted to obstruct a view of one of the most prestigious sites in the UK. He asked the designers to think again.

Members then asked questions of Mr Hutcheon, and he explained that he wanted to ensure that the Council took the views of the people of Aberdeen into consideration. He added that he felt there was confusion around the development, and stated that a proper strategic plan should be in place for the city centre. He said that there were two Boards in place to talk about the city centre, and that he felt there should be representation from the public on these Boards.

The Committee then heard from **Mrs Margaret Hadley**, a **citizen of Aberdeen**. Her statement was in the following terms:-

My name is Margaret Hadley. I am a born and bred Aberdonian and I love my city. Many of my points have been covered already today, and I am somewhat disillusioned by what I have heard during today's proceedings. It is a widely accepted fact that the charm of many European cities stems from the preservation of unique historic buildings. With the demolition of the 1960s blight on the landscape known as St Nicholas House, Aberdeen City Planners have a golden once in their lifetime opportunity to preserve and showcase an area of Aberdeen which contains two iconic historical buildings, namely Marischal College and Provost Skene's House.

Now I know there are no plans to get rid of them, but the current planning submission seems to me and many other people to fail to give them their due place, justice and significance. The proposed plans with high glass-fronted buildings dwarf the beauty and especially the aspect of both of those icons. Aberdeen City Council has been keen to latch on to the sometimes gimmicky labelling trend of designating areas of cities as quarters. Were they to use Marischal and Provost Skene's as the keystones of this planning exercise, they would be admirably justified in naming this Broad Street redevelopment plan, "The Historic Quarter", an area that could then be sympathetically designed to complement these existing buildings with public space, landscaping, access etc and still allow the buses through. However the knock on congestion impact of even partially closing off Broad Street is another vexed issue and one which – to the citizens of Aberdeen – appears to be a recurring blind spot within the Council Planning

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Department. I was concerned to hear today that there would be 67 buses per hour going along Upperkirkgate and Schoolhill – that is one bus per minute.

However in addition to the points above I would request – almost beg – the Council and the developers to be more realistic. Anyone who has lived in Aberdeen for any length of time knows Broad Street is a wind tunnel – how will high sided buildings improve that?

It seems shopping is a religion in Aberdeen, as borne out by the many existing mall type developments. I am not averse to a bit of retail therapy myself, but do we really need so many shops included in the area of this development plan which will detract from the presence of the historic buildings? The proposed development to access the Bon Accord complex via a new entrance from Drums Lane has considerable merit, and more shops in the void between is fine, but overall retail should not overrule aesthetics. Artists' impressions of al fresco latte drinking a la the continent are fine, but the reality is the geographical latitude of Aberdeen. Also, our nostalgia for such activities recalls visions of sitting outside single storey tavernas and cafes – not one of being dwarfed by modern high rise glass and metal buildings as we watch the world go by – therefore moderation of the design in terms of height, proportions and facings to blend in should be the aim. The density should also be reduced.

In conclusion, I recall the first time I heard an after-dinner talk entitled, “The Vandals of Aberdeen”. Thinking about what might be the theme of this talk, I concluded it might be related to the rape and pillage antics of our Scandinavian cousins in years gone by. However, it was a long and detailed expose of the ravages of the Sixties planners in Aberdeen who replaced so many beautiful buildings and façades throughout the city by the then ‘in thing’ – concrete architecture. Today, read ‘glass’ for ‘concrete’. Please – it is not too late to reassess, although I am horrified to hear today that a legally binding contract is already in place. Please let the Broad Street redevelopment plan reflect and retain the historic beauty and tradition that is there and complement it with a plan that is not merely one which reflects commerce and consumerism.

I am not naïve – of course finance and profit are integral parts of all developments but – one meaning of ‘muse’ is to reflect and ponder. One can but hope that the developers will do that in light of the constructive objections put to them today by those who have spoken.

The Committee then heard from **Mr Stuart Inch**, a **resident of Aberdeen**, whose statement was in the following terms:-

He stated that the current state of building and development in the city caused him dismay. He expressed the view that no new development was sympathetic to the surrounding area, and there was no consultation with the public. He felt that new developments were a ‘done deal’ with the developers, and that the public needed to be involved at an earlier stage with the right decisions then being made through discussion.

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He added that the demolition of St Nicholas House was a once in a century architectural opportunity, however the site had been sold to the highest bidder. He noted that the Council inhabited Marischal College and stated that it would have to look out at the new development and live with it for the next fifty years.

Mr Insch stated that the current view of Marischal College and Provost Skene's House was delightful, and would be the envy of most towns. He suggested that other cities in Europe would not put the type of development proposed by Muse in front of the 'crown jewels' of the city.

He added that the right choices needed to be made, and referred to the designs which had been proposed for Union Terrace Gardens. Mr Insch stated that out of the six designs, the sympathetic one had been put to the side, and added that he felt these types of decisions were made again and again. He referred to the developments at the Art Gallery and the Capitol Theatre and reiterated that there had been no discussion with the public about these. Finally he referred to Dundee as trend-setting, and said that new buildings in Aberdeen should have architectural significance. He ended by stating that the planning process needed to be more inclusive.

Members asked questions of Mr Insch, and he stated that he felt there could be more publicity around big developments, with developers seeking more views from the public at early stages in the process, perhaps through advertisements in the local press.

The Committee then heard from **Mrs Lorna McHattie, a local resident** who provided the following information:-

That she had spoken to many citizens in Aberdeen and that the broad consensus/views of citizens were the following:-

The City did not need any more glass boxes

The development was too high

The development was too densely packed

It was not sympathetic to the surrounding area, and that these points contravened the various policies such as the Local Development Plan etc. Citizens wanted to have a clear view of Provost Skene's House from Broad Street.

Citizens wanted to be able to sit in the open and admire Marischal College - these points were highlighted also at the three Muse consultations (however based on what was mentioned in the morning it was unlikely that people could sit outside due to the wind tunnel which will be created).

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Mrs McHattie said that she did agree with some low level development e.g. two storeys to screen the backs of building such as the Marks & Spencer depot, although many people wanted an open space.

She said that she was extremely concerned about the lack of public engagement and transparency in decision-making in the entire process. She presented a slide of a paper cutting from the Press & Journal where a City Councillor had appeared to say that the decision was a done deal and in fact the hearing was a waste of people's time.

She then asked the Convener to explain the process to her after which she expressed her view that these arrangements could lead to a conflict of interest.

She explained that she thought that many of the people who attended the Muse consultations and submitted their verbal or written views thought they were commenting on the plans and therefore did not object to the Planning Committee. She said that she had since spoken to several people who thought exactly that. She said that she had started seeking views through social media and had not found one person in support of the plans. She explained that perhaps the feedback to the consultations should be included, where changes were not made e.g. the number of people who said - no more glass boxes, we want to see Provost Skene's House from Broad Street. These aspects had not been changed from the consultation events.

In conclusion her plea to the Members was that they did not rush into this without really understanding why the Council had so few responses to the application. Contrary to what Muse were suggesting she did not think it was because people were happy with the plans, but that they had been confused by the process. She thought that it was absolutely vital that the council was sure the people of Aberdeen understood that they could still influence the planning application.

Members asked questions of Mrs McHattie and it was noted that the application that is submitted to the Committee could recommend refusal or it could recommend approval with suitable conditions.

There being no further speakers, the Convener thanked everyone for their contributions and for raising the points made. He advised that he was very grateful to the speakers taking their time to be at the hearing. He indicated that all the relevant information would be considered and fed back into a final report on the application which officers would prepare for consideration at a future meeting of the Planning Development Management Committee.

- **RAMSAY MILNE, Convener**

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ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	8th October 2014
DIRECTOR	Chief Executive
TITLE OF REPORT	Council Governance
REPORT NUMBER	OCE/14/035
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

Following approval of the new management and committee structures, this report addresses the necessary changes to the suite of governance documents (primarily Standing Orders, the Scheme of Delegation and Financial Regulations).

2. RECOMMENDATION(S)

Council is recommended:-

- (1) To approve the revised Standing Orders circulated at Appendix A to this report;
- (2) To approve the revised Scheme of Delegation circulated at Appendix B, and to authorise the Chief Executive to make any amendment necessary arising from the allocation of functions under the continuing structural review ;
- (3) To note that legislation which will require to be reflected in revisions to the Standing Orders on Contracts and Procurement is expected during 2015 and that a report will be submitted thereafter;
- (4) To approve the revised Financial Regulations circulated at Appendix C;
- (5) To note the revisions to the report template to reflect the need for report authors to undertake Privacy Impact Assessments where appropriate and to consider whether projects or contracts offer scope for joint working with partners;
- (6) To suspend standing order 22(1) and amend the name of the City Centre Regeneration Board to the City Centre Regeneration Working Group;
- (7) To agree that all external members of Council committees, sub committees and working groups be required to adhere to the principles of the Councillors' Code of Conduct; and
- (8) To suspend standing order 22(1) and transfer the remit to consider and approve the Council's Annual Report and Accounts to the

Audit, Risk and Scrutiny Committee on the basis that copies will be sent to all members for information after approval.

3. FINANCIAL IMPLICATIONS

There are no financial implications other than those associated with the printing of documents.

4. OTHER IMPLICATIONS

The amendments to the governance documents now proposed will ensure that they comply with the new management and committee structures and will minimise any risk of challenge to the decision making process.

5. BACKGROUND/MAIN ISSUES

5.1 Standing Orders

5.1.1 The proposed changes to Standing Orders are circulated at Appendix A to this report. They reflect changes necessitated essentially by the new structures and the decisions of Council at its previous meeting to restrict the membership of external representatives on the new Education and Children's Services Committee to education items of business only and to end the ability of committees to appoint sub committees and working groups.

5.1.2 In addition, proposed amendments reflect practical decisions taken by conveners to allow the second named member in a joint motion to speak and vote at committee where the first named member is already a substantive member or a substitute.

5.1.3 To minimise the risk of challenge to the decision making process, the importance of Equalities and Human Rights Impact Assessments (EHRIA) and Privacy Impact Assessments (PIA) is also emphasised. Where a notice of motion is submitted to the appropriate director for consultation, that director will now be required to confirm whether either assessment applies and to ensure that either or both are undertaken if required. Where a spontaneous motion or amendment is approved at any meeting which may ordinarily have required the undertaking of an assessment, such decision shall not be enacted until the senior officer of the appropriate service has confirmed that no assessments are required, or shall be subject to the outcomes of any review where one is needed.

5.2 Scheme of Delegation

5.2.1 The Scheme of Delegation has been recast to allocate existing functions amongst the new directorate and heads of service, and updated to reflect recent delegations granted by Council and Committees. A copy is circulated at Appendix B.

5.3 Standing Orders on Contracts and Procurement

- 5.3.1 Council last approved the Standing Orders on Contracts and Procurement on 5 March 2014 (Article 15 of the Minute of Meeting refers) and was advised at that time of forthcoming Scottish Regulations to reflect the requirements of the new EU Directive on public sector procurement.
- 5.3.2 These Regulations are expected later in 2015 and is likely that they will necessitate extensive revision of the relevant Standing Orders. A report will be submitted following receipt of the Regulations.

5.4 Financial Regulations

- 5.4.1 The revised Financial Regulations are circulated as Appendix C, and are no longer a list of statements of guidance but have been recast as a framework outlining responsibilities for financial management which explains to whom they apply. The framework also creates links to the more detailed, relevant policies and procedures that can go into detail.
- 5.4.2 Linked in are the various individual regulations (as updated) which have been a feature of the Regulations in the past. The result is a more comprehensive approach to the Regulations which make clear reference to other documents which have a bearing on the financial management environment.

5.5 Report Template

- 5.5.1 The report templates, of which there are a number for various purposes such as public, exempt or draft reports, business cases etc, are revised as and when necessary in the light of Council decisions or legislative requirement.
- 5.5.2 Following the audit by the Information Commissioner's Office (ICO) last year, the Council adopted ICO guidance on Privacy Impact Assessments (PIA). A privacy impact assessment is a tool which can be used to identify and address any impacts on a person's privacy as a result of implementing a new policy, procedure, initiative IT project or website. The PIA process is best completed at a stage when it can genuinely affect the development of a project. Unless there is a genuine opportunity to alter the design and implementation of a project, the ICO recommends that projects which are already up and running are not submitted to a PIA process, but to either a compliance check or a data protection audit, whichever is more appropriate.
- 5.5.3 Council report authors are now required to use PIAs when preparing reports which impinge on a person's privacy and the report template has been adjusted to remind them to address this, and to seek further advice from Legal Services where necessary.

5.5.4 In addition, the template has been adjusted to include a prompt to authors to consider whether any project or contract offers any opportunity to involve partner organisations in collaborative work. This follows discussions at Chief Executive level on the benefits of closer working.

5.6 City Centre Regeneration Board

5.6.1 It is proposed that the above body be retitled as the City Centre Regeneration Working Group to ensure consistency in the naming of groups which do not operate with powers and this will require the suspension of Standing Order 22(1) given the decisions on committee structures taken at the previous meeting.

5.7 External Members

5.7.1 At its meeting of 31 October 2013 (Article 9 of the Minute of Meeting refers) Council agreed that external members of the Education, Culture and Sport Committee and the Shareholder Scrutiny Group of Audit and Risk Committee should be required to sign up to the Councillors' Code of Conduct and that a process be put in place to address any complaints made about them. It was further agreed that a sub committee of Finance, Policy and Resources Committee be established when required to hear appeals about the outcomes of any complaints.

5.7.2 It is now proposed that all remaining external members be asked to sign up to the terms of the Councillors' Code of Conduct, and that the existing complaints process and the remedy over outcomes be applied to existing and future external members.

5.7.3 The groups to which the process will now apply include the Cowdray Hall Committee, the Macdonald Art Committee, the Rubislaw Field Committee, the Disability Advisory Group, the Older People's Advisory Group (until disestablished) and the City Centre Regeneration Board, and such other bodies including external members as may be established in future.

5.8 The Local Authority Accounts (Scotland) Regulations 2014

5.8.1 The above regulations come into force on 10 October 2014 and are effective for the financial year beginning 2014/15. Amongst the provisions, a council is permitted to approve annual reports and accounts either itself or by a committee of the authority charged with the audit or governance function.

5.8.2 The Council at present approves the Annual Report and Accounts itself; however, from the next financial year, the Head of Finance recommends that the signing off is undertaken by the Audit, Risk and Scrutiny Committee. This will entail the suspension of standing order 22(1) given that the revised Orders of Reference were approved at the previous meeting.

6. IMPACT

Corporate - The proposal to encourage involvement by under 18s in petitions supports the commitment in Aberdeen – the Smarter City to encourage participation in decision making and promotes active citizenship. The amendment to the suite of governance documents will improve decision making and accountability across the Council.

Public – There will be a clearer understanding of decision making processes across the Council, whether at member or officer level, and improved transparency of the respective roles and remits, particularly as regards revisions to the Scheme of Delegation and the Financial Regulations. The involvement of under 18s in petitions could have a significant role in promoting democracy to pupils.

MANAGEMENT OF RISK

7. By revising Standing Orders and Financial Regulations and aligning the Scheme of Delegation to the new structure, there is increased transparency in decision making and a reduced risk of challenge. Applying the existing process for handling complaints against external members of the Education, Culture and Sport Committee and the Shareholder Support Group to all external members, and asking them to sign up to the provisions of the Councillors' Code of Conduct, will ensure that all members involved in Council bodies are held accountable equally. Incorporating the need to consider EHRIAs and PIAs into Standing Orders and the report templates will emphasise the importance of these documents and ensure that account is taken of them at the report writing stage, again diminishing the possibility of the risk of successful challenges to decisions.

8. BACKGROUND PAPERS

None.

9. REPORT AUTHOR DETAILS

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STANDING ORDERS

MARCH 2014
(revised 10.3.14)

**Proposed deletions in grey, proposed additions
in *italics***

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ABERDEEN CITY COUNCIL

STANDING ORDERS OF THE COUNCIL

In these Standing Orders, those marked + in the margin shall apply (with the necessary changes) to Committees and Sub Committees; those marked * shall apply (with the necessary changes) to Committees and Sub Committees only in relation to delegated functions.

PART I - MEETINGS OF THE COUNCIL

1. First Meeting of the Council

- (1) The statutory meeting of the Council shall take place on such date within 21 clear days of the date of the election, as the Council may have determined previously. For the purposes of these Standing Orders, clear days includes weekends and public holidays observed by the Council.
- (2) The first item of business to be transacted at such meeting shall be the election of the Convener of the Council who shall in terms of Section 4 of the Local Government Etc. (Scotland) Act 1994 have, during the term of his/her office, the title of Lord Provost. Until such election has been completed, the Returning officer shall preside.
- (3) The Council shall next appoint:-
 - (i) a Depute Provost who shall be deemed to be the Depute Convener of the Council elected in terms of Section 4(2) of the 1994 Act;
 - (ii) a Leader and Depute Leader of the Council;
 - (iii) a Convener of each of the Committees of the Council; and
 - (iv) if the Council so resolves, a Vice-Convener of any or all of the Committees.
- (4) In the event of an equality of votes in the election of the Lord Provost or Depute Provost or the Convener or Vice Convener of any Committee, the appointment shall be determined by lot.
- (5) The only other business to be conducted at such meeting shall be:
 - (i) the review of (a) the order of reference of Committees and (b) Orders;
 - (ii) the appointment of the members of Standing Committees;
 - (iii) the appointment of members to represent the Council on Joint Boards, Joint Committees of the Council and other local authorities and outside bodies on which the Council is entitled to be represented and in respect of which the Council has not delegated the power of appointment to any Committee;
 - (iv) the adoption of a timetable of meetings of the Council; and
 - (v) the approving of salaries to members.

2. Term of office of Lord Provost, Depute Provost & Conveners

- (1) The terms of office of the Lord Provost, Depute Provost, Leader of the Council, Depute Leader of the Council and Convener and Vice-Convener of a Committee shall be the term of office of the Council, or, in the case of anyone elected to fill a casual vacancy, the remainder of that term, or, also in the case of a Convener or Vice-Convener, as long as they are a member of the Committee or Sub Committee in question.
- (2) The holders of the offices mentioned in (1) above shall cease to hold office immediately on ceasing to be a Councillor and shall be entitled to resign at any time during their term of office. At the conclusion of their term of office they shall be eligible for re-election provided they are re-elected as Councillors and are not disqualified by reason of membership of any other Committee.
- (3) If a casual vacancy arises in any of these offices, an election shall be held as soon as practicable at a meeting of the Council, the agenda for which specifies the filling of the vacancy as an item of business, in accordance with Standing Order 1(4).

3. Ordinary Meetings of the Council

- (1) All meetings of the Council shall, unless otherwise determined by the Lord Provost of the Council, take place in the Town House.
- (2) The ordinary meetings of the Council shall be held in accordance with the timetable approved by the Council, except that the Lord Provost shall have the power, where in his/her sole discretion special circumstances so require, to alter the date or time of any meeting.
- + (3) Where a special meeting has been called to consider a referral from a Committee which is to meet earlier in the day, it shall be notified as commencing five minutes after the conclusion of the meeting of such Committee.
- + (4) (a) No meeting of the Council shall be held:
 - (i) on a Saturday or Sunday or on public holidays observed by the staff employed in the Town House; or
 - (ii) on such other days as the Council may determine;
- (b) A special meeting of the Council called by requisition of members in terms of Standing Order 4(2) shall, if required, be held on any day, including any day referred to in Standing Order 3(4)(a). The Lord Provost shall also have the power, in his/her sole discretion and where special circumstances so require, to instruct that a meeting of the Council be held on any date whatsoever.
- (5) Where a meeting of a Committee or Sub Committee takes place under the terms of Standing Orders 3(4)(b), 31(4) and 37(7) during the summer recess, which for the purposes of these Standing Orders is defined as the period of school summer holidays in force in the Council area, such Committee or Sub Committee shall, unless precluded by Statute, have

delegated power to deal with any matter within its Order of Reference and such delegation shall not be subject to Standing Order 36(3).

- (6) The provisions of this Standing Order shall not prevent the Licensing Committee and Planning Development Management Committee meeting when necessary to deal with matters within their remits and such meetings shall be subject to the provisions of the Standing Orders, without exception.

4. Special Meetings of the Council

- (1) Special meetings of the Council for the consideration of the annual budget shall take place in accordance with the timetable fixed from time to time by the Council.
- (2) A special meeting of the Council may be called at any time by the Lord Provost or if required by at least a quarter of the members of the Council and in the latter case shall be held within fourteen clear days of receipt of the requisition by the Head of Legal and Democratic Services. For the avoidance of doubt the calculation of one quarter in these Standing Orders shall be rounded down if it results in a figure ending in less than point 5, and rounded up if the figure is point 5 or above. In the case of a meeting called in terms of this Standing Order the notice required to be published in terms of Standing Order 6 shall have attached the letter signed by the members requisitioning the meeting and shall specify the business proposed to be transacted at the meeting.

5. Precedence of Council Meetings

A meeting of the Council shall, unless the Lord Provost otherwise decides, take precedence over meetings of all Committees or Sub Committees, subject to the provisions of Standing Order 3(3) and except in the case of a special meeting of the Council called to consider a referral from a Committee or Sub Committee which is still meeting at the time appointed for the start of the meeting of the Council.

+6. Calling of Meetings

Subject to the provisions of Standing Order 9(2) and in accordance with the Local Government (Scotland) Act 1973:-

- (1) Not less than five clear days before a meeting of the Council:
- (i) Notice of the time and place of the meeting shall be published at the Town House; and
 - (ii) A summons to attend the meeting with an agenda specifying the business to be transacted and signed by the Head of Legal and Democratic Services shall be delivered or sent by post to the usual place of residence of every member of the Council or such other place as a member may have specified by notice in writing to the Head of Legal and Democratic Services.

- (2) The validity of any meeting of the Council shall not be affected by the failure of any member to receive notice of a meeting.

+7. Convener

- (1) At any meeting of the Council, the chair shall be taken by the Lord Provost, whom failing, the Depute Provost. In the absence of both the Lord Provost and the Depute Provost, the members present shall choose one of their own number.
- (2) In these Standing Orders the term "Convener" shall include any other person presiding at a particular meeting and the terms "Lord Provost" or "Convener of the (Sub) Committee" shall mean the holder of the respective office or whom failing, the Depute Provost or Vice Convener as appropriate.
- (3) Nothing in this Standing Order shall prevent any Committee determining that in respect of its meetings of a particular type or in respect of meetings of a Sub Committee or other associated body, some other member shall preside.

8. Quorum

- (1) Subject to any statutory provision, a quarter of the membership of the Council shall constitute a quorum at all meetings of the Council.
- + (2) If, five minutes after the time specified for the start of a meeting of the Council, a quorum is not present, the division bell shall be rung and, if after a further two minutes, a quorum is still not present, no business shall be transacted and the meeting shall be adjourned until such date and time as the Lord Provost shall determine.
- + (3) If, during any meeting of the Council, the Convener finds that a quorum is not present, he/she shall instruct that the division bell shall be rung and after a lapse of two minutes the roll shall be called and if a quorum is not present, the meeting shall be adjourned until such other date and time as the Lord Provost shall determine.

+9. Order of Business

- (1) At an ordinary meeting of the Council, the business shown on the agenda shall (unless otherwise agreed by the Council at the meeting) proceed in the following order:-
- (i) Admission of Burgesses;
 - (ii) Determination of Exempt Business and Urgent Business
 - (iii) Requests for deputations;
 - (iv) Minutes of the previous meeting or meetings of the Council shall be circulated for approval.
 - (v) Referrals from Committees in terms of Standing Order 36(3);

- (vi) General Business;
 - (vii) Questions of which due notice has been given in terms of Standing Order 20(2) in the order in which they have been received by the Head of Legal and Democratic Services;
 - (viii) Motions of which due notice has been given in terms of Standing Order 21(1) in the order in which they have been received by the Head of Legal and Democratic Services;
 - (ix) Items of business which are confidential or exempt information in terms of Schedule 7(A) of the Local Government (Scotland) Act 1973.
- + (2) Except as otherwise prescribed by statute, no item of business shall be considered at a meeting of the Council unless either:
- (i) a copy of the agenda including the item and any associated report has been open in advance to inspection by members of the public in terms of the Local Government (Scotland) Act 1973; or
 - (ii) by reason of special circumstances which shall be recorded in the minutes of the meeting, the Convener is of the opinion that the item should be considered at the meeting as a matter of urgency and that such items of business be considered by the Council at an appropriate stage in the meeting as determined by the Convener.

***10. Reception of Deputations**

- (1) Every application for the reception of a deputation must be in writing, duly signed and delivered, faxed or e-mailed to the Head of Legal and Democratic Services as early as necessary to ensure that at least one working day (Monday to Friday) is available between receipt of the application and its submission to Council or Committee. The application must state the subject on which the deputation wish to be heard and the action (if any) which it is proposed that the Council should take. The application must relate to a substantive report on the agenda and no application shall be accepted which relates to the annual budget, a petition before the Petitions Committee, a planning application or a process where formal representations may be made to an independent arbiter, except where required by statute.
- (2) The application shall be submitted to the appropriate Committee and the Committee may, if it so resolves, hear the deputation. If, having heard the deputation, the Committee defers consideration of the report to which the application related, no further application to be heard shall be accepted from the same body or individuals unless a report containing substantial new information is submitted to the meeting at which the matter is next considered.
- (3) If, as a result of a referral by any means from a Committee, the matter is one upon which a final decision requires to be taken by the Council, the Council may determine whether it shall be competent for any body or individuals heard by the Committee to be heard by the Council.

- (4) If the application relates to a substantive report submitted to Council directly, the Council may, if it so resolves, hear the deputation. If Council defers a decision the procedure in (2) above shall apply.
- (5) No deputation shall consist of more than three persons.
- (6) The members of a deputation or a deputation comprising a single person shall be permitted to address the Council, and they may speak in total for no more than ten minutes.
- (7) Any member of the Council may put any relevant question to the deputation. The time available for such questions shall not exceed ten minutes (over and above the maximum period of ten minutes allowed to receive the deputation). No questions shall be put to officers by members, and no debate or discussion on the subject matter shall take place, until the relevant report is considered in terms of the order of business, or, alternatively until the deputation retires and consideration of the matter resumes in line with Standing Orders.

+11. Order of Debate

- (1) Any member of the Council wishing to speak at any meeting of the Council shall rise in his/her place and when called upon shall address the Convener and restrict his/her remarks:-
 - (i) to the matter before the meeting by moving, seconding or supporting a motion or any relative amendment;
 - (ii) to moving or seconding a procedural motion;
 - (iii) to asking a question or supplementary question; or
 - (iv) to a point of order (ie the correct application of procedure).
- (2) No member shall speak in support of a motion or amendment until it has been seconded;
- (3) No member shall speak more than once (except on a point of order, by asking a question or a supplementary question or by making a procedural motion) in a debate on any one motion and amendment except that the movers of a substantive motion (or an amendment which has become the substantive motion) and amendments in any debate shall have a right of reply but, in so replying, shall not introduce any new matter.
- (4) After the mover of the substantive motion has commenced his/her reply no member shall speak in the debate except on a point of order or procedural motion.

+12. Motions and Amendments

- (1) When called to move any motion or amendment, a member shall state the exact terms of the motion or amendment before speaking in support of it and, except in the case of (a) motions or amendments to approve or disapprove without further qualification; (b) motions or amendments to remit for further consideration; and (c) motions or amendments the terms of which have been fully set out in a minute of a Committee, the mover shall deliver written notice of these terms to the Head of Legal and Democratic Services before any vote is taken.
- (2) All amendments must be relevant to the motion and must differ from it and from each other substantially.
- (3) The Convener may rule a motion or amendment incompetent if it would require the incurring of expenditure and the source of such funding is not identified.
- (4) Where a motion has been duly seconded and any amendment moved and seconded, neither the motion nor the amendment may be altered in any substance or withdrawn except with the consent of the majority of the members present. If a motion or amendment is withdrawn, the mover and seconder of it can move or second and speak in support of a further motion or amendment.
- (5) The Convener of a Committee or Sub Committee shall have the prior right to the motion in all cases. The Leader of the Council shall have the prior right to propose a Council budget.
- (6) A motion or amendment moved but not seconded or which has been ruled by the Convener to be incompetent shall be recorded in the Minute.
- (7) When there is only one amendment to the motion, the vote shall be taken between the motion and the amendment. Whichever is carried shall become the resolution of the meeting and, accordingly, of the Council. *Any resolution which, in the opinion of the Chief Executive or senior officer of the relevant service present, requires to be subjected to an Equalities and Human Rights Impact Assessment or Privacy Impact Assessment shall insofar as possible be held deferred until the results of such assessment are available and the Chief Executive shall determine any action thereafter if it shall be other than the implementation of the resolution.*
- (8) Where there are more than one amendments to the motion, the last amendment shall be put against that immediately preceding and then the amendment which is carried shall be put against the next preceding, and so on until only one amendment remains. A vote shall then be taken between it and the motion and whichever is carried shall become the resolution of the meeting and, accordingly, of the Council.
- (9) If, however, one of a number of amendments proposes or implies that no decision be taken on any matter before the Council the first division shall be taken between it and the motion. If the amendment is carried, the Council shall proceed to the next business. If the amendment is not

carried, it shall be eliminated from the amendments, which, with the motion, shall be voted on in the usual way.

- (10) This Standing Order shall not apply to an Appointment Panel established under Standing Order 47 unless the Panel so resolves.

+13. Time Allowed for Speaking

- (1) In moving any motion or amendment (other than a motion for the adoption of annual reports, accounts or budget) a member shall not speak for more than ten minutes; each other member and the mover in exercising a right of reply shall not speak for more than five minutes (other than a member seconding a Council budget in which case ten minutes will be allowed).
- (2) These time limits may be exceeded with the consent of the majority of the members present and the Convener shall be entitled to gauge such consent in relation to any speech without taking a vote.

+14. Closure of Debate

- (1) At any meeting of the Council it shall be competent after eight or more members (including the movers and seconders of motion and amendment) have spoken in a debate on any one motion and amendment, for any member who has not spoken in such debate to move "that the question be now put".
- (2) Such motion, if seconded, shall, without any discussion or amendment, be put to the vote and if a majority of the members present vote for it, the debate on the substantive motion shall cease except for the right of reply for the movers of the motion and amendment and the substantive motion and amendments shall immediately be put to the vote. If the motion for closure is not carried, the debate shall be resumed. Subsequent motions for closure may be made after a further three members have spoken.
- (3) No motion for closure may be made during the course of a speech.

+15. Method of Voting

- (1) (a) Every vote shall be taken by roll call, except:-
 - (i) where prior to the vote on any particular matter, the members present agree unanimously that it be taken by show of hands; or
 - (ii) where prior to the vote on any particular matter, a majority of members present resolve (in the event of a division, by roll call vote) that it be taken by ballot;
- (b) A vote taken by means of the electronic vote counting system shall be deemed to be a vote by roll call and such equipment shall, if available and operational be used in preference to any other form of roll call.
- (2) The names of the proposer and seconder of every motion and amendment shall be recorded in the minutes and, in the case of a roll call vote, the names of those voting and the manner in which they voted together with the names of those abstaining from voting, shall be recorded in the minutes, except in the case of any matter relating to the appointment of a particular member of staff or relating to disciplinary or

grievance proceedings affecting a particular member of staff where only the decision shall be recorded.

- (3) Immediately prior to any vote being taken, the division bell shall be rung and the Head of Legal and Democratic Services shall read out the question on which the vote is to be taken. Thereafter, no one shall interrupt the proceedings (except to draw attention to an omission in the calling of a member's name) until the result of the vote has been announced.
- (4) Except in cases where the Council is required to act in a quasi-judicial manner, a member who is absent when his/her name is called in a roll call vote shall be entitled to record a vote if he/she enters the meeting before the result of the vote is announced.
- (5) The Convener shall in the case of an equality of votes, have a second or casting vote except in any vote relating to the appointment of a member of the Council to any office or Committee, or to represent the Council on any other body, where, in the case of equality of votes the matter shall be determined by lot.
- (6) Notwithstanding the provisions of this Standing Order, it shall be competent for any member to record his/her dissent from any decision reached after a division by rising in his/her place immediately after the result of the decision has been announced and requesting that such dissent be recorded in the minutes.
- (7) Except as otherwise required by statute a majority shall be determined upon by those Members present and voting.

+16. Voting in the Case of Vacancies and Appointments

- (1) Where only one vacancy requires to be filled and two candidates are proposed and seconded for appointment, a vote shall be taken as between these candidates and the candidate who receives the majority of votes shall be declared appointed. Where more than two candidates are proposed and seconded for appointment, a vote shall first be taken among all candidates with each member being entitled to vote for one candidate only. If any candidate receives an absolute majority of the votes of the members of the Council present and voting, he/she shall be declared appointed. If no candidate received a majority, the name of the candidate receiving the smallest number of votes shall be deleted, provided that, if two or more candidates tie in receiving the smallest number of votes, a vote or votes shall be taken between or among these candidates and the candidate who receives the smaller or smallest number of votes shall be dropped. This process shall continue until one of the candidates receives an absolute majority of votes, when he/she shall be declared appointed.
- (2) Where more than one vacancy requires to be filled, a vote shall first be taken among all the candidates proposed and seconded for appointment where these exceed the number of vacancies, each member being entitled to vote for candidates up to the number of vacancies to be filled.

The result shall be decided by the first vote except in the case where two or more candidates tie as having received an equal number of votes for the vacancy or vacancies. In such cases an additional vote or votes shall be taken between or amongst these candidates with the candidate having least votes being eliminated until the number of candidates equals the number of vacancies.

- (3) Where, in any vote between two candidates or, after such additional vote as maybe required by (1) and (2) above, there is an equality of votes, the Convener of the meeting shall have a casting vote, unless the matter which is the subject of the vote relates to the appointment of a member of the Council to any particular office or Committee in which case the decision shall be by lot.

+17. Adjournment

- (1) During any meeting of the Council, it shall be competent for a member, at any time, except during a speech by another member, to move that the meeting be adjourned, but no motion for adjournment may be made within thirty minutes of a motion for adjournment having previously been rejected if the Council is still considering the same item of business.
- (2) A motion for adjournment shall have precedence over all other motions and, if moved and seconded, shall be put to the meeting without discussion.
- (3) If the motion is carried, the meeting shall be adjourned until the time specified in the motion, or such other time as the Council may then fix, being on the same day or any other day within a period of four weeks.
- (4) Where a meeting has been adjourned without a time for its resumption having been fixed, it shall be resumed at such time as may be fixed by the Lord Provost.
- (5) When an adjourned meeting is resumed, the proceedings shall commence at the point at which they were interrupted by the adjournment.
- (6) Meetings of the Council and of Committees shall only continue five hours from commencement (or after 2100 hours, whichever is the later) if a decision to that effect is taken by the Council or Committee. If necessary, this will be dealt with as a procedural motion. In calculating five hours, only the time taken for meal breaks will be deducted.
- (7) If the meeting has continued, or in the judgement of the Lord Provost is likely to continue, for more than three hours, the Lord Provost may call a break in the proceedings for such a period as he/she may decide.
- (8) The Convener may adjourn any meeting of the Council if he/she is of the opinion that the business of the meeting cannot properly be conducted because of disorder. Such adjournment shall be signified by the Convener rising and quitting the Chair and shall be for one hour or such shorter period as may be specified by the Convener at that time.

+18. Powers and Duties of Convener

- (1) It shall be the duty of the Convener:-
 - (i) to preserve order and ensure that any member wishing to speak is given due opportunity to do so and a fair hearing;
 - (ii) to call members to speak according to the order in which they caught his/her eye;
 - (iii) to decide all matters of order, competency and relevancy;
 - (iv) to ensure that the sense of the meeting is duly determined.
- (2) Any member wishing to raise a point of order may do so (but only immediately after it has arisen) by rising and stating that he/she is raising a point of order.
- (3) Any member then speaking shall resume his/her seat and the Convener shall call upon the member raising the point of order to state its substance. No other member shall be entitled to speak to the point of order except with the consent of the Convener.
- (4) The Convener shall give a ruling on the point of order, either immediately or after such adjournment as he/she considers necessary. Thereafter the member who was previously speaking shall (if permitted by the ruling) resume his/her speech giving effect to the Convener's ruling.
- (5) The decision of the Convener on all matters referred to in this Standing Order shall be final and shall not be open to question or discussion in any meeting of the Council.
- (6) Deference shall at all times be paid to the authority of the Convener. When the Convener rises to speak, any member then standing shall resume his/her seat, no further member shall rise and the Convener shall be heard without interruption.

+19. Suspension of Members

- (1) If any member of the Council disregards the authority of the Convener, obstructs the meeting or, in the opinion of the Convener otherwise acts in an offensive or disruptive manner at a meeting, the Convener may move that such member be suspended for the remainder of the meeting. If seconded such a motion shall be put to the vote immediately without discussion.
- (2) If such a motion is carried, the suspended member shall leave the meeting room immediately and shall not re-enter except with the consent of the Convener. If the member fails to comply the Convener may order the suspended member to be removed from the precincts of the meeting room by the Town Sergeant or by any other specified person or persons.
- (3) In the event of a motion for suspension of a member being defeated, the Convener may if he/she thinks it appropriate to do so adjourn the meeting as if a state of disorder had arisen.

+20. Questions

- (1) At any meeting of the Council, a member may put any question to the Convener relating to the matter then under discussion. The Convener may call upon any appropriate officer to provide factual information.
- (2) At any meeting of the Council, a member may put a question to the Lord Provost or to any Senior Councillor relating to the functions for which they have a responsibility, or to the Chief Executive irrespective of whether the subject matter of the question relates to business which would otherwise fall to be discussed at that meeting. This is provided:-
 - (i) that questions are submitted to the Head of Legal and Democratic Services not later than 12 noon on the twenty-first clear day before the meeting (deadlines shall be adjusted where necessary by the Head of Legal and Democratic Services to ensure that they do not fall on days when Council offices are closed) to allow that officer, in consultation with the Chief Executive and the lead member of whom the question would be asked, to identify an officer to whom the question should be submitted for the preparation of a draft answer and that, if the question can be answered satisfactorily by that officer, it would thereby fall unless the member asking the question was unhappy with the response and explained why when requesting that the question continued to be placed on the agenda by no later than 12 noon on the tenth clear day before the meeting; and
 - (ii) that, where there has been insufficient time to undertake the research required to answer the question, the written answer can be submitted to the questioner within one week of the Council Meeting, unless the Lord Provost agrees either (a) to set a longer period, or (b) determines that no answer be provided as the work required would be too time consuming
- (3) Where no response to the question has been received in terms of the timescale set out at (2) above, the question shall be placed on the agenda. Deadlines for the submission of questions shall be issued to members by the Head of Legal and Democratic Services.
- (4) All questions accepted by the Head of Legal and Democratic Services shall be set out on the agenda for the meeting, including, where appropriate, the reasons why any member who has submitted a question is unhappy with an officer's response. All questions to the same individual shall be grouped together and, where there is a similarity between questions, one answer may be provided answering them all. Subject to (2) above, answers will be issued in advance of the meeting.
- (5) Questions will only be allowed so far as the Lord Provost deems them relevant and competent; the Lord Provost shall also rule on whether the answer provided by an officer is satisfactory.
- (6) One supplementary question, limited to clarifying any answer given, may be asked by the original questioner and one further supplementary question may be asked by one other member.

- (7) No discussion shall be permitted on any question or answer which does not relate to an item of business otherwise falling to be considered at that meeting.
- (8) Only questions of which notice has been given in terms of Paragraph 2 above, and the answers to them, shall be recorded in the minutes of the meeting.
- (9) In the event of the member submitting the question being absent from a Council Meeting, the question shall fall to the following agenda and, should the member again be absent, the question shall fall and require to be resubmitted.
- (10) No question submitted outwith the deadline specified in Standing Order 20(2), that is, one identified as an urgent question, shall be accepted.

+21. Notices of Motion

- (1) No member shall propose any motion which does not directly relate to the item of business then under consideration unless prior notice in writing of such motion has been given, to the Head of Legal and Democratic Services, not later than 12 noon on the fourteenth clear day prior to an ordinary meeting of the Council. Prior to this, the member shall have contacted the appropriate Director seven clear days before this deadline to allow the Director to respond to the terms of the proposed motion *and to determine if an Equalities and Human Rights Impact Assessment or Privacy Impact Assessment of the proposal is required*. Correspondence between the member and the Director shall be appended to the motion form, whether submitted in writing or by email. Deadlines for the submission of motions shall be issued to members by the Head of Legal and Democratic Services. The deadlines referred to in this Standing Order shall be adjusted where necessary by the Head of Legal and Democratic Services to ensure that they do not fall on days when Council offices are closed.
- (2) The terms of motions of which notice has been given shall appear as items of business for consideration at the next ordinary meeting of the Council, except that the Lord Provost (or, subsequent to referral a Convener of a Committee or Sub Committee) may rule a motion incompetent if the Director consulted is of the opinion that the matter is being pursued at the time of submission. If no action is taken on the subject matter of the motion within six months, the motion may be re-submitted. In instances where the Lord Provost has ruled a motion incompetent, it shall not be printed on the agenda. The Lord Provost may also rule a motion incompetent if it would require the incurring of expenditure and the source of such funding is not identified.
- (3) A motion submitted in terms of this Standing Order shall not be deemed competent to be debated until the Convener so rules and calls upon the member who has given notice to move it.
- (4) If a member who has given notice of a motion is absent from the meeting when the motion falls to be considered, the motion shall not be considered at that meeting but will be put on the agenda at the next

meeting. If the member is absent on the second occasion, the motion shall fall.

- (5) All motions shall normally be directed to the appropriate Committee at the discretion of the Council.
- (6) Where a motion is remitted to a Committee (or Sub Committee) by the Council (or Committee) *or submitted directly* the mover of the motion shall in respect of that item only, where they are not a member of the Committee or Sub Committee, become a member of the Committee (or Sub Committee) considering the subject matter of the motion until it is discharged, and shall be entitled to move or second any motion or amendment relating to it and vote thereon. A member shall be permitted to make minor alterations to their motion prior to moving it, with the consent of the Convener. The provisions of Standing Order 45(8) shall apply to any motion so remitted.
- (7) Members are permitted to submit joint notices of motion on a joint and several basis, and in so doing the time allowed for speaking at Council meeting shall be limited to a total of ten minutes between all members who submitted the motion, although nothing shall prevent the Members moving the motion from deciding that one of them only should speak to the motion and in so doing enable the remaining Members to speak for five minutes during the debate as permitted by Standing Order 13(1).
- (8) In the event that a joint motion is *remitted or* submitted to Committee (or Sub Committee) the time allowed for speaking shall be that permitted by the Convener in terms of their powers under Standing Order 18(1) but the first-named person on the joint motion shall be the Member entitled to move or second any motion or amendment and vote thereon, *unless the first named person is a committee member or substitute in which case the second named shall be entitled to move and vote.*
- (9) A motion submitted outwith the deadline specified in this Standing Order, that is, one identified as an urgent motion, shall be accepted onto the agenda at the discretion of the Lord Provost.
- (10) Any motion proposing a nomination for Freedom of the City must be signed by at least two thirds of the members of the Council. For the avoidance of doubt the calculation of two thirds in this Standing Order shall be rounded down if it results in a figure ending in less than point 5, and rounded up if the figure is point 5 or above.

***22. Alteration or Revocation of Previous Decision**

- (1) A decision of the Council shall only be altered or revoked within six months of it having been taken by:
 - (i) a motion to that effect of which prior notice has been given in terms of Standing Order 21; or
 - (ii) a recommendation to that effect approved by the relevant Committee or Sub Committee.

- (2) A decision of the Council may only be altered or revoked within six months by the Council, decisions of Committees can be altered or revoked within six months by the Committee or the Council and decisions of a Sub Committee by the Sub Committee, or its parent Committee or the Council, provided the terms of Standing Order 22(1) are complied with.
- (3) The alteration or revocation of any decision shall have no retrospective effect.
- (4) This Standing Order shall apply with the necessary alterations only in relation to decisions which have been taken by a Committee or Sub Committee under delegated powers.
- (5) This Standing Order shall not apply to the ongoing negotiations between the Council and any other party in respect of the disposal, purchase, development or management of the Council's property portfolio.

+23. Suspension of Standing Orders

Unless prohibited by Statute, it shall be competent for a member at any time during a meeting to move suspension of the whole or any specified part of the Standing Orders and such a motion, if duly seconded, shall be put to the vote immediately without discussion.

+24. Admission of Public and Press

- (1) Except where otherwise required by statute, every meeting of the Council shall be open to the public and press.
- (2) The Council may, however, by resolution exclude the public and press while considering any matter which falls within the categories of "exempt information" specified in Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973, enacted by the Local Government (Access to Information) Act 1985.
- (3) The terms of any such resolution specifying the part of the proceedings to which it relates and the categories of exempt information involved shall be specified in the minutes.

+25. Exclusion from Meeting of Persons Interested in Contracts etc

- (1) A member or officer shall not be present at a meeting of the Council while any contract or other matter in which he/she has a pecuniary interest, direct or indirect, is under consideration unless, in the case of members, the statutory disability from participating in the discussion of such matter has been removed by the Standards Commission for Scotland.
- (2) A member who has made a declaration in terms of Section 112 of the Local Government Finance Act 1992 (by reason of being in arrears with Community Charge or Council Tax) shall be entitled to be present during the discussion of and to speak in relation to any matter to which that section applies but not to propose or second any motion relative thereto or to vote on the matter.

- (3) This standing order shall apply to persons other than members of the Council who are members of any Committee or Sub Committee in the same way as if they were members of the Council.

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PART II - COMMITTEES AND SUB COMMITTEES

27. Committees of the Council

- (1) Subject to any statutory provision, the Council may at any time appoint Committees for any purpose and shall appoint the Committees referred to in the following Standing Order.
- (2) The Council shall delegate or refer to such Committees such matters as it may from time to time think fit and these matters so delegated or referred to Committees shall be set out in the order of reference of those Committees.

28. Committees of the Council

- (1) The Committees of the Council shall be:-

Core Committees

Finance, Policy and Resources
Communities, Housing and Environment Infrastructure
 Education, Culture and Sport *and Children's Services*
 Enterprise, Strategic Planning and Infrastructure
 Social Care, Wellbeing and Safety
 Audit, and Risk *and Scrutiny*
 Petitions Committee
Health and Care Integrated Joint Board (from 1 April, 2015)

Regulatory Committees

Planning Development Management
 Licensing
 Appeals
 Pensions Panel

- (2) *The Convener of the Audit, Risk and Scrutiny Committee shall be a member of the largest Opposition group.*
- (2)(3) Each Committee shall consist of the number of members approved by the Council having regard to the political balance of the Council except that insofar as permitted by statute:
 - (i) The Education, Culture and Sport *and Children's Services* Committee shall, in addition, include seven persons with voting rights *who are members for education items of business only*, who are not members of the Council, *and* who shall be appointed by the Council at its statutory meeting and in terms of 29(4) below, as follows:
 - (a) three persons representing religious bodies in accordance with the requirements of Section 124 (4) of the Local Government (Scotland) Act 1973, being:-

- (i) one representative of the Church of Scotland nominated in such manner as may be determined by the General Assembly of that church;
 - (ii) one representative of the Roman Catholic Church nominated in such manner as may be determined by the Scottish Hierarchy of that church; and
 - (iii) one other person appointed by the Council having regard (a) to the comparative strength within the City of Aberdeen of all the churches and denominational bodies having duly constituted charges or regularly appointed places of worship there and (b) the representation provided for in (i) and (ii) above;
- (b) in accordance with the discretion conferred by Section 124 (3) of the Local Government (Scotland) Act 1973:-
- (i) two teachers employed in educational establishments managed by the Council nominated in such manner as may be determined by the Education, Culture and Sport and Children's Services Committee; and
 - (ii) two parent representatives, selected by Aberdeen City Parent Council Forum from within its own membership, comprising one representative from primary and special needs, including nursery, and one representative from secondary.
- (ii) The Shareholder Scrutiny Group shall, in addition, include two representatives, with voting rights, approved by trade unions.
- (3)(4) All external members shall be provided with training on conduct by the Director of Corporate Governance.
- (4)(5) (i) The Appeals Committee shall consist of a membership conforming to the appropriate National Agreements.
- (ii) Members on the Appeals Committee shall be entitled to nominate substitutes, with full voting rights, to attend meetings of the Committee in their absence. Members appointed to the Appeals Committee, and any substitutes shall be drawn from the membership of the Committee with the Human Resources function and such members shall have completed the necessary training.
- (iii) The Convener of any Committee which is responsible for the decision or failure to come to a decision which is the subject of an appeal shall not be entitled to attend any hearing of the Appeals Committee which considers that Appeal.
- (iv) Any Councillor sitting in a particular hearing of the Appeals Committee shall not be substituted for after the commencement of that hearing, nor shall any Councillor join a hearing of the Appeals Committee after it has commenced.

- (v) No Councillor shall be entitled to attend a meeting of the Appeals Committee except as a member of that Committee or as a substitute attending in that capacity.
- (5)(6) (i) The Council shall appoint an Urgent Business Committee consisting of the number of Members appointed by the Council having regard to the political balance of the Council as set out in terms of Standing Order 29(1) to deal with items of business of an urgent nature.
- (ii) The Urgent Business Committee shall have full powers, subject to the provision of any relevant enactment, to exercise all functions of the Council, Committee or Sub Committee which would otherwise have dealt with the matter.
- (iii) In appointing the Urgent Business Committee, the Council shall appoint a Convener of the Committee. The Convener of the Committee which would otherwise deal with any item to be considered by the Urgent Business Committee shall be entitled to attend but without voting powers.
- (iv) A Chief officer in submitting any item of business to be considered by the Urgent Business Committee shall approach the Chief Executive firstly, must state the reason for the matter requiring urgent consideration and the consequences of delay. If satisfied that the matter is urgent, the Chief Executive or his/ her representative shall contact the Convener of the Committee.
- (v) The Convener of the Committee, if satisfied that the matter requires to be considered prior to the next scheduled meeting appropriate for its consideration, shall instruct the calling of a meeting of the Committee.
- (vi) The Committee shall, before considering any item of business, determine (on a division if necessary) whether (a) it is appropriate that the Committee consider the matter; and (b) the urgency is such that the Committee should take a final decision on the matter.
- (vii) If the Committee resolves not to consider the matter, the item of business should be placed on the agenda for the next scheduled meeting of the Council, Committee or Sub Committee as appropriate. In the event that the Committee resolves to consider the matter but not take a final decision thereon, the recommendation of the Committee shall be placed on the agenda of the next scheduled meeting of the Council, Committee or Sub Committee.

29. Membership of Committees and Sub Committees

- (1) In appointing Committees and Sub Committees, the Council shall, so far as possible, give effect to the principles regarding political balance set out in the Local Government and Housing Act 1989 and which would be mandatory in the event of those provisions of the 1989 Act being brought into force.

- (2) The membership of Committees and Sub Committees shall be reviewed in accordance with those principles at the first meeting of the Council after each election or by-election and any necessary alteration made thereafter.
- (3) Members shall be appointed to Committees *and Sub Committees* at the first meeting of the Council after the ordinary election of Councillors and to Sub Committees at the first meeting thereafter of the appropriate Committees. It shall, however, be competent for the Council (in the case of Committees) and each Committee (in the case of Sub Committees) to vary the membership at any time provided that the political balance as set out above is maintained and that each member of the Council is afforded proper opportunity to serve on the Committees and Sub Committees.
- (4) Subject to any statutory provision, where the Council has appointed anyone other than a member of the Council to any Committee or Sub Committee that person shall, subject to his/her right to resign or to any disqualification, remain a member of that Committee from the date of his/her appointment until the next ordinary election of Councillors.
- (5) Members of the Committee shall be entitled to nominate substitutes to attend meetings of any Committee of the Council in the absence of a member of their group. The Lord Provost shall be entitled to appoint a substitute to attend meetings of Committees in the event that he/she is unable to attend. Substitute Members shall have full voting powers, shall intimate at the commencement of the meeting the member in whose place, he or she is attending and shall at all times defer to the right of that member to attend the meeting. *No external member shall be able to be a substitute unless they have completed training provided by the Head of Legal and Democratic Services.*

30. Appointment of Sub Committees

- (1) Subject to the provisions of paragraph (2) each Committee *The Council* shall be entitled to appoint Sub Committees consisting of members of the Council, subject to any legal or constitutional restriction. Any Sub Committee of the Education, Culture and Sport *and Children's Services* Committee established to consider educational matters shall, however, consist of members of the Council as specified above together with one of the church representatives, one of the teacher representatives and one of the parent representatives. A Member of a Sub Committee shall be entitled to nominate substitute members to attend meetings of the Sub Committee in the event that he/she is unable to attend, *subject to the application of paragraph 29(5) above in the case of external members.* A substitute member shall have full voting powers and at the commencement of the meeting shall indicate the member in whose place he/she is attending and shall at all times defer to the right of that member to attend the meeting.
- (2) Subject to the provisions of these Standing Orders, each Committee shall have power to *the Council shall* appoint special Sub Committees or Working Parties *Groups* for such of their functions as *they it* deems

necessary. Each Committee shall have power to *The Council shall* appoint such advisory/consultative groups without delegated powers consisting of such of its own members and such other persons as it thinks fit.

- (3) Subject to any statutory requirement, any two or more Committees *the Council* may appoint a joint Sub Committee to discharge such functions of mutual interest as the Committees concerned *as it* may determine. and each Committee may delegate to such joint Sub Committees any of its own delegated functions.
- (4) Any two or more Committees *The Council* may establish such joint working, advisory and/or consultative groups without delegated powers consisting wholly of members of these Committees or otherwise as they *it* think fit.
- (5) (i) In appointing any Sub Committee, a Committee *the Council* shall appoint a Convener who shall hold office for such period as the Committee shall specify *shall be specified* at the time of appointment (or if no period is fixed, for the life of the Council) subject, however, to the right of the individual to resign at any time and to vacation of office in the event that the individual ceases to be a Councillor or as long as they are a member of the *parent* Committee or Sub Committee in question.
- (ii) Where by statute or otherwise (or by resolution of the *Committee Council concerned*) the right to appoint the Convener of a Sub Committee is reserved to the Sub Committee itself, this paragraph shall apply with the necessary modifications.

31. Days and Times of Meetings

- (1) The ordinary meetings of the Committees and Sub Committees shall be held in accordance with a timetable drawn up and approved by the Council.
- (2) Other meetings of Committees and Sub Committees shall be held on such dates and times (not precluded by Standing Orders) as the Committee or Sub Committee itself or the respective Conveners of those Committees or Sub Committees and the Convener of the Finance, Policy and Resources Committee shall determine.
- (3) It shall be within the discretion of the Convener of a Committee or Sub Committee to cancel, advance or postpone an ordinary meeting if in his/her opinion there is a good reason for doing so.
- (4) One quarter or more members of a Committee or Sub Committee, may, by notice in writing, require a special meeting of that Committee or Sub Committee to be called to consider the business specified in the notice. Such a meeting shall be held within fourteen clear days of receipt of the notice by the Head of Legal and Democratic Services, but no such meeting shall take place on any date precluded by Standing Orders except that such a meeting may be held within the summer recess if it

would not otherwise be possible to hold the meeting within fourteen clear days of the date of the notice.

- (5) One quarter of Members of the Urgent Business Committee appointed in terms of Standing Order 40, may by notice in writing, request a special meeting of that Committee to be called to consider the business specified in the notice. Such a meeting shall be held within fourteen clear days of receipt of the notice by the Head of Legal and Democratic Services but only if (i) the business proposed is of such a nature that delay, until the next scheduled meeting of the Council, Committee or Sub Committee within whose remit the business would normally fall, would prejudice its proper discharge and (ii) the Convener of the Committee has declined to call a meeting in terms of Standing Order 40. Where a meeting is requisitioned but not held in terms of this Standing Order, the business shall be included on the agenda of the next meeting of the Council, Committee or Sub Committee as appropriate.

32. Right of Members to Attend Meetings

- (1) Any member of the Council shall be entitled to attend any meeting of any Committee or Sub Committee without being called to the meeting and shall, with the consent of the Committee or Sub Committee concerned be entitled to ask questions or address the meeting but not propose or second any motion or vote. The local members for any particular item will be entitled to attend any meeting of any Committee or Sub Committee and will be entitled to ask questions or address the meeting but not to propose or second any motion, or vote.
- (2) The right conferred by paragraph (1) shall include the right to be present even when press and public have been excluded but shall not apply where the Committee or Sub Committee concerned having heard the advice of the Head of Legal and Democratic Services determine that it would be prejudicial to the interests of the Council as a whole to allow non members of the Committee or Sub Committee to be present.

33. Notices and Order of Business of Meetings

- (1) Except in cases of urgency, every notice calling a meeting of a Committee or Sub Committee shall be given in writing at least *5 five* clear days before the date of the meeting detailing the business as then known.
- (2) The agenda issued for each meeting of a Committee or Sub Committee shall specify the business to be transacted and the order in which it will be brought before the meeting. The business shall proceed in that order unless otherwise resolved by the Committee or Sub Committee at the meeting.
- (3) Except as mentioned below every member of the Council shall be entitled to receive a copy of every notice calling a meeting of any Committee or Sub Committee and of the agenda thereof and shall on request receive a copy of any report issued in connection with the agenda.
- (4) The preceding paragraph shall not apply to any report where the Committee or Sub Committee concerned having heard the advice of the Head of Legal and Democratic Services, determines that it would be prejudicial to the interests of the Council as a whole to make the report available.

34. Quorum

The quorum of Committees and Sub Committees shall be one quarter of the total number of members of the Committee or Sub Committee, or two members thereof whichever shall be the greater unless some other figure has been fixed at the time of the appointment of the Committee or Sub Committee.

35. Minutes of Meetings of Committees and Sub Committees

- (1) The Minute of each meeting of a Committee or Sub Committee shall be submitted as soon as is practicable to the next meeting of that Committee or Sub Committee for approval.
- (2) A report on the deliberations of any Working Group or its minutes shall be submitted to the Council or Committee which appointed it as frequently as appropriate.

36. Delegation to Committee and Sub Committee

- (1) The Committees and Sub Committees of the Council shall have the terms of reference and delegated authority specified in the respective Orders of Reference appended to these Standing Orders.
- (2) Subject to any specific restrictions contained in Standing Orders or its Order of Reference, each Committee or Sub Committee shall have delegated authority to determine any matter within its Order of Reference as set by the Council in the case of Committees and by the parent Committee in the case of Sub Committees.
- (3) Subject to the provisions of Standing Orders 37 and 38 the delegation conferred by the previous paragraph shall not apply where following a division in Committee, one third of the membership of the Committee immediately indicate that they wish the matter to be referred to the Council for decision. If one third of the membership resulted in a division of less than point 5 *five* the number of members required to refer a decision is rounded down, whereas if one third resulted in a division of point 5 *five* or over the number of members required would be rounded up, subject to a minimum of two members being required.
- (4) Any matter referred in terms of the preceding paragraphs, together with those excluded from delegation under the provisions of any other Standing Order shall be specially identified in the minutes submitted to each meeting of the Council.
- (5) Paragraphs (3) and (4) above shall, with the necessary changes, apply where following a division in a Sub Committee, one third of the membership of the Sub Committee indicate that they wish the matter referred to the parent Committee for decision.
- (6) The provisions of paragraphs (3) and (5) shall not apply where, in the view of the Convener of the Committee or Sub Committee acting upon advice from the Head of Legal and Democratic Services and the Head of Service responsible for the area of service under consideration, such a reference would have the effect of depriving the Council of the opportunity to make any meaningful or effective determination on the subject matter of the Committee's decision.
- (7) The provisions of paragraphs (3) and (5) shall not apply to any proceedings relating to:
 - (a) the appointment of or retirement of staff
 - (b) grievance or disciplinary appeals by staff

- (c) school attendance
 - (d) bursaries
 - (e) admission of any particular child to school
 - (f) provision of school transport for any particular child
 - (g) the granting of any licence, registration or certificate
 - (h) assumption of parental rights or adoption in the case of any individual
 - (i) any statutory review procedure
 - (j) aids and adaptations to premises for the benefit of social work clients
 - (k) a meeting of a Committee or Sub Committee during the summer recess in terms of Standing Order 3(5).
- (8) The Committees and Sub Committees shall conduct their business within their terms of reference and shall in exercising the authority delegated to them do so always in accordance with the following provisions. It shall, however, be competent, in relation to any matter not specifically referred to in the Order of Reference or in Standing Order 37 for the Committee, whose remit the matter most closely resembles, to consider such matters and to make any appropriate recommendation to the Council.
- (9) Committees and Sub Committees shall exercise the authority delegated to them having regard to and in accordance with the policy of the Council. In particular Committees and Sub Committees shall ensure that the work of the Services under their control contributes to the corporate policy of the Council.
- (10) The Committees and Sub Committees shall conduct their business always in accordance with the Standing Orders relating to contracts and procurement, financial regulations and administrative procedures adopted by the Council.
- (11) The Committees and Sub Committees shall conduct their business having regard where appropriate to the constituency interests of local members in the matters under consideration. Each Committee and Sub Committee shall consider how best this may be done in relation to matters within their remit.
- (12) The Council may if it so resolves, deal with any matter falling within the Order of Reference of any Committee or Sub Committee without the requirement of receiving a report or minute of that Committee or Sub Committee referring to that matter.
- (13) Subject to any statutory requirement the Council may at any time vary, add to, restrict or recall any reference or delegation to any Committee or Sub Committee and any specific direction by the Council in relation to the remit of a Committee or Sub Committee shall take precedence over the terms of any provision in the Order of Reference.
- (14) A Committee may at any time deal with any matter falling within the Order of Reference of any of its Sub Committees without the requirement of the submission of a report or minute of that Sub Committee referring to that matter.

- (15) Subject to any statutory requirement, a Committee may at any time vary, add to, restrict or recall any reference or delegation to any of its Sub Committees or any specific direction by a Committee shall take precedence over the terms of any provision in the Order of Reference.
- (16) A Committee may at any time refer any item of business to a Sub Committee for consideration and report and may, if the Committee considers it appropriate to do so, delegate to the Sub Committee such additional powers to dispose of the business as the Committee thinks fit.
- (17) If the matter is of common interest to the Committee to which the matter is referred or delegated and to any other Committee or Committees, any of the Committees concerned shall be entitled (in the case of a matter referred but not delegated, without the necessity of the prior approval of the Council) to submit a proposal or recommendation relative to the matter to the other Committee or Committees and any such proposal or recommendation shall appear as an item of business on the agenda of the next convenient meeting of such Committee or Committees. However, no action shall follow on the submission of any such proposal or recommendation without the approval of the Committee within whose remit the matter falls.
- (18) In the event of disagreement between the Committees in respect of any such proposal or recommendations which falls within the delegated authority of one Committee, the decision of that Committee shall prevail. If the matter is not delegated to any Committee, a report summarising the views of the various Committees shall be prepared by the Head of Legal and Democratic Services and shall appear as an item of business on the agenda of the next meeting of the Finance, Policy and Resources Committee.

37. General Delegations to Committees

Except where Standing Orders or the Order of Reference of a particular Committee or Sub Committee expressly provides to the contrary, all Committees shall have the following delegated powers:-

- (1) Each Committee responsible for overseeing the provision of the services specified in its Orders of Reference shall be responsible for the supervision and management of staff within the staffing establishment set by the Council.
- (2) Each Committee responsible for overseeing the provision of the services specified in its Orders of Reference shall, insofar as permitted by the Standing Orders on contracts and procurement, have the power:
 - (i) to accept offers for the purchase of goods, materials or services (including the employment of outside consultants or practitioners providing professional or specialised services) required for the purposes of that service and to approve, reject, or vary lists of tenderers. This provision shall not, however, entitle any Committee in relation to goods, materials or services in respect of which the Council maintains a central contract, to accept a tender for the

- supply of those goods, materials or services outwith that contract except with the express approval of the Council;
- (ii) to accept offers for the disposal of goods or materials surplus to the requirements of Services. This provision shall not however entitle any Committee to accept an offer in relation to any goods or materials, in respect of which the Council maintains a central contract, outwith that contract except with the express approval of the Council.
 - (iii) The power referred to in (i) above to award contracts shall include power to deal with any incidental matters relating to that contract and to vary or determine the contract.
- (3) Each Committee responsible for overseeing the provision of the services specified in its Orders of Reference shall be responsible for:
- (i) the operational management of all land and the buildings occupied for the purpose of those services;
 - (ii) the approval of proposals for the development of these where such development can be contained within the approved budget of the service and does not require the acquisition of any additional land or interest; and
 - (iii) the consideration of proposals for the development of land and buildings required for the function of the Committee where such proposals would require the acquisition of land or buildings, to the stage of recommending to the Finance, Policy and Resources Committee the development of a particular site.
- (4) Each Committee shall have power to settle claims against the Council arising out of the functions supervised by the Committee irrespective of value so long as such amount can be contained within the approved budget in respect of that function.
- (5) Each Committee and Sub Committee shall have power to determine all applications for loans, grants, donations and subscriptions (other than those relating to the day to day operational requirements of the service which are delegated to the Chief officer) in respect of services which are linked to or associated with the functions of that Committee or Sub Committee, so long as such amount can be contained within the approved budget for that function.
- (6) Each Committee and Sub Committee shall be entitled to appoint on behalf of the Council representatives to outside bodies which provide services linked to or associated with the function of that Committee or Sub Committee and attendance at any ordinary meeting of such a body and the annual conference thereof shall be deemed to be an approved duty by the member or members concerned.
- (7) Without prejudice to the powers conferred on Conveners by Standing Order 3(3) and 31(3) each Committee and Sub Committee shall have power to fix dates and times of its own meetings (including the power to vary the date of any meeting included in the annual time-table of meetings approved by the Council but not to any date precluded by Standing

Orders (except where in the opinion of the Convener of the Committee or Sub Committee, the urgency of the business requires it) or to a time precluded by Standing Orders).

- (8) Each Committee and Sub Committee shall have power to delegate any of its delegated functions to an officer but shall have power at any time to itself deal with any matter so delegated.
- (9) Each Committee, subject to any statutory provision, shall have power to appoint a deputation not exceeding five members and consistent with the principles of political balance, to attend any meeting or conference relevant to the interests of the Committee provided that:
 - (i) no deputation exceeding two members shall be appointed to attend a conference outwith the European Union without the approval of the Finance, Policy and Resources Committee; and
 - (ii) in the case of a meeting or conference of interest to more than one Committee, the total deputation from the council shall not exceed a total of six members and officers except with the approval of the Finance, Policy and Resources Committee and, in the event of a disagreement among Committees as to the composition of any such deputation, the matter shall be determined by the Finance, Policy and Resources Committee.
- (10) (i) The Leader of the Council may attend meetings within the UK convened by or with other local authorities, government departments, other statutory bodies or organisations of the European Union at which matters relevant to the interests of the Council are to be considered. The Leader of the Council may be accompanied by any appropriate officer and may authorise such officer and/or any other member of the Council to attend any such meeting in his/her absence.
- (ii) The Convener of any Committee may attend meetings within the UK convened by or with other local authorities, government departments, other statutory bodies or organisations of the European Union at which matters relevant to the interests of that Committee are to be considered.
Any such Convener may be accompanied by any appropriate officer and may authorise such officer and/or any other member of the Committee to attend any such meeting in his/her absence.
- (iii) The Chief Executive may authorise any Chief officer to attend any meeting, conference or seminar within the UK organised by any appropriate professional or public body.
- (11) (i) Subject to the constitution of the Convention of Scottish Local Authorities, the members appointed by the Council to the Convention shall be entitled to attend all meetings of the Convention or its Committees, including the Annual General Meeting and Annual Conference.
- (ii) The Convener of any Committee of the Council may attend any meeting of the Convention or one of its Committees where he/she

reasonably considers such attendance to be in the interest of the Council.

- (iii) Where a member of the Council has been appointed to any office by the Convention and such appointment has been notified to and approved by the Council, he/she shall be entitled, without further approval by the Council to attend all meetings, conferences, etc. necessarily arising out of such appointment.
- (12) The Convener of the Finance, Policy and Resources Committee or any other member of that Committee nominated by him/her shall be entitled to attend, with the appropriate officers, all meetings of the joint negotiating bodies responsible for the negotiation of conditions of service for the Council's employees.
- (13) (i) The Lord Provost shall be entitled to represent the City on all such occasions (within the United Kingdom) as it is appropriate and customary to be so represented.
- (ii) Where the Lord Provost represents the City whether within the U.K. or elsewhere and it is appropriate that the Lord Provost be accompanied, the attendance of a Town Sergeant may be authorised by the Chief Executive.
- (iii) Where it is necessary because of an infirmity or disability that the Lord Provost be accompanied, the travel and subsistence cost of such companion shall be met by the Council on the same basis as those of the Lord Provost.
- (14) The expenses and allowances payable to any member of the Council in attending any meeting or Conference in terms of these Standing Orders or as otherwise authorised by the Council shall, subject to any enactment, be in accordance with the scheme laid down by the Council from time to time. Where it is necessary because of an infirmity, or disability that any member be accompanied, the travel and subsistence costs of such companion will be met by the Council on the same basis as those of the member.

38. Exclusion from Delegations

There shall be excluded from any delegation:-

- (i) Incurring of revenue expenditure for which no provision or insufficient provision has been made in the revenue budget except with the express consent of the Finance, Policy and Resources Committee;
- (ii) The acquisition or disposal other than by the Finance, Policy and Resources Committee, of any land or buildings or other interests therein required for the purposes of any service controlled by that Committee;
- (iii) The dismissal of Chief officers;
- (iv) The making of Bye Laws;
- (v) The making of representations to, or the appointment of any deputation or meet with, any Government Minister or Government Department in

relation to the financing of the Council or any of its services except with the approval of the Finance, Policy and Resources Committee.

- (vi) Any proposal which might if adopted give rise to an allegation of illegality or maladministration.

39. Expenditure on Hospitality Etc

- (1) The Finance, Policy and Resources Committee may incur expenditure, within the provision made for that purpose within the appropriate Budget, on hospitality consisting of the reception and entertainment by way of official courtesy, of distinguished persons and persons representative of or connected with local government or other public services whether within or outside the United Kingdom where the occasion giving rise to such hospitality is not the concern mainly of any other Committee.
- (2) Any Committee may, within the sum provided for that purpose in the approved Revenue Budget for the service or function in question incur expenditure:-
 - (i) on the provision of hospitality of the type referred to in the sub-paragraph (1) above where the occasion relates mainly to the function of that Committee;
 - (ii) on the provision of hospitality in connection with any inspection or ceremony affecting any service controlled by that Committee;
 - (iii) on the provision of hospitality to persons who may be interested in the promotion of industrial or commercial development or other activities which may create employment opportunities in the City; or to persons who are assisting or co-operating with the Council or its officers in relation to the functions of the Committee.
- (3) The Convener of any Committee may authorise the provision of hospitality in the circumstances specified in sub-paragraph (2) above and related to the functions of a service under the control of the Committee (or in the case of the Finance, Policy and Resources Committee to the functions of the Council) provided that the expenditure on any one occasion does not exceed £400 500 and that the expenditure can be met out of the sum provided in the appropriate budget for that purpose.
- (4) The Chief Executive or any Chief officer may incur expenditure not exceeding £500 on any one occasion on the provision of appropriate hospitality to members and officers of HM Government, Local Authorities or Public Authorities visiting the City or to consultants or others who are assisting or co-operating with officers of the Council in carrying out any of the Council's functions. Chief officers should advise the Head of Finance in advance if they intend to incur expenditure in excess of £100.

40. Council Recess - Delegation to Committees

- (1)
 - (i) During the summer recess in each year the Convener of the Urgent Business Committee, on the advice of the Chief Executive or his/her representative, shall be entitled to call meetings of the Committee to consider matters of an urgent nature.
 - (ii) The Urgent Business Committee shall have full power subject to the provisions of any relevant enactment to exercise all the functions of the Council during the recess period.
- (2) Nothing in this Standing Order shall prevent the Licensing Committee or the Planning Development Management Committee meeting when necessary to deal with matters within their respective remits.

PART III - OFFICERS OF THE COUNCIL

41. Returning Officer for Elections

- (1) The Chief Executive shall be the Returning Officer for each election of councillors in accordance with Section 41 of the Representation of the People Act 1983 and the Head of Service, Office of Chief Executive shall be Depute Returning Officer.
- (2) The Head of Service, Office of Chief Executive shall be Returning Officer for (i) all elections of Community Councillors in terms of the Council's Scheme for the establishment of Community Councils; and (ii) any election so required by a Parent Council in terms of the Scottish Schools (Parental Involvement) Act 2006.

42. Statutory officers of the Council

- (1) The Council shall, as necessary, in accordance with the relevant statutes, appoint individuals to hold the offices of:-
 - Electoral Registration Officer
 - Public Analyst and Agricultural Analyst
 - Data Protection Officer
 and the officers so appointed (who need not be employed exclusively by the Council) shall in addition to any other powers and duties delegated to them by the Council have all the powers and duties conferred upon them by the respective statutes.
- (2) For the avoidance of doubt the persons occupying for the time being the posts of *Trading Standards Team Leader* *Principal Trading Standards officer*, Chief Social Work officer and Senior Registrar of Births, Deaths and Marriages shall respectively be deemed to be and shall have all the statutory powers of the Chief Inspector of Weights and Measures, Chief Social Work officer and Registrar of Births, Deaths and Marriages.
- (3) The Chief Executive, Head of Legal and Democratic Service and Head of Finance shall be respectively the Head of the Council's Paid Service, Monitoring officer and Proper officer for the administration of the Council's financial affairs in terms respectively of S4 and S5 of the Local Government and Housing Act 1989 and S95 of the Local Government (Scotland) Act 1973 and entitled to discharge all the powers and duties conferred upon such officers by the 1989 Act or other statutory provisions.
- (4) The Head of Planning and Sustainable Development shall be the Proper officer in terms of the Planning Etc. (Scotland) Act 2006.
- (5) Nothing in these Standing Orders shall be deemed to refer to any of these officers so acting.

43. Proper officers of the Council

Where the Council is required in terms of any statute to appoint a Proper officer for any purpose such appointment shall be made by the Committee responsible for overseeing the service concerned and when made shall be recorded in a register kept for that purpose by the Head of Legal and Democratic Services. The register shall be open to public inspection at all reasonable times.

44. Signing of Deeds

All deeds or other document to which the Council is a party shall be signed by the Chief Executive, the Head of Legal and Democratic Services or either Legal Manager before a witness in terms of the Requirements of Writing (Scotland) Act 1995.

45. Reports by Chief officers

- (1) Reports to the Council, Committees and Sub Committee shall be submitted by the appropriate Chief officer when requested by the Council, Committee or Sub Committee or when in the professional opinion of such Chief officer such report is required to enable the Council to comply with any enactment or other rule of law or when the exigencies of the service under his/her control so require.
- (2) Any report to be submitted in terms of this Standing Order shall be provided in draft to the following officers, in accordance with the published timetable:-
 - (i) the Head of Finance who shall either within a period of four clear days from the date of receipt of the report submit to the Chief officer concerned his/her comments on the financial implications for incorporation in the report or (having so advised the Chief officer concerned) prepare his/her own observations in writing on the financial implications which shall be submitted to the meeting at which the report is to be considered;
 - (ii) the Head of Legal and Democratic Services who shall within four clear days from the date of receipt of the report and after such consultation as he/she may deem appropriate advise such Chief officer as to what action should be taken in respect of the report;
 - (iii) the Head of Human Resources and Organisational Development and Head of Asset Management and Operations in cases where the report concerns matters within their professional remit and to the Chief officer whose service or budget may be affected by the proposals contained in the report and those Chief officers shall be entitled within four clear days from the date of receipt of the report to submit to the Chief officer concerned his/her comments on those matters for incorporation in the report or (having so advised the Chief officer concerned) to prepare his/her own observations on such matters which shall be submitted to the meeting at which the report is to be considered; and

- (iv) the provision of these Standing Orders shall not prevent Chief officers agreeing to a lesser period of consultation on a particular report in urgent circumstances or to meet the exigencies of the service.
 - (v) reports and items to be included on an agenda for a meeting of the Council, Committee or Sub Committee must be delivered to the Head of Legal and Democratic Services by 10am on the day specified in the published timetable. If the deadline for submission of reports to Committee Services is missed the report author is responsible for the completion and arranging for the signatures for the late docket which should include the reason why the report has been submitted as a late item and why it should be considered as a matter of urgency.
 - (vi) where any Chief officer, who has been consulted in accordance with the terms of these Standing Orders, is not in agreement with the proposals set out in any report, or any part thereof, the views of the Chief officer should be clearly stated together with the reasons why the writer of the report is taking a different view.
 - (vii) where an Equality and Human Rights Impact Assessment requires to be undertaken, report consultation must include this and the Assessment shall be included in the papers submitted to the Committee.
 - (viii) *where a Privacy Impact Assessment requires to be undertaken, report consultation must include this and the Assessment shall be included in the papers submitted to the Committee.*
- (3) All reports by Council officers shall be sent in draft form to the Council Leader, Convener of the Finance, Policy and Resources Committee and the appropriate Convener and Vice Convener prior to being placed on the relevant agenda.
 - (4) Any report requested by the Council, Committee or Sub Committee shall be submitted within such period as may be specified in the request (or, if not specified, within two cycles) or such longer time as the Council, Committee or Sub Committee may subsequently approve.
 - (5) Where in the opinion of the Head of Legal and Democratic Services consideration of a report submitted in accordance with this Standing Order is required to comply with any enactment or other rule of law or to avoid the Council being guilty of maladministration he/she shall place it on the agenda for a meeting of the Council, or the appropriate Committee or Sub Committee within two cycles of the completion of the procedures referred to in sub-paragraph (2) above.
 - (6) Chief officers shall keep under review the progress of all contracts, works, service provision and other projects concerning the Services under their control and in the event that any Chief officer considers that the circumstances so warrant shall report any significant variation in such progress to the appropriate Committee.

- (7) Without prejudice to the foregoing sub-paragraph, in the case of all contracts exceeding £100,000 in value and all projects where the aggregate of the separate contracts contained therein exceeds £100,000 where it appears to the Chief officer responsible for monitoring the progress of the contract or project that
- (i) a delay of three months or more in the estimated completion of the contract or project is probable; or
 - (ii) the cost of the contract or project will exceed by more than 10% the estimated cost of the contract (inclusive of any allowance for additional works and remedial costs) stated in the tender report or any subsequent report approved by that Committee;

The Chief officer shall submit a report detailing such circumstances and the reasons therefor to the first convenient meeting of the appropriate Committee.

- (8) (i) where a report contains proposals which will have a particular bearing on a ward, the officer compiling the report must consult with the local Members whose ward will be so affected.
- (ii) where any Member, who has been consulted in accordance with the terms of this Standing Order, is not in agreement with the proposals set out in any report, or any part thereof, the views of the Member should be clearly stated together with the reasons why the writer of the report is taking a different view.
- (9) (i) where a Member has raised a Notice of Motion before the council which has subsequently been referred by the Council to a future meeting of the Council or to a particular Committee or Sub Committee, officers shall where timescales permit prepare a background report setting the context for the motion, containing no recommendations. The Member who raised the Notice of Motion shall be consulted on the background report or any subsequent report to the said Council, Committee or Sub Committee.
- (ii) the basis of the consultation is (1) whether in the Member's view the terms of the Motion have been addressed and (2) the Member's view of the content and recommendations contained in the report.

46. Consolidated Loans Fund - Borrowing and Lending

The Head of Finance shall report as frequently as he/she considers appropriate and not less than twice yearly to the Finance, Policy and Resources Committee on the borrowing and lending operations of the Council's Consolidated Loans Fund.

47. Appointment of officers

- (1) The appointment of all employees of the Council shall be based on merit.

- (2) The Chief Executive, all Directors and Heads of Service and JNC posts graded above Head of Service level shall be appointed by an Appointment Panel, of such composition as the Council may determine, which shall reflect the political balance of the Council. The Panel shall be chaired by the Convener of the Committee with the Human Resources function or such member as may be determined.
- (3) Only those Members who participated in the drawing up of the person specification for the post and the shortlisting of candidates shall participate in the interview and selection process.
- (4) Unless the Committee responsible for supervising the function concerned shall otherwise decide because of the particular nature of the duties to be performed by the postholder, the appointment of all other staff (excluding teaching staff) shall be delegated to the appropriate Chief officer. The Head of Human Resources and Organisational Development and any officer nominated by the Chief Executive shall be entitled to be represented at any interview or meeting relating to the appointment of such staff.
- (5) Unless the Committee shall otherwise direct, all appointments shall where appropriate be made after press advertisement and not less than two weeks shall be allowed between the date on which the advertisement first appears and the closing date for the receipt of applications.
- (6) Except in the event that the number of applications makes such a procedure impractical the Panel or officer responsible for making an appointment shall draw up a short list of suitably qualified applicants who shall be called for interview and after such interviews and such other inquiries as may be considered appropriate the most suitable candidate shall be appointed.
- (7) The list of applications for any appointment shall be treated as confidential and only the name and particulars of successful candidates shall be recorded in the minutes of the Council or otherwise published.
- (8) The appointment of teaching staff shall comply with the arrangements approved by the former Education and Leisure Committee on 24 April, 2007.
- (9) Each meeting of the Panel shall determine the process by which each appointment shall be made, which determinations will not be recorded in the minute. For the avoidance of doubt the Convener shall in the case of equality of votes in any procedure under this Standing Order have a second or casting vote.

48. Employment - Relatives of Members and Certain officers

- (1) Subject to the provisions of any enactment any person who is a relative of a member of the Council (or of a Chief officer or Head of Service or equivalent) seeking employment in any Department of the Council shall disclose the fact of such relationship on the application form.

- (2) The preceding paragraph shall apply equally to a person who is a relative of a member of a Committee or a Sub Committee who is not a member of the Council but only if the post applied for is under the control of that Committee or Sub Committee.
- (3) For the purposes of this Standing Order "relative" means a first cousin or nearer degree of relationship whether by blood or marriage or civil partnership and shall include a person in the same household.
- (4) The Chief Executive shall after consultation with the Head of Human Resources and Organisational Development be advised immediately when an application falling within the terms of this Standing Order is received and shall submit to the Committee, Sub Committee or persons making the appointment such observations as he/ she considers appropriate as to the procedure to be followed in making the appointment including the arrangements for selecting leets and interviewing candidates.
- (5) The procedure adopted shall in any event ensure that the related member or officer
 - (a) has not been and will not be in any way involved in the appointment procedures; and
 - (b) will not be involved in any direct working relationship with the appointee which might give rise to allegations of favouritism or other form of embarrassment with the Council or Service(s) concerned.
- (6) This procedure must be followed in other personnel procedures such as grievance or disciplinary procedures or job evaluation.

49. Disposal of Property to Relatives of Members and officers

- (1) This Standing Order applies where a property transaction (whether purchase, sale, lease, servitude, excambion or of any other description) is proposed between the Council and a member of the Council (including for this purpose a non-elected member of any Committee or Sub Committee) or a Chief officer, or any other remunerated officer or where to the knowledge of such member or officer such a transaction is proposed between the Council and any relative of his/her or person in the same household as him/her.
- (2) The member or officer shall when he/she intimates his/her interest in the proposed transaction or as soon as he/she receives a proposal from the Council or becomes aware of a proposal involving a relative or person in the same household, give notice of the possible transaction to the Chief Executive.
- (3) The Chief Executive shall thereupon submit a report to the Committee or Sub Committee by whom the transaction is to be considered containing such observations as he/she considers to be appropriate or necessary regarding the transaction or the procedure to be applied in formulating or approving its terms including the exclusion of persons from the process.

- (4) When considering a transaction falling within this Standing Order the Committee or Sub Committee concerned shall satisfy themselves after due consultation with the Chief Executive that the person giving the notice required by paragraph (2) has not in any way been involved in the negotiations and has not exercised influence or pressure in relation to the negotiations and that there is no way in which the transaction can give rise to allegations of favouritism.

50. Restriction On Employees Engaging in Other Remunerative Employment

- (1) A person who is in the employment of the Council shall not engage in any activity falling within the scope of the Working Time Regulations 1998 without the sanction of the Head of Human Resources and Organisational Development.
- (2) No person in the employment of the Council shall engage in any work in competition with any Service of the Council.
- (3) Employees are not permitted to use the equipment or resources of the Council in any outside employment, or for the benefit of any voluntary or charitable organisation without the prior approval of their Director, or in the case of chief officers with the approval of the Chief Executive.

51. Employees Not to Retain Fees or Commission

No person employed by the Council shall be entitled to retain any fee, commission or other payment collected or received under colour of his/her office or employment except with the consent of the Council.

52. Employees Accepting Gratuity Etc.

- (1) Except where retention of any fee or commission has been duly authorised under Standing Orders or otherwise, any employee of the Council who in the course of his/her employment accepts any gift (other than minor tokens of an advertising nature) gratuity, bonus or reward shall be subject to the Council's disciplinary procedure.
- (2) This Standing Order shall not apply to any gift (except from a party who is, or may expect to be under contract to the Council for the provision of any works, goods or services) in money or money's worth not exceeding £50 which is recorded within 21 clear days of receipt in the register kept for that purpose by the Head of Legal and Democratic Services and which shall be available for inspection by any member of the Council or Chief officer nor shall it apply to reasonable hospitality received directly in connection with any meeting, function or conference at which the officer is representing the Council or any meeting, function or conference organised by a professional body.

53. Public Notices, Invitations to Tender etc.

Subject to the provisions of any enactment, all public notices, advertisements and invitations to tender whether by press advertisement or otherwise required to be given by or on behalf of the Council or any Committee or Service thereof shall be made by and in the name of the Chief officer of the Service concerned or the Head of Legal and Democratic Services, as may be agreed between those Directors.

54. Annual Return of Attendance by Members

The Head of Finance shall prepare and issue an annual return showing for the previous financial year the expenses (including travelling expenses) and allowances paid to each member of the Council.

55. Access of Members to Documents etc.

Any document in the possession or under the control of the Council which contains material relating to any business to be transacted at or to any proceedings at a meeting of the Council or of any Committee or Sub Committee shall be open to inspection by any member of the Council and in the case of a meeting of a Committee or Sub Committee by any other member of the Committee or Sub Committee provided (a) that if the Head of Legal and Democratic Services after consultation with the Chief officer responsible to the Council for the custody or control of the document certifies that it discloses exempt information of a description falling within any one or more of paras 1-5, 7, 9, 11, 12 and 14 of Appendix III hereto, the document shall not be made available except with the prior consent of the Committee controlling the Service concerned and (b) that no document shall be made available for inspection if to do so would be contrary to law.

56. Custody of Title Deeds

The Head of Legal and Democratic Services shall be responsible for the safe custody of the title deeds of all land and property in the ownership of the Council, the Minutes and other records of the proceedings of the Council, its Committees and Sub Committees and all other records belonging to or relating to the Council which are not more appropriately retained by the Chief officer of a particular Service. The requirements of this paragraph may be exercised in terms of an agency arrangement with any other local authority or authorities.

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ABERDEEN

CITY COUNCIL

DELEGATED POWERS

Updated 30 September 2014

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GENERAL DELEGATIONS TO CHIEF OFFICERS

- 1) To exercise the powers delegated in terms of the Council's Management Rules and Regulations.
- 2) To authorise officers in the Service to carry out all or any of the statutory powers which have been allocated by the Council to particular Services.
- 3) To serve, in consultation as necessary with the Head of Legal and Democratic Services, statutory notices or orders and to exercise any additional powers to follow up such notices.
- 4) To offer services of staff to other local authorities or statutory bodies in serious emergencies where the protection of the public health is at risk or where such services are essential.
- 5) To accept and make charges for consultancy work subject always to the provision of the relevant legislation and Standing Order.
- 6) To visit, or to appoint a member of staff to visit, such institutions as may be considered necessary where the expenditure involved can be met from the relevant budget.
- 7) In respect of claims settled without recourse to litigation, if so advised, to authorise settlement or repudiation as the case may be, of any claim made against the Council, subject in the case of payment to there being sufficient budgetary provision in the relevant estimates.
- 8) To arrange for the attendance of members of staff in the Service at seminars, courses, academic establishments, meetings in the UK and abroad, where the expenditure involved is within the budgeted estimate and subject to any statutory requirements or Government guidance governing foreign travel by officers.
- 9) To approve staff attendance at College, Seminars etc. or other modes of study for vocational education and training, within the terms of the Council's agreed policies and practices.
- 10) To instruct the raising of any court proceedings, or the taking of any other legal action, in connection with the Service's function and to instruct the enforcement of any court orders or decrees obtained in such proceedings or legal action.
- 11) To instruct the defence on any court proceedings raised against the Council in connection with the Service's function.
- 12) Approval of expenditure under the Council's Relocation Scheme.
- 13) To accept gifts on behalf of the Council and to record such gifts in the relevant register where appropriate.
- 14) To appoint external consultants as and when necessary in connection with projects in consultation with the Head of Finance, Head of Land and Property Assets and Head of IT, Customer Service and Performance included in either the Non Housing

Capital Plan or the Housing Capital Plan or financed from appropriate revenue budgets or in connection with proposals or developments instructed by the Council or any Committee of the Council.

- 15) To authorise all Heads of Service and third tier officers (where appropriate) to grant applications for covert surveillance under the regulation of Investigatory Powers (Scotland) Act 2000 and access to communications data under the same Act. This delegation is subject to the Heads of Service and third tier officers attending RIPSA training prior to granting any authorisation.
- 16) To permit Directors, in consultation with the relevant Conveners of Committees, to authorise spend up to £60,000 without the need to report to Council or Committee for approval, subject to the requirements of Standing Orders in relation to competitive quotes for supplies/services contracts below £60,000.
- 17) To approve the acceleration of increments within existing salary scales for members of staff, with sign-off by Director or Head of Service.
- 18) To approve a change in hours for existing authorised posts, within budget provision, with sign-off by Director or Head of Human Resources and Organisational Development to be notified for recording purposes.
- 19) To approve the termination of service on medical grounds where such recommendation has been made by the Council's staff Medical Officer.
- 20) To authorise the appointment of (a) temporary staff for periods up to 51 weeks; and (b) students seeking vocational employment where this can be funded within the approved estimates of the Service concerned and where the Head of Service is satisfied of the need for such temporary assistance.
- 21) To authorise, in conjunction with the appropriate Head of Service, leave of absence to officers, where there is no opportunity to seek Committee consideration of the matter.
- 22) To recruit to Chief Officer posts below Head of Service level; as part of the officer recruitment process the Director will invite the Convener of the Service Committee to participate in the interview process.
- 23) To permit Directors to undertake restructuring including establishing new posts, converting posts, changing grades and changing job titles, all in consultation with the Head of Human Resources and Organisational Development, provided that such changes are within the approved service budget and that the required consultation with trades unions has been undertaken.

CHIEF EXECUTIVE

HEAD OF SERVICE, OFFICE OF CHIEF EXECUTIVE

- 1) To purchase equipment and services for which the expenditure involved has been approved by the Council.
- 2) To authorise civic hospitality requests in consultation with the Lord Provost and the Convener of the Finance, Policy and Resources Committee.

HEAD OF COMMUNICATIONS AND PROMOTION

- 1) To grant permission to reproduce Council-owned photographs in approved publications and to impose the appropriate charges.
- 2) To arrange for design, printing, advertising and exhibitions for the Council and Council Services and the promotion of the city where provision is made in the Council's revenue estimates for such activities.

DIRECTOR OF CORPORATE GOVERNANCE

HEAD OF IT, CUSTOMER SERVICE AND PERFORMANCE

- 1) To determine the specification of the type and nature of computer equipment and software and telephony systems to be utilised by the Council.
- 2) To ensure that the Annual Internal Audit Plan is delivered within the agreed overall Directorate budget.
- 3) To carry out a risk based approach to the internal audit of all Council services and functions on a continuous basis.
- 4) To take whatever steps are necessary within agreed limits to ensure customers are satisfied with the services received from the Council.

HEAD OF FINANCE

- 1. General Powers delegated to the Head of Finance as Finance Officer**
 - 1.1 To act as Proper Officer for the purposes of Section 95 of the Local Government (Scotland) Act 1973 (proper administration of financial affairs).
 - 1.2 Authorised to act as the proper officer in terms of the Local Government (Scotland) Acts 1973 and 1975, the Abolition of Domestic Rates etc. (Scotland) Act 1987, the Local Government Finance Act 1992 and associated delegated legislation for all administrative functions including preparation of the Assessment Roll, preparation and issue of rates notices, collection of rates, receiving and settling claims for exemption from rates, handling objections to rates levels and the abatement, remission or repayment of rates under the relevant rating provisions; and to deal with individual applications for discretionary Rating Relief within general policies adopted by the relevant Committee.
 - 1.3 Authorised to act as the proper officer in terms of the Local Government Finance Act 1992 and associated delegated legislation for all administrative functions including the preparation and issue of Council Tax Notices, the collection of Council Tax, the handling of objections to assessments and the exemption, abatements or remission of charges.
 - 1.4 Authorised to act as the proper officer in terms of The Social Security Contributions and Benefits Act 1992, The Social Security Administration Act 1992, The Child Support, Pensions and Social Security Act 2000, The Welfare Reform Act 2007 and associated Regulations and Orders relating to the administration of Housing and

Council Tax Benefit, and the Discretionary Financial Assistance Regulations 2001.

- 1.5 To enquire into the financial standing of any organisation wanting to provide services with or for the Council in relation to any tender or contract.

Accountancy

- 2.1 To provide advice to the Council on the formulation of policies and strategies in respect of financial matters including the setting aside of surplus funds from reserves.
- 2.2 To develop the annual budget preparation strategy and financial monitoring procedures, including reporting on progress with Council approved saving targets.
- 2.3 To prepare and maintain a scheme of administration on Financial Regulations and discharge powers delegated to him/her in terms of the Regulations.
- 2.4 To prepare an Annual Unaudited Statement of Accounts for submission to Council, thereafter audited Accounts with an audit certificate and arrange for the publication of the annual accounts and the statutory audit.
- 2.5 To take appropriate action as part of the annual final accounts process to maximise the financial benefit to the Council within appropriate legislation, policies and regulations.
- 2.6 To liaise with the Council's External Auditors.
- 2.7 To submit all financial returns on behalf of the Council.
- 2.8 To prepare the Council's annual and longer term Capital and Revenue budgets.
- 2.9 To amend service budgets for new monies received or subsequent approvals during the year, with all such changes being recorded in the monitoring statements.
- 2.10 To determine the systems of accounting control and the form of accounts and supporting records, the Council's accounting policies and procedures. Where such are maintained within a Service other than the Office of the Head of Finance, the Head of Finance shall, before making any determination, consult with the Chief Officer/Head of Service concerned.
- 2.11 To authorise Services to write off stores differences.
- 2.12 To deal with individual applications for discretionary rating relief within general policies adopted by the Finance, Policy and Resources Committee.
- 2.13 To grant applications for relief under the Disabled Persons Rating Act in accordance with a general policy determined by the Finance, Policy and Resources Committee.

- 2.14 To determine applications for car loans under the Council's approved scheme and to execute agreements for car loans.
- 2.15 To determine applications for loan advances for purchase and improvement of dwellinghouses in accordance with Council policy.
- 2.16 To implement changes in house loan rates.
- 2.17 To decide on call-up loans, in consultation with the Head of Legal and Democratic Services, where borrowers have fallen into arrears with their house purchase loans.
- 2.18 To write off irrecoverable accounts of small value.
- 2.19 To control BACS and CHAPS transactions including directions for their authorisation.
- 2.20 To arrange lease financing arrangements.
- 2.21 To provide advice on any liability falling on the Council that is not otherwise covered by the Financial Regulations.

Expenditure

- 3.1 To pay all sums due to creditors subject to certification and authorisation by appropriate Service officers.
- 3.2 To approve the amount and payment of subsistence and travel expenses to officials undertaking business on behalf of the Council outwith the City of Aberdeen in accordance with the National Scheme of Conditions of Service.
- 3.3 To implement the Scheme of Members' Payment as approved by the Scottish Government.
- 3.4 To approve the amount and payment of subsistence and travel expenses to Members undertaking business on behalf of the Council outwith the City of Aberdeen in accordance with regulations issued from time to time by the Scottish Government.
- 3.5 To instruct the raising of any court proceedings, or the taking of any other legal action, in order to recover any sums owed to the Council and to instruct the enforcement of any court orders or decrees obtained in such proceedings or legal action.
- 3.6 To determine the charges to be made for the provision of accommodation for Public Local Inquiries held in the Town House or other venue in the ownership of the Council.
- 3.7 To determine ex-gratia payments up to a value of £5,000 in respect of claims against the Council in consultation with the appropriate Head of Service and the Head of Legal and Democratic Services provided appropriate allowance is made in the approved estimates of the Council.
- 3.8 To ensure in conjunction with the Chief Executive, Directors and the Head of Commercial and Procurement Services that there is a scheme of delegated financial limits in place.

Income

- 4.1 To make arrangements for the collection, payment and, where appropriate, recovery of all income due to or to be collected by the Council including council tax and business rates.
- 4.2 To oversee the administration of the Council's debtor write off procedures in line with Financial Regulations.
- 4.3 To make provision for doubtful debt as considered appropriate and may write off debt considered uncollectable up to individual value of £25,000 for business rates and £10,000 for all other debts without reference to Committee.

Treasury Management and Banking

- 5.1 To manage the Council's loan debt, including short and long term borrowing and all related activities ensuring funds are available for approved capital expenditure and day to day revenue expenditure.
- 5.2 To make the necessary arrangements for the Council's banking requirements including opening, closing and operating bank accounts, including authorised signatures, on behalf of the Council.
- 5.3 To operate the Council's bank accounts in accordance with the banking agreement approved by Committee and the bankers.
- 5.4 To take decisions on borrowing and investment in accordance with the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice for Treasury Management in Local Authorities.
- 5.5 To prepare and implement the Council's Treasury Policy Statement including revisions to the list and limit of approved counterparties for investment/lending transactions (Revision of Counterparty list) as agreed by the Finance, Policy and Resources Committee.
- 5.6 To make urgent changes necessary to the approved counterparties listing in consultation with the Director of Corporate Governance and thereafter report to Committee.
- 5.7 To report, to Committee, on an annual basis the future years treasury management strategy and the annual activity following the end of each year.
- 5.8 To engage specialist treasury management advisers and cash fund managers to support execution of the Council's approved treasury management policies, strategies and practices.
- 5.9 To invest surplus funds of the Common Good and other specific funds subject to any policy adopted by the Finance, Policy and Resources Committee.
- 5.10 To approve the rate of interest the Council is required to charge to borrowers with variable interest rates.

- 5.11 Authorised to act as Registrar of Stock Bonds and Mortgages, except for Negotiable Bonds and to appoint if required, any United Kingdom or foreign bank as a Register of Stocks, Bonds and Mortgages raised either within or outwith the United Kingdom and whether in sterling or a foreign currency.

6. Pensions Administration

Powers delegated to the Head of Finance and Director of Corporate Governance in relation to the functions of the Pensions Committee

- 6.1 To administer the Pension Fund as detailed in the Local Government Pension Scheme (Benefits, Membership and Contributions) (Scotland) Regulations 2008, the Local Government Pension Scheme (Administration) (Scotland) Regulations 2008, the Local Government Pension Scheme (Transitional Provisions) (Scotland) Regulations 2008, the Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998 and the Local Government Pension Scheme (Management and Investment of Funds) (Scotland) Regulations 1998 (as amended).
- 6.2 To provide the Pensions Committee and Joint Investment Advisory Committee (JIAC) with all relevant information as is required to enable the committees to discharge their responsibilities in relation to the benefit administration and investment of the Pension Fund.
- 6.3 To prepare the budget and service plan.
- 6.4 To maintain the system of internal controls.
- 6.5 To prepare the Pension Fund annual review and the Aberdeen City Council financial statement of accounts.
- 6.6 To manage the triennial and interim actuarial valuations.
- 6.7 To manage the provision of FRS17 information on behalf of employers within the Pension Fund.
- 6.8 To manage the preparation of the Statements for the Funding Strategy, Governance Policy and the Communication Policy.
- 6.9 To ensure that the Pensions Service adheres to best practice.
- 6.10 In relation to the benefit administration of the Pension Fund:-
- Monitor developments which affect the administration of benefits
 - Promote membership of the fund
 - Manage the admission policy
 - Collect and reconcile the employers and employee contributions
 - Pay pensions benefits

- Maintain records in relation to the entire membership
- Devise and implement training, consultation and communication strategies with employers and scheme members
- Manage the AVC arrangements
- Approve early payment of retirement benefits on compassionate grounds in conjunction with the Pensions Manager and in consultation with the Convener of the Pensions Committee

6.11 In relation to the investment management of the Pension Fund:-

- Ensure awareness of the investment management environment and its possible impact on the Pension Fund
- With the assistance of external advisors prepare and monitor a strategic investment review of the Pensions Fund at least once every 5 years
- Implement investment reviews and strategic decisions
- Manage and prepare the Statement of Investment Principles
- Monitor the investment management structure and arrangements with regard to the Statement of Investment Principles
- Provide advice to members of the Pensions Committee and Joint Investment Advisory Committee in their role of appointing, retaining and terminating fund manager appointments
- Maintain records to monitor the investment performance of investment management of the Pension Fund
- Maintain a record of the Fund's Assets

6.12 Monitor the security and efficiency of the custodian in order to verify:-

- The assets security
- The custodian's records of the Fund's assets agree with in-house and fund manager records
- The custodian's actions are in accordance with the agreement

6.13 Make recommendations to the Pensions Committee/Joint Investment Advisory Committee as to investment opportunities.

6.14 Manage the in-house private equity fund and cash flow.

HEAD OF LEGAL AND DEMOCRATIC SERVICES

- 1) To have the duty to initiate, defend or otherwise attend to the interests of the Council and/or the Licensing Board, including the authority to compromise, any action or other proceedings involving the Council and/or the Licensing Board, and to accept service of any document in connection therewith, if in his/her judgement it is appropriate in the Council's and/or the Licensing Board's interest to do so.
- 2) To arrange for the waiver of conditions in titles to properties in Footdee reserving to the Council a right of repurchase, on the basis that no compensation will be payable to the Council, but that the Council's whole expenses in connection with the matter will be borne by the applicant.
- 3) Relative to the sale of Council houses under the Housing (Scotland) Act 1987 -
 - (i) To permit the taking of title in the joint names of the applicants and their spouses where the relevant statutory criteria are met.
 - (ii) To permit the inclusion as a joint purchaser of a person who does not satisfy the statutory criteria, and to permit the exclusion from the title one or more joint applicants, provided in both cases that the granting of such approval is not in any way detrimental to the Council's interest.
 - (iii) To approve applications for consent to the letting of a dwellinghouse, following sale by the Council, when the letting is on a temporary basis.
 - (iv) To include in the Disposition a right of pre-emption in favour of the Council in cases involving houses specifically designed or adapted for occupation by disabled persons.
 - (v) To approve applications for the consent of the Council as security holders to minor exchanges of land as between two owners of former Council houses, where the Council's security is not adversely affected.
 - (vi) To decide whether to pursue recovery of any proportion of discount remaining repayable, following the sale of the house by a creditor following upon the default of the borrower.
 - (vii) To authorise and issue the service of Notices of Refusal in terms of Sections 68 and 69 of the Housing (Scotland) Act 1987 following an application by the tenant to purchase a house specifically designed for occupation by a person of pensionable age whose special needs require accommodation of the kind provided by the house.
- 4) To instruct at the request of the Director of Communities, Housing and Infrastructure, the carrying out at the Council's expense in the first instance, of the works necessary to comply with Notices on behalf of the Council in terms of the Housing (Scotland) Act 1987 and work

notices and maintenance orders under the Housing (Scotland) Act 2006 and to take appropriate action to recover the costs from the parties concerned all subject to the maximum sum owing to the Council in respect of such works not exceeding such sum as may from time to time be determined by the Council.

- 5) In consultation with the Director of Communities, Housing and Infrastructure to grant or decline applications for retrospective Landlords consent on condition that recognition is given to all other, including planning, consents and approvals have been obtained and subject, where an application is declined, to the applicant having the right to request that the matter be referred to Committee for consideration.
- 6) To serve on the owners concerned, at the request of the Director of Communities, Housing and Infrastructure, Revocation of Demolition or Closing Orders in circumstances where properties have been restored to the tolerable standard.
- 7) To serve Closing Orders on appropriate vacant Below Tolerable Standard dwellings as may be requested by the Director of Communities, Housing and Infrastructure.
- 8) To determine all applications for the grant, variation and renewal of licences, approvals, permits and registrations under (a) the Civic Government (Scotland) Act 1982 and its associated regulations but not in respect of applications for the grant of Street Trader (Hot Food) Licence, (b) the Theatres Act 1968, (c) the Cinema Act 1985, (d) the Gambling Act 2005, Licensing (Scotland) Act 2005, (e) the Game Act 1860, except where (1) an objection to the application is lodged or adverse observations on the application are submitted by an official of a local or central government Department or Agency, or (2) the application involves special circumstances or unusual features.
- 9) To authorise the use of the Council's Crest in consultation with the Head of Service, Office of Chief Executive.
- 10) To instruct the raising of any court proceedings, or the taking of any other legal action, in order to recover any sums owed to the Council and to instruct the enforcement of any court orders or decrees obtained in such proceedings or legal action.
- 11) To authorise the immediate temporary suspension of licences under the Civic Government (Scotland) Act 1982 without a hearing whereby requested by the Divisional Police Commander.
- 12) To approve vehicles which comply with the specification for licensing as wheelchair accessible taxis.
- 13) To grant non-continuous applications for licences for knife and sword dealers under the mandatory licence scheme.
- 14) To act as Clerk to the Licensing Board.
- 15) To advertise and sign approved road traffic orders and those orders at the stage of statutory consultation.

- 16) To promote temporary traffic orders.
- 17) To authorise the attendance of Councillors at conferences in Aberdeen where the conference fee is under £50.
- 18) To clerk the School Placings and Exclusion Appeals Committee.
- 19) To make changes to the named elected member representatives (where a political composition has not been agreed) on the outside bodies list (this not being relevant where an appointment is required to be made at Council or Committee level).
- 20) To authorise officers as required in respect of the rights of entry and inspection contained within Section 5 of Part I of the Civic Government (Scotland) Act 1982. (Also delegated to the Head of Land, Property and Assets).
- 21) To authorise officers as required in respect of inspection and testing of vehicles and taxi meters as contained in Section 11 of Part I of the Civic Government (Scotland) Act 1982. (Also delegated to the Head of Land, Property and Assets).
- 22) To determine the validity of petitions submitted in respect of the Petitions Committee.

HEAD OF HUMAN RESOURCES AND ORGANISATIONAL DEVELOPMENT

- 1) To approve and arrange for the application of all matters which conform to the national conditions of service and local conditions of service of all categories of employees of the Council, or in the opinion of the Head of Service are acceptable minor variations thereto acceptable to management, the employee and trade unions as appropriate.
- 2) To arrange for the application of national agreements and legislative requirements, and where appropriate the amendment of local conditions of service and contracts of employment of employees, subject to report to Committee prior to application of such changes where Management, employees or trade unions disagree with such changes or where such changes to local conditions of service could involve matters of principle or policy.
- 3) In conjunction with the Service Director, the creation of fixed term jobs within the Council where the duration of the contract is linked to available funding, including all costs. These positions will be filled in accordance with Council recruitment procedures.
- 4) To make provision for the corporate, generic, training and education needs of Council staff, as appropriate, from the central training budget. Services should make local provision for service or job related training.
- 5) To authorise requests for the extension of either full or half sickness allowance including teachers in exceptional circumstances in

conjunction with the appropriate Heads of Service and where the costs of this extension can be met from within existing service budgets.

- 6) To authorise employee secondments of up to three months duration in connection with participation in disaster relief operations (subject to the exigencies of service and in consultation with the relevant Head of Service). This delegated power includes provision for the Head of Service to allow Services the option of either seeking reimbursement of the employee's salary costs from the relief agency or to donate the employee's service as a contribution to the particular disaster relief project, subject to any additional costs being accommodated within Service budgets.
- 7) To administer, in consultation with the Convener of the Finance, Policy and Resources Committee and the Chief Executive, the approval of applications for Voluntary Severance (Early Retirement).
- 8) To administer the Council's payroll system and implement pay awards.
- 9) To make payment of salaries, wages, compensation and other emoluments to all employees, retirement allowances to former employees, tax and national insurance contributions to the HMRC.
- 10) To approve, in consultation with the Convener of the Finance, Policy and Resources Committee, minor changes to the equal pay and modernisation package or the buy out of existing protective terms and conditions on the basis that any such change would be within budget.
- 11) To make minor amendments to Human Resources policies that have been consulted and agreed with recognised trade unions in consultation with the Convener of the Finance, Policy and Resources Committee.

HEAD OF COMMERCIAL AND PROCUREMENT SERVICES

- 1) To negotiate, on behalf of the Council, the sale of in-house developed computer systems to other authorities.
- 2) To dispose of surplus/redundant computer equipment to individuals/groups, as appropriate.
- 3) To contract on behalf of the Council, and in consultation with the Head of Legal and Democratic Services, information technology software and services.
- 4) To administer and manage Insurance matters within the Council.
- 5) To make arrangement with insurance companies concerning settlement of claims.
- 6) To implement procedures in respect of the invitation and acceptance of tenders, the Council having made an appropriate direction in terms of Standing Order 7, and to enter into negotiations on quotations or tenders in respect of contract material or sub-contract services where

they form part of a tender on the basis that suitable records be maintained.

- 7) To price tenders having regard to the workload and financial viability requirements.
- 8) To award contracts with a cumulative value (per contract) of up to £5million in conjunction with both the relevant Director and Head of Finance.

DRAFT

DIRECTOR OF COMMUNITIES, HOUSING AND INFRASTRUCTURE

HEAD OF COMMUNITIES AND HOUSING

- 1) To transfer the tenancy of a house to one partner and to re-house the other partner, all in terms of paragraph 16 of Schedule 3 to the Housing (Scotland) Act 1987, in circumstances where the remedies available in terms of the Matrimonial Homes (Family Protection) (Scotland) Act 1981 to facilitate the transfer of the tenancy are no longer available to the applicant and the Head of Communities and Housing is satisfied that such action should be taken for the applicant's well-being or where joint residential custody of children has been awarded.
- 2) To create a joint tenancy in the following circumstances - (a) where two separate families are transferring from two Council-owned dwellings into one house as joint tenants and the Head of Communities and Housing is satisfied that such a move would be of benefit to both families concerned and to the Council and (b) where, subject to certain conditions, an application is submitted by an existing tenant to give up their present tenancy and obtain a joint tenancy with a relative, such joint tenancy to be formalised only after a period of 12 months residence with the relative concerned, on the basis that the said 12 month period may be waived where, for example, it is proved to the satisfaction of the Head of Communities and Housing that the applicant requires to reside with a relative to proved essential support.
- 3) To provide temporary flatted accommodation on a non-secure basis to a person who is pursuing a court action for the transfer of the tenancy of a matrimonial home.
- 4) Where an applicant has left the family unit, to transfer the benefit of any priority relative to a current application for housing to a remaining member of the family.
- 5) To accept, in circumstances which he considers appropriate, supported applications for sheltered housing accommodation notwithstanding that the applicant is not of pensionable age.
- 6) To accept, in circumstances which he considers appropriate, supported applications for amenity housing from applicants who would not normally be considered.
- 7) To accept an application for transfer to amenity or sheltered housing from two related persons of the same sex who agree to share the same bedroom and who give an undertaking that it is not their intention to make an application for separate or larger accommodation unless there is a change of circumstances approved by the Head of Communities and Housing.
- 8) To approve, in circumstances which he considers appropriate, applications for a break in a joint tenancy from partners living within

the matrimonial home and wishing to be re-housed separately from other partners in accordance with the "A" group of the allocation scheme having been pointed on the basis of the applicant occupying half the accommodation available, unless otherwise decided by the Head of Communities and Housing.

- 9) Where a transfer request is received from an applicant occupying a sheltered house or a house which has been designed or adapted for occupation by a person with special needs and there is no longer a person with such needs occupying the dwellinghouse, to offer a transfer to the most appropriate suitable alternative accommodation of appropriate size as determined by the Head of Communities and Housing.
- 10) Where a transfer request is received from an applicant occupying a ground floor flat which is found to be suitable for an applicant with the medical priority Group "E", to offer the ground floor tenant a transfer to the most appropriate suitable alternative accommodation of appropriate size as determined by the Head of Communities and Housing.
- 11) Where an applicant, normally elderly, is in need of support from family who live in another part of the city, to move the applicant nearer to the supportive family and in certain circumstances to move the supportive family nearer to the applicant. Where the supportive family are to be moved nearer the applicant, they will only be considered for the same size and similar type of accommodation to that which they currently occupy.
- 12) In relation to succession to tenancies - (a) to accede, in circumstances which he considers appropriate, to requests by a grown-up member or members of a tenant's family arising from, for example, the tenant's intention to leave the house to re-marry, notwithstanding that the accommodation is in excess of the applicant's requirements; and in the event of the declinature of such a request, to offer, in circumstances which he considers appropriate, suitable alternative accommodation, (b) to accede, in circumstances which he considers appropriate, to requests by sole tenants to transfer the tenancy to a partner, (c) to accede, in circumstances which he considers appropriate, to requests by persons, within the definition of qualified persons, who are not entitled to succeed on the death of the tenant because the tenancy has already been succeeded to, (d) on the death of the tenant either to grant, in circumstances he considers appropriate, a tenancy to a person who is not a qualified person but who has occupied the house concerned for a period of not less than ten years or to grant such a person a tenancy of suitable alternative accommodation; and (e) to grant an applicant who qualifies to succeed to the tenancy of a particular house in terms of statute the tenancy of suitable alternative suitable accommodation should he or she so wish and it is in the Council's best interests to do so.

- 13) To transfer sheltered housing tenants within the same sheltered housing development where the tenants circumstances have changed since originally allocated sheltered housing and where the current accommodation is now considered to be no longer suitable.
- 14) Where a vacancy arises within a tenement block (with the exception of any ground floor flat which is required for letting on medical grounds), to grant a request for transfer to accommodation of the same size from a tenant whose spouse or partner has recently died and who is a current transfer applicant within that block and who expresses an interest in the particular vacancy. In the event of more than one tenant expressing such an interest, to offer the vacancy to the tenant with the longest period of residence within the particular block.
- 15) Where a vacancy arises within a multi-storey block comprising 3 apartment and 2 apartment flats or flats of the same size, to grant a request for transfer from a tenant whose spouse or partner has recently died and who is a current transfer applicant within that block and who expresses an interest in the particular vacancy, regardless of the size of the accommodation. In the event of more than one tenant expressing such an interest, to offer the vacancy to the tenant with the longest period of residence within the particular block.
- 16) To define individual houses as hard to let and subsequently to allocate such houses outwith priority in the interests of good housing management.
- 17) To accede, in appropriate circumstances, to requests for housing/re-housing from applicants who are in rent arrears or have any other outstanding debt to the Council on the basis that a satisfactory arrangement has been made in relation to the outstanding debt. Thereafter the application would be considered on normal turn of points priority.
- 18) To re-house a tenant to accommodation of a similar size and type or smaller than currently occupied in cases of fear of victimisation by neighbours or the family of neighbours.
- 19) Where only one or two tenants remain in occupation of an otherwise vacant tenement dwelling within a housing scheme designated as a housing initiative area, to allow transfers to similar housing initiative accommodation.
- 20) Where a tenant has been admitted to hospital or a residential care establishment on a long-term basis to accept the voluntary termination of the tenancy on the understanding that accommodation of the same size and type in the same letting area is readily available, otherwise in an area of similar letting demand will be offered on discharge provided the tenancy has been considered to have been conducted satisfactorily and that a satisfactory arrangement has been made at the termination of the tenancy to pay any outstanding debt.

- 21) Where a single tenant sentenced to a term of imprisonment which will lead to his or her absence from home for a period exceeding 26 weeks has terminated the tenancy (on the basis that the tenant shall be responsible for the removal and storage of any furniture and personal effects), to offer accommodation of a suitable size and similar type within the same letting area if readily available otherwise in an area of similar letting demand on release from prison provided the tenancy has been considered to have been conducted satisfactorily and that a satisfactory arrangement has been made at the termination of the tenancy to pay any outstanding debt.
- 22) In relation to requests for transfers of tenancies to accede, in appropriate circumstances, to requests by a member or members of a tenant's family, over 16 years of age, arising from the tenant's intention to leave the house (for example to marry), even if the accommodation is in excess of the applicant's requirements; and in the event of the declinature of such a request, to offer, in appropriate circumstances, suitable alternative flatted accommodation.
- 23) In relation to requests for transfers of tenancies to accede, in appropriate circumstances, to requests by sole tenants to transfer the tenancy to a partner.
- 24) In relation to requests for a first or second succession to a tenancy from a qualified person, to grant the succession and thereafter offer a transfer should the person so wish and it is in the interests of the Service. This should be to flatted accommodation of appropriate size within the same area or areas of similar letting demand.
- 25) In relation to requests for a succession to a tenancy from a non-qualified person, where the non-qualified person has been in the property for up to 10 years, consideration should be given to grant the succession or alternatively flatted accommodation of appropriate size and within such area as may be determined by the Head of Communities and Housing having regard to the size, type and letting demand of the property.
- 26) In relation to requests for a succession to a tenancy from a qualified or non-qualified person, where they have been in the property for more than 10 years, the applicant should be granted the succession and thereafter offered a transfer should they wish. This should be to flatted accommodation of appropriate size within the same area or areas of similar letting demand.
- 27) In relation to a request for a third succession to a tenancy from a qualified or non-qualified person, where the qualified or non-qualified person has been in the property for up to 10 years, consideration should be given to the size, type and letting demand of the property. Thereafter, if deemed appropriate, the applicant should be granted the succession or alternatively offered suitable alternative accommodation. This should be of flatted accommodation of appropriate size and may be in any area, as determined by the Head of Communities and Housing.

- 28) Where an offer of accommodation has been accepted but one partner dies or goes into a residential home or institution prior to the lease being signed to permit the remaining partner to occupy the accommodation provided that the accommodation is of a size suitable to his or her needs.
- 29) Where a tenant is unwilling to maintain their garden in a tidy condition and the tenant is willing to move of their own accord, to arrange to re-house the tenant in flatted accommodation without a garden.
- 30) Where, as a result of fire, flood, etc. which cannot be proved to have been intentional, neighbours make representations that a tenant be re-housed, to offer the tenant concerned accommodation of a similar size and type or smaller than currently occupied.
- 31) To re-house tenants involved in circumstances where no more than two tenants remain in occupation of a Council owned non-state aided block which is below tolerable standard.
- 32) To transfer tenants, on a temporary basis, to same size and similar type accommodation within the same letting area, if readily available, otherwise in an area of similar letting demand, where transfer is considered by the Head of Communities and Housing to be necessary to enable essential repairs or improvements to be carried out.
- 33) To transfer tenants, on a permanent basis to same size and similar type accommodation within the same letting area, if readily available, otherwise in an area of similar letting demand where transfer is considered by the Head of Communities and Housing to be necessary to enable essential repairs or improvements to be carried out.
- 34) To arrange, where considered appropriate, for the provision of temporary flatted accommodation of a suitable size within the same letting area, if readily available otherwise suitable alternative letting areas for owner occupiers on grounds of social or medical needs where improvement work is being carried out with the aid of an improvement grant but outwith the Housing Action area.
- 35) To arrange for the provision of temporary flatted accommodation of a suitable size within the same letting area, if readily available, otherwise suitable alternative letting areas to tenants of a private sector accommodation which is the subject of a Repairs Notice under Section 108 of the Housing (Scotland) Act 1987 in cases where a landlord is unable to secure alternative accommodation.
- 36) To re-house a tenant to accommodation of a similar size (or smaller) than currently occupied and similar type in cases of violence, intimidation, fear of victimisation or other harassment by neighbours or any party where no other suitable remedy exists.

- 37) To re-house a tenant to accommodation of a similar size (or smaller) than currently occupied and similar type in cases of bereavement where death was due to violent or traumatic circumstances.
- 38) To re-house a tenant to accommodation of a similar size (or smaller) than currently occupied and similar type in cases where a former partner or close relatives of a former partner have moved into or are living in accommodation situated in close proximity to the tenant.
- 39) To re-house a tenant to accommodation of a similar size (or smaller) than currently occupied and similar type in cases where the tenant is suffering harassment by a partner, ex-partner or relative of ex-partner following a decision by the Court regarding the tenancy of the matrimonial home.
- 40) To re-house a tenant to accommodation of a similar size (or smaller) than currently occupied and similar type in cases where the tenant is suffering harassment by a partner, ex-partner or relative of ex-partner and where the Head of Housing and Community Safety is satisfied that an attempt to continue living in the current accommodation would likely be met with violence or threats of violence.
- 41) To re-house a tenant to accommodation of a similar size (or smaller) than currently occupied and similar type in cases where the natural parent/s of an adopted or fostered child move into accommodation situated in close proximity to the tenant.
- 42) To re-house a tenant to accommodation of a similar size (or smaller) than currently occupied and similar type in cases where there have been repeated break-in incidents directed at the tenant, subject to corroboration by the police.
- 43) To re-house a tenant to accommodation of a similar size (or smaller) than currently occupied and similar type in cases where a tenancy has recently been created (normally within 12 months), is proving unsatisfactory and the tenant concerned is prepared to move.
- 44) Where there has been an irreconcilable dispute between two non-compatible neighbours, to offer accommodation of a similar size (or smaller) than currently occupied and similar type to either or both parties.
- 45) To re-house a tenant to accommodation of a similar size (or smaller) and type in an area of similar letting demand in cases where the tenant or their family are considered, to the satisfaction of the Head of Head of Communities and Housing, to be the victim of racial harassment or live in fear of such harassment.
- 46) To allocate the equivalent number of one bedroomed flatted properties to recipients of housing support from Mental Health service providers, where identified to require housing and support via the Community Mental Health Team or an existing service provider where an organisation is returning a property used for grouped living purposes to mainstream housing.

- 47) To transfer sheltered housing tenants to similar type accommodation based on their original points award.
- 48) To make available to incoming employees of the Council suitable flatted accommodation for a period not exceeding 6 months.
- 49) To accept applications for the creation of a joint tenancy from two co-habitee persons of the same sex.
- 50) To decline applications for mutual exchanges in circumstances where one of the parties dies prior to the appropriate legal formalities being finalised.
- 51) To determine in consultation with the Head of Finance each application under the Rent to Mortgage Scheme in the manner considered most favourable to the Council.
- 52) To determine in connection with the Right-to-Buy legislation, whether or not to accept late acceptances of offers to sell timeously served having regard to the likelihood of a significantly altered valuation being adopted if the late acceptance were rejected and a fresh application submitted.
- 53) To approve the permanent decanting of tenants whose homes have been identified for upgrading to already upgraded void properties.
- 54) To allocate properties which have been adapted for a person with a disability where possible to the most appropriate applicant on the Council's waiting or transfer list.
- 55) To accept applications for lease of municipal houses by organisations the principles of which are beneficial to the community as a whole, where these would have no detrimental effect on the waiting or transfer lists for such properties.
- 56) To offer accommodation on a like for like basis to a person requiring care and support, or their carer (irrespective of client group), on the satisfaction that the qualifying criteria outlined in the Criteria for Care Transfer Scheme have been fulfilled.
- 57) To offer accommodation of a similar size and type in an area of a similar letting demand to a non-Council tenant (Housing Association or co-operative) where the tenant is occupying an adapted property or a property built specifically for a person with a physical disability and the tenant no longer has the need for the accommodation and the demand exists for the property.
- 58) To permit the retention, on the loss of an expected child, of the points award made in respect of an applicant's pregnancy, on the understanding that no similar points award will be made in relation to the applicant's first subsequent pregnancy.
- 59) To instruct the raising of any court proceedings, or the taking of any other legal action, in respect of houses in the Council's ownership or any other housing function and to instruct the enforcement of any court orders or decrees obtained in such proceedings or legal action.

- 60) To permit a tenant of Aberdeen City Council to be re-housed to accommodation of a similar size, type and letting area where a Scottish Secure tenancy proves to be unsatisfactory, and the tenant is prepared to be re-housed and to accept a Short Scottish Secure tenancy, together with appropriate housing support.
- 61) To approve or decline applications from tenants of Council houses for:
- (i) Erection of lock-up garages
 - (ii) Installation of car runways
 - (iii) Erection of boundary enclosures including walls, fences, gates, etc
 - (iv) Erection of outbuildings including garden sheds, greenhouses and pigeon lofts
 - (v) External alterations and additions to houses including enclosures of verandas, erection of satellite dishes, replacement of external doors and replacement windows
 - (vi) Internal alterations and additions to houses including replacement of sink units, kitchen fitments and bathroom suites, installation of bathroom showers, central heating, removal of internal coal cellars, removal of coal fires and installation of alternative forms of heating, and electrical rewiring and upgrading.
- 62) To approve, decline or defer routine applications in respect of housing improvement or repair grants or grants for the provision of fire escapes in houses in multiple occupation on the understanding that:
- (i) where appropriate the expenditure involved has been approved by the Head of Finance as falling within approved Council limits;
 - (ii) a report containing a list of the various applications together with the decisions and sums approved be placed in the Members' Library and given to Group Leaders prior to each meeting of the Committee for information purposes;
 - (iii) all applications of an unusual or novel nature are reported to Committee for determination.
- 63) To appoint external consultants as and when necessary in connection with projects included in the Housing Capital Plan or financed from appropriate revenue budgets or in connection with proposals or developments instructed by the Council or any Committee of the Council.
- 64) To approve requests for the division of mutual drying greens subject to the agreement, where appropriate, of affected neighbouring tenants.

- 65) To approve applications based on medical need, to replace warm air heating systems with conventional heating systems on the understanding that a report containing a list of the various applications will be placed in the Members' Library and given to Group Leaders prior to the meeting of each Committee for information purposes with a summary report being presented to each Committee meeting.
- 66) To arrange for payments to be made in terms of Section 58 of the Housing (Scotland) Act 1987 to Council tenants at the termination of a secure tenancy in respect of improvements carried out by them, including the construction of garages, during the currency of the tenancy, with the consent of the Council, in terms of Council policy.
- 67) To adopt amenity areas subject to the areas being brought up to a standard suitable for adoption and the owners paying to the Council a capitalised maintenance charge.
- 68) To grant requests for funding to be paid from Section 75 and the income from the discount for Council Tax on second homes and long term empty properties up to a value of £30,000 for small scale works.
- 69) To assess and approve as necessary, on a case by case basis, applications from Council tenants occupying 3+ bedroom family homes, who wished to downsize to smaller accommodation.
- 70) To approve requests for permission to sub-let houses and to take in lodgers.
- 71) To deal with requests to operate businesses from Council houses, subject to a right of appeal by the tenant to the Committee.
- 72) To grant tenancies of municipal houses.
- 73) To grant tenancies of municipal lock-ups and garage sites.
- 74) To sign and to authorise Senior Housing Assistants and Senior Arrears Officers to sign Notices of Proceedings for Recovery of Possession of Council properties for rent arrears and estate management reasons.
- 75) To grant applications by tenants for permission to keep pets.
- 76) To take all necessary action in circumstances where a secure tenancy passes by operation of law to a qualified person.
- 77) To approve requests for leave of absence of a municipal house.
- 78) To take all necessary action in relation to the unauthorised occupation of municipal houses.
- 79) To authorise, in consultation with the Head of Legal and Democratic Services for the raising by the Head of Legal and Democratic Services on behalf of the Council of proceedings in appropriate cases for the recovery of possession of municipal houses on any of the grounds specified in paragraphs 1 – 15 inclusive of Part 1 of Schedule 3 to the Housing (Scotland) Act 2001 provided that the Head of Legal and Democratic Services is satisfied that the grounds

for terminating the tenancy are sufficient in law and can be substantiated.

- 80) To deal, in consultation with the Head of Legal and Democratic Services, with cases of unauthorised or irregular occupation of municipal houses by persons other than the tenant.
- 81) To identify areas within the City that may be excluded from applications to purchase Council garages, garage sites and lock-ups.
- 82) To grant any of the licences or registrations as may be determined by the appropriate Committee.
- 83) To determine, in consultation with the Head of Finance, such annual increase, if any, as may be required in licence fees, registration fees, and the other charges as may be determined by the appropriate Committee.
- 84) To arrange for payments to be made in terms of Section 234 of the Housing (Scotland) Act 1987 where a tenant is required to remove from their house in order to facilitate the carrying out of repairs or where the Head of Communities and Housing in the exercise of his delegated powers arranged for the provision of temporary or permanent re-housing to tenants in houses which are affected by a modernisation scheme.
- 85) To implement the Council's Tenant's Grants Scheme and approve or decline applications in terms thereof in respect of kitchen replacement, bathroom replacement, window replacement and the provision of central heating within the criteria approved by the Council.
- 86) To increase the relative priority of homeless families and couples where the short term supply and demand for housing is impacting on the Council's statutory duty to offer appropriate permanent housing.
- 87) To delegate to Area Housing Managers, in consultation with the relevant Head of Service, to either terminate or continue within the categories in future and to grant or decline future applications from organisations to lease Council properties.
- 88) To authorise the Senior Private Sector Housing Officer (Scheme of Assistance), the Private Sector Housing Manager, and other officers as appropriate, to sign Work Notices and Maintenance Orders under the provisions of the Housing (Scotland) Act 2006.
- 89) To authorise the Senior Private Sector Housing Officer (Rented Sector), the Private Sector Housing Manager, and other officers as appropriate, to sign Rent Penalty Notices under the provisions of the Antisocial Behaviour etc. (Scotland) Act 2004.
- 90) To authorise the Director of Communities, Housing and Infrastructure, the Private Sector Housing Manager and the Senior Private Sector Housing Officer (Rented Sector) to:-
 - grant HMO licence variation applications

- grant temporary exemption orders and extensions to same
- make orders under Section 144 (suspension of rent etc)
- make requirements under Section 145 (power to require rectification of breach of HMO Licence)
- sign and serve (or arrange for or instruct the service of) HMO amenity notices and all notices of the above types of decision and take, or arrange for or instruct the taking of, any action necessary in connection with doing any of the foregoing

all in terms of the provisions of Part 5 of the Housing (Scotland) Act 2006.

- 91) To dispose of individual properties following a value for money appraisal where this option is the most appropriate for the Housing Revenue Account ensuring that (a) the price is at full market value; and (b) the local members for the area have been consulted on the proposals and that the monies received from such disposals be ring fenced for the Affordable Housing Budget.
- 92) To assess individual kinship carer applications on a case by case basis and grant increased priority where the need for alternative accommodation is of an urgent nature, applicants who are currently Council tenants or tenants of a Registered Social Landlord within the city may be offered properties of a similar type in areas of similar letting demand. Applicants from the private sector or tenants of a Registered Social Landlord outside the city will be offered flatted accommodation only.
- 93) To authorise spend on Equipment and Adaptation cases in consultation with the Head of Finance.
- 94) To ensure the appropriate governance arrangements are in place for the Fairer Aberdeen Fund Board and the allocation of funds or the management of Council funds allocated to the Community Planning Partnership.
- 95) To authorise Noise Control Officers, Environmental Health Officers and Authorised Officers within the Environmental Protection Section and Housing Assistants (helpline) to implement Part 5 of the Anti-Social Behaviour, etc. (Scotland) Act 2004.
- 96) To provide tenants whose homes are required for the Haudagain Improvement Scheme an appropriate level of priority within the housing lists and flexibility in terms of areas of choice, house sizes and number of offers.

HEAD OF LAND AND PROPERTY ASSETS

1. To discuss or negotiate on a without prejudice basis proposals and developments in respect of assistance to local industry in terms of land transactions, premises and finance (in consultation with the Head of Finance), and to bring the matter to the attention of the Communities, Housing and Infrastructure Committee when considered appropriate so to do.
2. To travel, or at his/her discretion, to authorise a senior member of staff to travel outwith the city for the purpose of visiting potential or actual manufacturers, suppliers, sub-contractors, customers and other public bodies as and when necessary upon the basis that any expenditure involved be funded from the relevant Service's current revenue.
3. To appoint on fixed term contracts, staff associated with contract works with costs to be funded entirely from within the current revenue of the relevant services and the duration of individual fixed term contracts to be at the discretion of the Head of Service.
4. To grant or decline the Council's consent as Landlords and/or Superiors in respect of all developments proposed to be carried out and variations to existing consents on condition that all other planning and/or other consents and approvals are obtained and subject, where an application is declined, to the applicant having the right to request that the matter be referred to Committee for consideration.
5. In consultation with the Head of Legal and Democratic Services to grant or decline applications for retrospective Landlord's and/or Superior's consent on condition that recognition is given to all other, including planning, consents and approvals have been obtained and subject, where an applications is declined, to the applicant having the right to request that the matter be referred to Committee for consideration.
6. To charge for the granting of Landlord's/Superior's consents subject to the Council approving a schedule for charges which should be the subject of review at regular intervals.
7. To approve or otherwise, in consultation with other officials as appropriate, the granting of Minutes of Waiver.
8. To discuss and/or negotiate, on a without prejudice basis, proposals and developments for Council owned property and to bring the matter to the attention of the appropriate Committee when considered appropriate to do so.
9. In consultation with the Head of Legal and Democratic Services to make arrangements for reference of disputed compensation to be determined by arbitration or by the Lands Tribunal.
10. To instruct the Head of Legal and Democratic Services to pursue the irritancy of leases for periods less than 21 years provided that the

Head of Legal and Democratic Services is satisfied that the grounds for irritating the lease are sufficient in law and can be substantiated.

11. To approve assignments or sub-leases either in whole or in part where no change of use is involved or where any change of use continues to fall within the scope of Use Classes 1, 2, 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997.
12. To grant new leases, extensions and variations of existing leases and to agree rent reviews and terminations, and otherwise to attend to the general management of land and property in the Council's ownership, including the advertising of property for sale or lease, on condition that terms and conditions for new leases of 21 years and over are submitted to Committee for approval.
13. In consultation with the Head of Legal and Democratic Services to make arrangements in terms of a lease for reference of a revised rent or dispute to arbitration.
14. In consultation with appropriate officials to decline offers to purchase Council land or property and offers to sell land or property to the Council, subject to the application having the right to request that the matter be referred to Committee for consideration.
15. In consultation with appropriate officials to acquire or sell land or property where the purchase or disposal price does not exceed such sums as the Council may from time to time determine, with the current maximum sum of £250,000.
16. In consultation with the relevant officials to sell or lease sites to statutory undertakers, allowing early entry to such sites in cases of urgency.
17. To pay statutory disturbance and home loss payments where appropriate in terms of the Land Compensation (Scotland) Acts.
18. In consultation with appropriate officials to adopt amenity areas subject to the areas being brought up to a standard suitable for adoption and the owners paying the Council a capitalised maintenance charge.
19. In consultation with appropriate officials to make representations, negotiate and agree Rateable Values for properties where there is a Council interest as proprietor, tenant or occupier, in relation to any Valuation Notice served on the Council.
20. In consultation with appropriate officials to grant wayleaves over all Council owned properties.
21. To negotiate appropriate terms and conditions for the amendment of ground leases in cases where tenants are seeking landlords consent for a partial sub-lease to permit the erection of a telecommunications mast, provided (i) the site in question is situated within an industrial estate and not in proximity to housing, and (ii) the prior approval of the local ward member has been obtained.

22. In consultation with the local members and the Convener of the Property Sub Committee, to decline any application or plan submitted for the consent of the Council as Superiors and involving encroachment onto a footpath which is mutual to the applicant and the council, or encroachment into a drying green which is mutual to the applicant and the Council in the event of any tenant, or neighbouring occupiers, with tenancy rights in any land which is affected thereby, stating in writing that they object to the proposed encroachment, reporting to the Property Sub Committee if any Member objects to the proposed decision.
23. In consultation with the local members and the Convener of the Property Sub Committee, to approve on appropriate conditions applications for the Council's consent as Superiors to the erection of extensions at the rear of existing dwellinghouses which involve the repositioning of mutual access paths in circumstances where there are no objections from neighbouring occupiers, reporting to the Property Sub Committee if any Member objects to the proposed decision.
24. To appoint external consultants as and when necessary in connection with projects included in the Non Housing Capital Plan or financed from appropriate revenue budgets or in connection with proposals or developments instructed by the Council or any Committee of the Council.
25. To make representation on the Council's behalf to the Head of Planning and Sustainable Development, for submission to the Planning Development Management Committee, in situations where notice has been served on the Council as a party having a notifiable interest in neighbouring land which is subject to a planning application.
26. To determine, following consultation with the relevant officials, the most appropriate means whereby the Council's objectives and intentions in relation to the procurement of construction projects can best be achieved.
27. To determine the most appropriate form of contract to be adopted in the attainment of work instructed by the Council or any Committee of the Council and to take such steps as may be necessary to achieve timeous completion of work, such actions to include payment for the purchase of materials or components located outwith the works location and, in the event of liquidation or receivership, the appointment of new contractors or suppliers or manufacturers.
28. To accept in consultation with the Conveners of the Communities, Housing and Infrastructure Committee and the Finance, Policy and Resources Committee, any tenders returned for endorsed Nestrans Capital Programme Projects with a value exceeding £150,000 but not exceeding 10% over the estimated value of the contract, and therefore in accordance with Standing Order 76 would be subject to

further approval by the Head of Legal and Democratic Services, on the authority of the appropriate Committee.

29. In consultation with appropriate officials to decline offers to purchase Council land or property and offers to sell land or property to the Council, subject to the applicant having the right to request that the matter be referred to Committee for consideration.
30. In consultation with appropriate officials to acquire or sell land or property where the purchase or disposal price does not exceed such sums as the Council may from time to time determine, with the current maximum sum of £100,000.
31. In consultation with the relevant officials to sell or lease sites to statutory undertakers, allowing early entry to such sites in cases of urgency.
32. In consultation with appropriate officials to adopt amenity areas subject to the areas being brought up to a standard suitable for adoption and the owners paying the Council a capitalised maintenance charge.
33. In consultation with appropriate officials to make representations, negotiate and agree Rateable Values for properties where there is a Council interest as proprietor, tenant or occupier, in relation to any Valuation Notice served on the Council.
34. To determine, following consultation with the relevant officials, the most appropriate means whereby the Council's objectives and intentions in relation to the procurement of construction projects can best be achieved.
35. To determine the most appropriate form of contract to be adopted in the attainment of work instructed by the Council or any Committee of the Council and to take such steps as may be necessary to achieve timeous completion of work, such actions to include payment for the purchase of materials or components located outwith the works location and, in the event of liquidation or receivership, the appointment of new contractors or suppliers or manufacturers.

HEAD OF PUBLIC INFRASTRUCTURE AND ENVIRONMENT

1. To arrange for the provision of street lighting where the expenditure involved can be met from the relevant budget.
2. To acquire pre-owned vehicles and plant items where there is an economic advantage to the Council.
3. To maintain a list of public roads including classification of roads network.
4. In consultation with the local members and the Convener of the Communities, Housing and Infrastructure Committee, to manage and maintain all roads on a list of public roads including power to

reconstruct, alter, widen, improve or renew any such road within approved budgets, reporting to the Communities, Housing and Infrastructure Committee if any Member objects to the proposed decision.

5. To promote the construction of new roads and infrastructure schemes where the scheme is included in the local transport strategy and associated budget.
6. In consultation with the local members and the Convener of the Communities, Housing and Infrastructure Committee, to exercise the control of road occupations, reporting to the Communities, Housing and Infrastructure Committee if any Member objects to the proposed decision.
7. To control street openings including the application of the New Roads and Street Works Act.
8. To implement arrangements for traffic management and related street furniture.
9. To undertake road safety audits.
10. To represent the Council's interest with regard to coast protection and flood prevention matters including the development of the Flood Risk Management Plan.
11. In consultation with the local members and the Convener of the Communities, Housing and Infrastructure Committee and in liaison with the Head of Legal and Democratic Services, to deal with preliminary statutory responses to traffic orders, to report to the Communities, Housing and Infrastructure Committee if concerns have been raised or to request the Head of Legal and Democratic Services to move to the main statutory stage without the prior referral of preliminary responses to Committee, if those responses contained nothing distinctive enough to raise concern that the person or organisation responding would have expected Committee-level consideration at the early stage.
12. In liaison with the Head of Legal and Democratic Services, to arrange for traffic orders to be signed, sealed and implemented without further recourse to Committee if the full-scale statutory advertisement has yielded no objections.
13. To authorise officers as required in respect of inspection and testing of vehicles and taxi meters as contained in Section 11 of Part I of the Civic Government (Scotland) Act 1982. (Also delegated to the Head of Legal and Democratic Services)
14. To acquire pre-owned vehicles and plant items where there is an economic advantage to the Council.
15. To remove and dispose of abandoned vehicles in terms of the Refuse Disposal (Amenity) Act 1978.
16. In consultation with the Head of Finance, to accept bequests requiring provision by the Council for the upkeep and maintenance in

perpetuity of individual graves and tomb stones in cemeteries under the control of the Council in such cases where the amount of the bequest is sufficient to cover the cost of maintenance and upkeep of the grave and of any tomb stone.

17. To act as Registrar of Burials and Cremations and act as the keyholder for crematorium buildings.
18. To ensure the proper disposal of the dead in accordance with the Council's statutory duties while taking into account requests of the bereaved.
19. To operate the Council's crematorium in accordance with the Council's statutory duties and to maintain, renew and repair the crematorium buildings.
20. To provide facilities for and make available memorials to the dead.
21. To manage arrangements for appointments and statutory paperwork for disposal of the dead. Including implementing, monitoring and maintaining systems and records of any disposal of the dead and issuing any extracts of such records.
22. To maintain identification of the remains throughout the process of cremating the dead.
23. To supervise exhumations.
24. As Market Officer to take decisions on all matters involved in the day-to-day administration of the Castlegate and Green markets including all disciplinary matters and grievances, subject to a right of appeal to Members and also to a right on the part of the Market Officer to refer particular issues, with or without recommendations, to the consideration of the Communities, Housing and Infrastructure Committee.

HEAD OF PLANNING AND SUSTAINABLE DEVELOPMENT

Note: The powers delegated hereunder take account of the fact that all planning applications which come within the category of "local development" as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 (the hierarchy regulations), are dealt with under a separate Scheme of Delegation prepared in accordance with the provisions of Section 43A of the Town and Country Planning (Scotland) Act 1997.

The Head of Planning and Sustainable Development (a member of its professional planning staff), or an appropriate person or persons nominated by the Head of Planning and Sustainable Development or subsequent title for this role (hereafter referred to

as the Appointed Officer) is given delegated powers in the following circumstances:

1. To grant planning permission (including planning permission in principle and the approval of consent, agreement or approval required by a condition imposed on a grant of planning permission in principle) in respect of applications falling within the category of “major development” as defined within the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 **except** where that application
 - (a) has been made by or on behalf of
 - an elected member of Aberdeen City Council, or
 - a member of staff employed within the Planning and Sustainable Development Service of the planning authority, or
 - the Chief Executive or any other member of the Senior Management Team (i.e. Director level), of the planning authority, on the basis of the details on the application form
 - (b) is being recommended for approval and requires to be the subject of formal notification to the Scottish Ministers as defined in the Schedule to the Town and Country Planning (Notification of Appeals) (Scotland) Direction 2009 (or other Scottish Government Direction)
 - (i) has been subject to a formal decision by the planning authority, or Scottish Ministers have decided, that an Environmental Impact Assessment should be undertaken
 - (ii) is being recommended for approval and has been the subject of formal objection by the local Community Council within whose area the application site falls, or by the Council’s roads or environmental health service
 - (iii) has been the subject of six or more timeous letters of representation (following advertisement and/or notification) that express objection or concern about the proposal - representing a significant level of opposition to any major development proposal
 - (iv) is being recommended for approval and is considered by the Appointed Officer to be contrary to the adopted development plan strategy

The powers delegated to the Appointed Officer under paragraphs 1(i) to (iv) above are further qualified to the extent that the planning authority may decide, for whatever reason, that

the particular circumstances of an application which would in terms of this Scheme fall to be determined by the Appointed Officer are such that the application should be determined by the Planning Development Management Committee. Applications shall be identified for such potential treatment by the Head of Planning and Sustainable Development who, in consultation with the Convener of the Planning Development Management Committee, shall bring such cases to the notice of elected members in the form of a report to that Committee.

Notes

"Timeous letter of representation includes any written representation received by the Council no later than 3 full days following the expiry of the time period specified for representations to be made following the date of notification, or if applicable, advertisement of the application (whichever is the later). An extended period for making representations will only be applied over the Christmas period and details will be posted in advance on the Council's website.

The definition of a letter of representation was agreed by the Development Management Sub Committee on 17 June 2010:

- if more than one representation is submitted from a single individual or single email address this only counts as one representation
- a single letter with a number of signatures from one address counts as only one representation
- a petition is counted as one representation
- a representation will only be counted if it is from a specified email address or street address

2. Under the terms of Sections 75 and 75A of the Town and Country Planning (Scotland) Act 1997, in relation to planning applications for major developments (as defined in 1. above) and in consultation with the Head of Legal and Democratic Services to:-

- negotiate legal agreements relating to planning obligations and conclude in accordance with the decision taken by Committee or the Appointed Officer as applicable
- determine applications for Modifications or Discharge of Planning Obligations under Section 75A in relation to applications that have been determined by the Appointed Officer

3. To determine applications for Listed Building Consent and Conservation Area consent subject to the same exceptions contained in 1. above, and provided that the Scottish Ministers, if notified, have either made no observations or observations of a kind which can competently be made the subject of appropriate planning conditions.

4. To determine any consent, agreement or approval required by a condition imposed on a grant of approval of any type of

application with the exception of applications for approval of consent, agreement or approval required by a condition imposed on a grant of planning permission in principle for a development falling within the category of “major development” to which the criteria specified in 1. above apply.

5. To determine whether amendments are non-material and determine requests for non-material variation (in terms of Section 64 of the Town and Country Planning (Scotland) Act 1997, as amended) for all planning consents no matter how they were determined.
6. To issue planning consents where the Planning Development Management Committee (or Full Council), has expressed a willingness to approve a development and the Scottish Ministers, having been notified, indicate no objections or intention to intervene or the period for so indicating has expired.
7. To deal with Proposal of Application Notices in terms of Section 35B of the Town and Country Planning (Scotland) Act 1997 as amended, and Pre-Application Screening Notices in terms of Section 35A(3) of the Town and Country Planning (Scotland) Act 1997 as amended.
8. To determine applications for advertisement consent.
9. To determine, under the applicable Environmental Impact Assessment Regulations, whether or not a particular planning application requires to be supported by an Environmental Statement (Screening opinion) and the scope of any such Statement (Scoping opinion).
10. To determine applications related to Prior Notification for agriculture/forestry or demolition of buildings (currently made under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) schedule 1, Parts 6 & 7, and Part 23 Permitted Development Classes 18 & 21, and 70).
11. To grant Certificates of Lawfulness where in the opinion of the Head of Planning and Sustainable Development, there is no reasonable doubt that the use or development is or would be lawful without further planning approval.
12. In consultation with the Head of Legal and Democratic Services to serve:-
 - Notices requiring an application for planning permission for development already carried out
 - Planning Contravention Notices
 - Stop Notices
 - Temporary Stop Notices
 - Breach of Condition Notices

- Fixed Penalty Notices
- Notices in terms of land adversely affecting the amenity of neighbourhood

In terms of 33A, Section 125, Section 140, Section 144A to D, Section 145, Section 136A and Section 179 respectively of the Town and Country Planning (Scotland) Act 1997 as amended.

13. To take, in consultation with the Head of Legal and Democratic Services, any necessary enforcement action in respect of unauthorised advertisements, poster panels (hoardings) or fly posting.
14. To grant or refuse applications to fell, lop or top trees protected by Tree Preservation Orders or by virtue of their inclusion within Conservation Areas.
15. To approve the serving of Emergency Tree Preservation Orders subject to the appropriate Committee being informed.
16. To make observations on behalf of the planning authority on routine proposals by statutory undertakers.
17. To make observations on behalf of the planning authority to consultation requests from Aberdeenshire Council in respect of applications for development in Aberdeenshire.
18. To make any necessary changes to the wording of the development plan, prior to adoption, where those changes are drafting, or other matters of a minor nature which do not materially affect any policy or proposal in the plan.
19. To make any necessary changes to the wording of supplementary planning guidance, where those changes are drafting or technical matters or a minor nature which do not materially affect the substance or effect of the guidance.
20. To price tenders having regard to the workload and financial viability requirements.
21. To determine, following consultation with the relevant officials, the most appropriate means whereby the Council's objectives and intentions in relation to the procurement of construction projects can best be achieved.
22. To determine, following consultation with the relevant officials, the most appropriate form of contract to be adopted in the attainment of work instructed by the Council or any Committee of the Council and to take such steps as may be necessary to achieve timeous completion of work, such actions to include payment for the purchase of materials or components located outwith the works location and, in the event of liquidation or receivership, the appointment of new contractors or suppliers or manufacturers.

23. To appoint external consultants as and when necessary in connection with projects included in the Non-Housing Capital Plan or financed from appropriate revenue budgets or in connection with proposals or developments instructed by the Council or any other Committee of the Council.
24. To implement arrangements for traffic management or related street furniture.
25. In consultation with the local members and the Convener of the Communities, Housing and Infrastructure Committee, and in liaison with the Head of Legal and Democratic Services, to deal with preliminary statutory responses to traffic orders, to report to the Communities, Housing and Infrastructure Committee if concerns have been raised or to request the Head of Legal and Democratic Services to move to the main statutory stage without the prior referral of preliminary responses to Committee, if those responses contained nothing distinctive enough to raise concern that the person or organisation responding would have expected Committee-level consideration at an early stage.
26. In liaison with the Head of Legal and Democratic Services, to arrange for traffic orders to be signed, sealed and implemented without further recourse to Committee if the full-scale statutory advertisement has yielded no objections.
27. To promote the construction of new roads and infrastructure schemes where the scheme is included in the local transport strategy and associated budget costs. (Also delegated to the Head of Public Infrastructure and Environment)
28. To promote the construction of new roads and infrastructure schemes where the scheme is included in the Regional Transport Strategy, Local Transport Strategy, Structure Plan/Strategic Development Plan and Local Plan/Local Development Plan and associated budget.
29. To travel, or at his/her discretion, to authorise a senior member of staff to travel outwith the City for the purpose of visiting potential or actual manufacturers, suppliers, sub contactors, customers and other public bodies as and when necessary upon the basis that any expenditure involved be funded from the relevant Service's current revenue.
30. To take appropriate steps to publicise the achievements of the Service, particularly in relation to planning policies, development and design briefs, and its role in preserving the City's architectural heritage in so far as listed buildings and Conservation Areas are concerned.
31. To implement procedures in respect of the invitation and acceptance of tenders, the Council having made an appropriate direction in terms of Standing Order 7, and to enter into negotiations on quotations or tenders in respect of contract

material or sub-contract services where they form part of a tender on the basis that suitable records be maintained.

32. To act as “proper officer” for the purposes of the Building (Scotland) Act 2003 and to exercise the functions of the Council under the Building (Scotland) Act. In relation to dangerous buildings, take action as necessary to secure public safety. In relation to defective buildings, unauthorised works and requiring existing buildings to comply with Building Standards Regulations up to the point of making formal Orders with a value not exceeding £15,000.
33. To determine applications for building warrants subject to a right of appeal to the Committee.
34. To grant extensions to the life of building warrants and to the periods of use of buildings intended to have a limited life provided such requests are reasonable.
35. To verify or refuse Completion submissions in terms of the Building (Scotland) Act, subject to a right of appeal to the Committee.
36. To comment on behalf of the Council on Notices of Requirements served by the Firemaster under the Fire (Scotland) Act.
37. To accept, in consultation with the Conveners of the Communities, Housing and Infrastructure and Finance, Policy and Resources Committees, any tenders returned for endorsed Nestrans Capital Programme Projects with a value exceeding £150,000 but not exceeding 10% over the estimated value of the contract, and therefore according to Standing Order 76 would be subject to further approval from the Head of Legal and Democratic Services, on the authority of the appropriate Committee.
38. To initiate Right of Way Diversion Order procedures where necessary and where no formal objections are anticipated following informal local Member and community consultations.
39. To maintain a list of adopted core paths and review when appropriate.
40. To construct, alter, widen, improve or renew adopted core paths within approved budgets, including power to maintain.
41. To accept the most economically advantageous tenders for various advanced works and services required for the Aberdeen Western Peripheral Route/Balmedie-Tipperty with the Director of Corporate Governance and in consultation with the Conveners of the Communities, Housing and Infrastructure and Finance, Policy and Resources Committees subject to the receipt of approvals from other funding partners.

42. To grant construction consent for new private roads and determine the value of security to be lodged in conjunction therewith (and in the event that construction proceeds in the absence of such security instruct enforcement action) and arrange for their adoption in terms of the appropriate legislation.
43. To respond to notified changes in local bus services subject to the appropriate Committee being informed.
44. To authorise officers as required in respect of the rights of entry and inspection contained in Section 5 of Part I of the Civic Government (Scotland) Act 1982. (Also delegated to the Head of Legal and Democratic Services)
45. To authorise the issue of Certificates as required under Section 39(4) of the Civic Government (Scotland) Act 1982 regarding the compliance of vehicles, kiosks or moveable stalls with relevant regulations made under Section 1(3) of the Food Safety Act 1990.
46. To authorise the issue of Certificates as required by Section 50 of the Licensing (Scotland) Act 2005 regarding the compliance of premises with Regulations made under Section 1(3) of the Food Safety Act 1990 relating to construction, layout, drainage, ventilation, lighting and water supply or concerned with the provision of sanitary and washing facilities.
47. To take such action as is necessary with regard to the administrative arrangements under Part 1 of the Food and Environmental Protection Act 1985.
48. To authorise such persons, under section 5 of the Food Safety Act 1990, to act in matter arising under the said Act.
49. To appoint, under Regulation 5(6) of the Food Hygiene (Scotland) Regulations 2006, as authorised officers, such persons as considered necessary for the purpose of enforcing the said Regulations.
50. To designate, under Section 5 of the Public Health etc (Scotland) Act 2008, an appropriate number of competent persons for exercising, on behalf of the Authority, the functions relating to protection of public health contained in the Act.
51. To appoint as inspectors under Section 19 of the Health and Safety at Work etc. Act 1974, such persons as considered necessary for carrying into effect the Act and other relevant statutory provisions and in each case confer as required the powers to be exercised.
52. To undertake Port Health duties under the Public Health (Scotland) Act 1945 and the Airports Authority Act 1965.
53. To authorise officers to enforce the provisions of the following legislation:
Prevention of Damage by Pests Act 1949

Public Health (Scotland) Act 2008
Caravan Sites and Control of Development Act 1960
Private Water Supplies (Scotland) Regulations 2006
The Water Supply (Water Quality) (Scotland) Regulations 2000
The Housing (Scotland) Act 1987
The Housing (Scotland) Act 2006
The Housing (Scotland) Act 2001
Control of Pollution Act 1974
The Noise and Statutory Nuisance Act 1998
The Clean Air Act
Civic Government (Scotland) Act 1982
Dog Fouling (Scotland) Act 2003
Environmental Protection Act 1990 as amended by the Public Health Scotland (Act) 2008
The Control of Dogs (Scotland) Act 2010
Any other powers conferred on the Council by Environmental Health and Public Health legislation

54. To engage, as required, temporary staff in the event of an emergency mortuary being required for use, having regard to the size of the emergency.

55. To authorise officers under Section 7 of the Smoking, Health and Social Care (Scotland) Act 2005 to exercise the powers contained in Section 7 and also in Schedule 1 of the Act.

56. To appoint and thereafter authorise Licensing Standards Officers to exercise their powers in terms of Section 13 of the Licensing (Scotland) Act 2005.

57. To authorise officers to enforce the appropriate provisions of the following:-

Animal Boarding Establishments Act 1963

Animal Health Act 1981

Animal Health and Welfare (Scotland) Act 2006

Breeding of Dogs Act 1973

Breeding and Sale of Dogs (Welfare) Act 1999

Dangerous Wild Animals Act 1976

Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009

Performing Animals (Regulation) Act 1925

Pet Animals Act 1951

Riding Establishments Act 1964 and 1970

Zoo Licensing Act 1981

Animal By-Products (Scotland) Regulations 2003

Animal By-Products (Scotland) (Enforcement) Regulations 2013.

58. To authorise any official veterinary surgeon, acting for the Council, for any of the statutory purposes for which an official veterinary surgeon is required.
59. To authorise officers as required in respect of the rights of entry and inspection contained in Section 5 of Part I of the Civic Government (Scotland) Act 1982. (Also delegated to the Head of Legal and Democratic Services)
60. To appoint a chief inspector of weights and measures and authorise appropriately qualified officers to exercise the statutory functions of the Council as a Local Weights and Measures Authority.
61. To authorise officers to exercise the powers conferred on the Council by Consumer Protection/Trading Standards legislation.
62. To exercise the Council's power to grant licences in terms of the Petroleum (Consolidation) Act 1928.
63. To revoke or suspend licenses in terms of the Petroleum (Consolidation) Act 1928.
64. To authorise, sign, issue and where necessary, revoke the necessary authorisations, for Aberdeenshire Council Trading Standards staff in relation to Animal Feeding Stuffs legislation enforcement, specifically the Agriculture Act 1970 (Part IV Fertilisers and Feeding Stuffs), the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005, Official Feed and Food Controls (Scotland) Regulations 2005, Genetically Modified Animal Feed Regulations 2005 and the Transmissible Spongiform Encephalopathies (Scotland) Regulations 2010.
65. To authorise officers of the Trading Standards Service to issue, vary and revoke product safety notices under Section 14 of the Consumer Protection Act 1987 and regulations 11 to 15 of the General Product Safety Regulations 2005.
66. To appoint, under the Poisons Act 1972, such persons as considered necessary for the purpose of enforcing and exercising the powers conferred on them by the Act as it pertains to poisons in Part II of the Poisons List contained in the Act.
67. To authorise officers of the Trading Standards Service to exercise the powers contained in the Tobacco and Primary Medical Services Act 2010.
68. To lodge objections or to make representations on the Council's behalf on applications for licences and the renewal and variation

of licences, to the Council's Licensing Committee in cases where the Council are permitted by statute to object to such applications.

HEAD OF ECONOMIC DEVELOPMENT

1. To dispose of all applications for assistance under the Aberdeen Business Enterprise Scheme up to a total of £20,000 on any one occasion, subject to reports summarising any action so taken being submitted regularly to the Communities, Housing and Infrastructure Committee, for information.
2. To dispose of applications for assistance through Community Business Small Grants up to a maximum of £5,000 in any one occasion.

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DIRECTOR OF EDUCATION AND CHILDREN'S SERVICES

HEAD OF CHILDREN'S SOCIAL WORK

The undernoted powers, duties and responsibilities are delegated to the Director of Education and Children's Services and the Head of Children's Social Work. They may also be delegated where appropriate to suitably qualified and registered staff in order to provide the day to day functions of a Social Work Service on behalf of Aberdeen City Council.

- 1) To promote social welfare including giving help in kind or cash in terms of Sections 12 and 13 of the Social Work (Scotland) Act 1968 as amended.
- 2) To assess needs in terms of Section 12A of the Social Work (Scotland) Act 1968 as inserted by Section 55 of the National Health Service and Community Care Act 1990.
- 3) To bury or cremate any person who was in the care of or receiving help from the Council immediately before their death or was a child being looked after by the local authority and recover expenses in terms of Section 28 of the Social Work (Scotland) Act 1968.
- 4) To defray expenses of parents, relatives or other connected persons in respect of visiting a person, other than a child, in the care of the authority or receiving assistance from the authority or a child who is being looked after by the authority, or attending the funeral of such a person in terms of Section 29 of the Social Work (Scotland) Act 1968 as amended by paragraph 15(13) of Schedule 4 of the Children (Scotland) Act 1995.
- 5) To provide and maintain in terms of Section 59 of the Social Work (Scotland) Act 1968 such residential and other establishments as are required for the Council's functions under that Act or under Part II of the Children (Scotland) Act 1995.
- 6) To remove persons from establishments in terms of the Social Work (Scotland) Act 1968.
- 7) To inspect establishments registerable under the Social Work (Scotland) Act 1968.
- 8) To ensure that persons in establishments in the Council's area are visited from time to time in terms of the Social Work (Scotland) Act 1968.
- 9) To ensure that children looked after by the Council and people provided with assistance by the Council who are accommodated in establishments outwith the Council's area are visited in accordance with the requirements of the Social Work (Scotland) Act 1968.

- 10) To recover any charges for services provided in terms of the Social Work (Scotland) Act 1968 and the Mental Health (Scotland) Act 1984 or under or by virtue of Part II of the Children (Scotland) Act 1995 all in terms of Section 87 and Section 78A of the Social Work (Scotland) Act 1968.
- 11) To operate a procedure as approved by the Council for the receipt and investigation of complaints in terms of Section 5B of the Social Work (Scotland) Act 1968.
- 12) To provide services to chronically sick and disabled persons in terms of Section 2 of the Chronically Sick and Disabled Persons Act 1970.
- 13) To assess needs when requested to do so by a disabled person or their carer in terms of Section 4 of the Disabled Persons (Services, Consultation and Representation) Act 1986.
- 14) To assess the ability of carers to provide care in terms of Section 12A of the Social Work (Scotland) Act 1968.
- 15) To provide information on Social Work Department services and any relevant services of other authorities or organisations in terms of Section 1 of the Chronically Sick and Disabled Persons Act 1970.
- 16) To have the power to make direct payments under Section 12B of the Social Work (Scotland) Act 1968.
- 17) To provide services to safeguard and promote the welfare of children who are in need and to promote the upbringing of such children by their families in terms of Section 22(1) of the Children (Scotland) Act 1995, including giving assistance in kind or, in exceptional circumstances, in cash.
- 18) To provide accommodation for any child in the local authority area to promote or safeguard his/her welfare in terms of Section 25(1) and (2) of the Children (Scotland) Act 1995.
- 19) In conjunction with the Housing Service, to have the power to provide accommodation to persons who are over the age of 18, but not yet 21, when such provision would promote the young person's welfare in terms of Section 25(3) of the Children (Scotland) Act 1995.
- 20) To pay adoption allowances in terms of The Adoption Support Services and Allowances (Scotland) Regulations 2009.
- 21) To safeguard and promote the welfare of a child where the child is looked after by the local authority in terms of Section 17(1) of the Children (Scotland) Act 1995.
- 22) To provide advice and assistance to prepare the child for when he/she is no longer looked after by the local authority in terms of Section 17(2) of the Children (Scotland) Act 1995.

- 23) To review cases of children looked after by the local authority in terms of Section 31 of the Children (Scotland) Act 1995.
- 24) To provide accommodation and maintenance for children who are looked after by the local authority in terms of Section 26 of the Children (Scotland) Act 1995.
- 25) To remove a child from a residential establishment in terms of Section 32 of the Children (Scotland) Act 1995.
- 26) To provide advice and assistance for young persons under 19, but over school age and formerly looked after by a local authority in terms of Section 29 of the Children (Scotland) Act 1995.
- 27) To have the power to provide financial assistance towards expenses of education or training of a young person, under the age of 21, formerly looked after by the local authority, including contributions to accommodation and maintenance in terms of Section 30 of the Children (Scotland) Act 1995.
- 28) To pay allowances in terms of Section 50 of the Children Act 1975.
- 29) To cause inquiries to be made and to provide information to the Principal Reporter where compulsory measures of supervision may be necessary in respect of a child in terms of Sections 53 and 56(1) of the Children (Scotland) Act 1995.
- 30) To provide reports on children and their social background for a Children's Hearing in terms of Sections 56(2) and/or (7) of the Children (Scotland) Act 1995.
- 31) To put into effect a supervision requirement made by a Children's Hearing in terms of Section 71(1) of the Children (Scotland) Act 1995.
- 32) To recommend a review of a supervision requirement made by a Children's Hearing by referral of the case to the Principal Reporter in terms of Section 73(4) of the Children (Scotland) Act 1995.
- 33) To recover contributions in respect of children who are looked after by the authority in terms of Section 78A of the Social Work (Scotland) Act 1968.
- 34) To recover contributions that have not been paid in terms of Section 82 of the Social Work (Scotland) Act 1968.
- 35) On behalf of the Chief Executive of the Council to prepare and publish a plan for the provision of relevant services for, or in respect of, children in the local authority area in terms of Section 19 of the Children (Scotland) Act 1995.
- 36) To prepare and publish information about relevant services for children in the local authority area in terms of Section 20 of the Children (Scotland) Act 1995.

- 37) To request help in the exercise of any functions that the local authority has under Part II of the Children (Scotland) Act 1995 from any of the specified persons in terms of Section 21 of the Children (Scotland) Act 1995.
- 38) To provide day care for children in need within the local authority who are aged 5 or under and who have not yet started school in terms of Section 27(1) of the Children (Scotland) Act 1995.
- 39) To provide appropriate care for school children in need within the local authority area outside school hours or during school holidays in terms of Section 27(3) of the Children (Scotland) Act 1995.
- 40) To assess the need for the provision of social work services to any young person reaching school leaving age who is regarded as disabled in terms of the Disabled Persons (Services, Consultation and Representation) Act 1986.
- 41) To provide a report to the Court, on request, where the Court is considering any question relating to the care and upbringing of a child in terms of Section 11(1) of the Matrimonial Proceedings (Children) Act 1958.
- 42) To ensure that services provided under Section 22 of the Children (Scotland) Act 1995 to a child with or affected by a disability are designed to minimise the effect of his/her disability, or to minimise the effect of the disability of a family member on the child and to provide the opportunity for the child to lead as normal a life as possible in terms of Section 23(1) of the Children (Scotland) Act 1995.
- 43) To carry out an assessment (if asked to do so by the child's parent or guardian) of the child or any other person in his/her family in order to ascertain the child's needs as insofar as they are attributable to his/her disability or that of the other person in terms of Section 23(3) of the Children (Scotland) Act 1995.
- 44) To assess a carer's ability to provide, or to continue to provide, care for the child when asked to do so by the carer in terms of Section 24 of the Children (Scotland) Act 1995.
- 45) Upon receipt of notification in terms of Section 36(1) of the Children (Scotland) Act 1995 to determine whether the child's welfare is adequately safeguarded and whether to exercise any functions under the Act in terms of Section 36(2).
- 46) To provide short-term refuge to children who appear to be at risk of harm and who themselves request to be provided with such refuge in terms of Section 38 of the Children (Scotland) Act 1995.
- 47) To designate residential establishments and households as short-term refuges for children for the purposes of Section 38 of the Children (Scotland) Act 1995.

- 48) To have the power to apply to a Sheriff for a child assessment order in terms of Section 55 of the Children (Scotland) Act 1995.
- 49) To have the power to apply to a Sheriff for a child protection order in terms of Section 38 of the Children's Hearings (Scotland) Act 2011.
- 50) To have the power to apply to a Justice of the Peace for emergency child protection measures in terms of Section 61 of the Children (Scotland) Act 1995.
- 51) To agree, with the person in charge of the establishment, the period during which a child shall be liable to be placed and kept in a secure accommodation in terms of Section 70(9)(a), 9A and (b) and 70(10) of the Children (Scotland) Act 1995.
- 52) To have the power to apply to a Sheriff for an exclusion order in terms of Section 76 of the Children (Scotland) Act 1995.
- 53) To have the power to apply for the attachment of a power of arrest at any time while an exclusion order has effect in terms of Section 78(2) of the Children (Scotland) Act 1995.
- 54) To allow reasonable contact with relevant persons for a child in respect of whom a parental responsibilities order has been made in terms of the Children (Scotland) Act 1995.
- 55) To promote the welfare of a child throughout his/her life as the paramount consideration and have regard to his/her views and his/her religious persuasion, racial origin and cultural and linguistic background, so far as practicable in reaching any decision in relation to the adoption of a child in terms of Section 14 of the Adoption and Children (Scotland) Act 2007.
- 56) To consider whether adoption is in the best interests of the child or whether there is a better, practicable alternative in terms of Section 14 of the Adoption and Children (Scotland) Act 2007 and Section 96 of the Children (Scotland) Act 1995.
- 57) To investigate the circumstances and submit a report to the Court in respect of a child for whom an adoption order is being sought by a person or persons in terms of Section 19 of the Adoption and Children (Scotland) Act 2007.
- 58) To have the power to cause an inquiry to be held into the local authority's functions under the Children (Scotland) Act 1995 insofar as those functions relate to children in terms of Section 6B of the Social Work (Scotland) Act 1968 and Section 100 of the Children (Scotland) Act 1995.
- 59) To provide post adoption support services for children, adopters and any one else affected by adoption, related to adoption and services for adopted adults in terms of the Adoption and Children (Scotland) Act 2007 and The Adoption Support Services and Allowances (Scotland) Regulations 2009.

- 60) To accept or not accept any person for assessment as a prospective adopter in accordance with the provisions of the Adoption Agencies (Scotland) Regulations 2009.
- 61) To assess prospective adopters in accordance with the provisions of the Adoption Agencies (Scotland) Regulations 2009.
- 62) To establish an adoption panel in terms of Regulation 3 of the Adoption Agencies (Scotland) Regulations 2009.
- 63) To approve prospective adopters in accordance with the provisions of the Adoption Agencies (Scotland) Regulations 2009.
- 64) To place or secure the placing of a child for adoption with prospective adopters in accordance with the provision of the Adoption Agencies (Scotland) Regulations 2009.
- 65) To submit to the Court a report on the suitability of applicants for an adoption order where a child has been placed for adoption by the Council and to assist the Court in any manner the Court may direct all in terms of Section 17 of the Adoption and Children (Scotland) Act 2007.
- 66) To assess and approve foster carers in accordance with the provisions of the Looked After Children (Scotland) Regulations 2009.
- 67) To place a child in a foster placement in accordance with the provisions of the Looked After Children (Scotland) Regulations 2009.
- 68) To establish a fostering panel in terms of Regulation 17 of the Looked After Children (Scotland) Regulations 2009.
- 69) To arrange for visits to be made to a child or young person in relation to when parental rights and responsibilities have been transferred to the local authority in terms of Section 10 of the Mental Health (Scotland) Act 1984.
- 70) To review childminding, day care and education services for children under eight in terms of Section 19 of the Children Act 1989.
- 71) To ensure that the corporate parenting responsibilities of the Council are addressed through the Children's Services planning process, including the development of an action plan and the publication of baseline data on children in need.

HEAD OF EDUCATION SERVICES

- 1) To grant applications for permission to use accommodation within the Art Gallery, Provost Skene's House and the Maritime Museum on the usual terms, conditions and charges applying thereto, on the understanding that the Director will refer to the Education and Children's Services Committee for decision, any application which s/he is not prepared to grant or where s/he wishes to modify the usual terms, conditions and charges applying.
- 2) To purchase any works of art or museum exhibits within such financial limit as may be fixed from time to time by the Council, subject to the purchase price being within approved expenditure, to the prior approval of the Convener of the Finance, Policy and Resources Committee being obtained and in consultation with the Convener of the Education and Children's Services Committee.
- 3) To make bookings for exhibitions, recitals and other cultural events.
- 4) To grant permission to reproduce works of art in approved publications and to impose the appropriate charges.
- 5) To visit, or to appoint a member of staff to visit, such institutions, exhibitions and galleries as s/he may consider necessary subject to the prior approval of the Convener of the appropriate Committee being obtained unless otherwise instructed by the Committee.
- 6) To grant loans of items from the collections held by the Council to outside bodies.
- 7) To purchase equipment and services for which the expenditure involved has been approved by the Council.
- 8) Relating to persons employed as teachers in educational establishments (including instrumental music instructors in schools, advisers and educational psychologists) in application of Conditions of Service (in conjunction with the Head of Human Resources and Organisational Development) to make minor changes to gradings and in certain circumstances create temporary posts.
- 9) To limit the capacity of a particular school in the event of over subscription (with due regard to relevant legislation).
- 10) To make the arrangements to implement the increases in pre-school education entitlement in local authority and partner provider nurseries and playgroups as agreed from August 2010.
- 11) To grant consent to parents to home educate and to serve notices under Section 37(1) of the Education (Scotland) Act 1980.
- 12) To authorise the approval of early retirement requests from teachers in accordance with agreed policy, subject to retrospective reports being submitted to the Education and Children's Services Committee.

- 13) To offer recruitment and retention incentive payments for hard to fill teaching posts.
- 14) To make decisions as to the management of roll capping and the reservation of school places in both primary and secondary school, within existing Council policy, subject to all uses of this delegation being reported to Committee by way of the information bulletin.

HEAD OF INCLUSION

- 1) The approval of the appointment of pupil support assistants for children with special needs in schools.
- 2) To grant consent to parents to home educate and to serve notices under Section 37(1) of the Education (Scotland) Act 1980.
- 3) To sign and date Co-ordinated Support Plans in accordance with the Education (Additional Support for Learning) (Scotland) Act 2004 - Education (Co-ordinated Support Plan) Scotland Regulations 2005.

HEAD OF POLICY, PERFORMANCE AND RESOURCES

- 1) To set fees and charges to agencies and other bodies using Learning Services.
- 2) To refuse any application for a let if in the opinion of the relevant Head of Service there are grounds for doing so.
- 3) In relation to the catering service, to approve further internal delivery adjustments in conjunction with the Director of Corporate Governance and in consultation with the Head of Finance, the Head of Legal and Democratic Services and the Convener of the Finance, Policy and Resources Committee.
- 4) To make the necessary financial, legal and technical decisions, based on professional advice in relation to capital and revenue based school building and refurbishment projects within Education and Children's Services.

CHIEF OFFICER, ADULT HEALTH AND SOCIAL CARE

HEAD OF ADULT SOCIAL CARE SERVICES

- 1) To provide home help facilities in terms of Section 14 of the Social Work (Scotland) Act 1968.
- 2) To bury or cremate any person who was in the care of or receiving help from the Council immediately before their death or was a child being looked after by the local authority and recover expenses in terms of Section 28 of the Social Work (Scotland) Act 1968.
- 3) To defray expenses of parents, relatives or other connected persons in respect of visiting a person, other than a child, in the care of the authority or receiving assistance from the authority or a child who is being looked after by the authority, or attending the funeral of such a person in terms of Section 29 of the Social Work (Scotland) Act 1968 as amended by paragraph 15(13) of Schedule 4 of the Children (Scotland) Act 1995.
- 4) To remove persons from establishments in terms of the Social Work (Scotland) Act 1968.
- 5) To inspect establishments registerable under the Social Work (Scotland) Act 1968.
- 6) To ensure that persons in establishments in the Council's area are visited from time to time in terms of the Social Work (Scotland) Act 1968.
- 7) To recover any charges for services provided in terms of the Social Work (Scotland) Act 1968 and the Mental Health (Scotland) Act 1984 or under or by virtue of Part II of the Children (Scotland) Act 1995 all in terms of Section 87 and Section 78A of the Social Work (Scotland) Act 1968.
- 8) To prepare a plan for the provision of community care services in the Council's area in terms of Section 5A of the Social Work (Scotland) Act 1968 as inserted by Section 52 of the National Health Service and Community Care Act 1990.
- 9) To operate a procedure as approved by the Council for the receipt and investigation of complaints in terms of Section 5B of the Social Work (Scotland) Act 1968.
- 10) To make arrangements with voluntary or other organisations or persons for residential accommodation where nursing is provided for people who appear to need such accommodation in terms of Section 13A of the Social Work (Scotland) Act 1968 as inserted by Section 56 of the National Health Service and Community Care Act 1990.
- 11) To provide services to chronically sick and disabled persons in terms of Section 2 of the Chronically Sick and Disabled Persons Act 1970.

- 1) To assess needs when requested to do so by a disabled person or their carer in terms of Section 4 of the Disabled Persons (Services, Consultation and Representation) Act 1986.
- 2) To assess the ability of carers to provide care in terms of Section 12A of the Social Work (Scotland) Act 1968.
- 3) To provide information on Social Work Department services and any relevant services of other authorities or organisations in terms of Section 1 of the Chronically Sick and Disabled Persons Act 1970.
- 4) To have the power to make direct payments under Section 12B of the Social Work (Scotland) Act 1968.
- 12) To make arrangements for the provision, equipping and maintenance of residential accommodation and the care of the person for the time being resident in accommodation so provided in terms of the Mental Health (Scotland) Act 1984.
- 13) To make arrangements for the exercise by the Council of its functions in respect of persons under guardianship in terms of the Mental Health (Scotland) Act 1984.
- 14) To make arrangements for the provision of any ancillary or supplementary services in terms of Section 7(1)(c) of the Mental Health (Scotland) Act 1984.
- 15) To make arrangements for the supervision of persons suffering from mental handicap who are neither liable to detention in a hospital nor subject to guardianship in terms of the Mental Health (Scotland) Act 1984.
- 16) To provide after care services for any persons who are or have been suffering from mental disorder in terms of the Mental Health (Scotland) Act 1984.
- 17) To appoint Mental Health Officers in terms of the Mental Health (Scotland) Act 1984.
- 18) To receive patients who have attained the age of 16 years into guardianship in terms of the Mental Health (Scotland) Act 1984.
- 19) To provide or secure the provision of suitable training and occupation for persons suffering from mental handicap who are over school age within the meaning of the Education (Scotland) Act 1980 in terms of the Mental Health (Scotland) Act 1984.
- 20) To petition for the appointment of a curator bonis and to carry out duties in respect of protection of property of patients in terms of the Mental Health (Scotland) Act 1984.
- 21) To authorise Mental Health Officers to enter and inspect premises and to provide information for the purpose of the issue of a warrant to search for and remove patients in terms of Section 117 of the Mental Health (Scotland) Act 1984.

- 22) To make arrangements for the exercise by the Council of its functions in respect of persons under the Mental Health (Care and Treatment) (Scotland) Act 2003 and the Adults with Incapacity (Scotland) Act 2000 including
 - a) To make arrangements for the provision, equipping and maintenance of residential accommodation and the care of the person for the time being resident in accommodation so provided
 - b) To apply for and implement welfare and financial guardianships or intervention orders and any other ancillary or supplementary services or orders under the Adults with Incapacity (Scotland) Act 2000
 - c) To appoint Mental Health Officers
 - d) To make arrangements for the supervision and provision of services for people who are the subject of Compulsory Treatment Orders whether community or hospital based
 - e) To make arrangements for provision of any ancillary or supplementary services.
- 23) To apply for orders under Section 47 of the National Assistance Act 1948 removing people in need of care and attention to suitable premises.
- 24) To provide temporary protection under Section 48 of the National Assistance Act 1948 for the moveable property of people admitted to hospital, residential establishments and other places.
- 25) To supervise and care for persons put on probation, released from prison or subject to a Community Service Order and to provide the necessary social background reports and other reports to the Court as required in terms of Section 27 of the Social Work (Scotland) Act 1968.
- 26) To provide supervision for the purpose of assisting and advising an offender in regard to payment of a fine in terms of Section 217 of the Criminal Procedure (Scotland) Act 1995.
- 27) To supervise people placed on a Supervised Attendance Order for default of a fine in terms of Section 235, 236 or 237 of the Criminal Procedure (Scotland) Act 1995.
- 28) To supervise people placed on a Drug Treatment and Testing Order in terms of Sections 89-95 of the Crime and Disorder Act 1998.
- 29) To jointly establish arrangements with other Responsible Authorities for the assessment and management of the risks posted by certain high risk offenders as defined by Section 10 of the Management of Offenders etc (Scotland) Act 2005.
- 30) To provide a throughcare service to prisoners during their period of imprisonment and who will be subject to supervision following release as specified by Section 71 of the Criminal Justice (Scotland) Act 2003.

- 31) Jointly with Scottish Ministers to establish arrangements for the assessment of management of the risks posed by custody and community prisoners in accordance with Section 7 of the Custodial Sentences and Weapons Act 2007.
- 32) To make provision for the safeguarding of vulnerable adults in terms of the Adult Support and Protection (Scotland) Act 2007.
- 33) To make provision for and enable access to self directed support across care groups in terms of the Social Care (self-directed Support) (Scotland) Act 2013.
- 34) To agree funding for care packages subject to the agreed financial guidance.
- 35) To consider each application for Home Care on its merits and to vary the charge at their discretion.

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Financial Regulations, Management & Control

A Code of Practice

*Version 1
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Approved by Finance, Policy and Resources Committee on*

Financial Regulations, Management & Control – A Code of Practice

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Part One

FINANCIAL REGULATIONS

FINANCIAL REGULATIONS

1. INTRODUCTION

Financial Regulations are an integral part of the stewardship of Council Funds. Adhering to the Regulations ensures that all financial transactions of the Council are conducted in a manner which demonstrates openness, integrity and transparency. They form a significant part of the Corporate Governance of the Council.

Failure to comply with the requirements contained within this Code and the associated guidance and procedures will result in an investigation under the Council's Conditions of Service, Disciplinary and Appeals Procedure.

2. FORMAT

Previous versions of the Regulations have provided statements of general rules, some in more detail than others. In many instances the Regulations had to be read in conjunction with procedure manuals, codes of practice and other documents.

This latest version of the Regulations takes proper account of these other documents by providing references to the appropriate documents. Some of the linked documents are intended for internal use and can only be accessed through the Council's Intranet site.

3. RESPONSIBILITIES & OBSERVANCE OF FINANCIAL REGULATIONS

GENERAL RESPONSIBILITIES

All officers employed by the Council, or by a company/trust etc. associated with the Council, whether or not their financial statements are consolidated in the Group Accounts of Aberdeen City Council, must ensure that all financial transactions are Intra Vires.

In the cases of doubt officers must consult the Head of Legal and Democratic Services (the Monitoring Officer) before incurring or legally committing to expenditure.

3.1 Responsibility of the Head of Finance

It shall be the responsibility of the Head of Finance, or designated officer, to ensure that this Control Code of Practice is kept up to date and monitored for its effectiveness. Changes in Statute, professional guidance or Council policy that have a financial impact shall be reflected in the Code. The Head of Finance shall determine the detailed form of capital and revenue estimates. It shall be the responsibility of the Head of Finance to keep Councillors informed at all times on financial matters.

It shall be the responsibility of the Head of Finance, in conjunction with the Director of Corporate Governance, to ensure that the Chief Executive and Councillors are provided with an annual governance statement. Directors and Chief Executives /

Managing Directors of associated or subsidiary companies and trusts will provide such assistance as the Head of Finance may require to provide assurance to the Chief Executive and Councillors.

3.2 Responsibility of Directors

It shall be the duty of each Director to ensure that this Code of Practice and all associated procedure manuals and documents as listed in Section 4 are made known to appropriate staff members and shall ensure full compliance with them. Each Director shall prepare revenue and capital estimates in respect of their Service after consultation with the Head of Finance. Directors are also responsible for the preparation of Service Plans and relevant business cases relating to their Service. Directors shall ensure that the Head of Finance is informed of financial matters that will have a significant impact on the Service, seeking financial advice where necessary.

Directors shall ensure that arrangements are in place to properly establish the correct liability, process and accounting for VAT. For major works, service transformation and other changes in service delivery, the Head of Finance must be consulted on the financial impacts, including VAT implications.

Any VAT debt, including associated interest and/or penalty, arising from failure to adhere to this may be recovered against the budget of the particular Service.

Similarly, any associated interest and/or penalty arising from improper operation of a tax in general may be recovered against the budget of the particular Service.

Directors, in conjunction with Heads of Service are also responsible for the submission of a Certificate of Assurance on the Effectiveness of Internal Financial Controls on an annual basis.

3.3 Responsibility of Chief Executives / Managing Directors of Associated or Subsidiary Companies, Trusts, etc

It shall be the responsibility of all Chief Executives / Managing Directors of associated or subsidiary companies, trusts etc whose accounts form part of the Council's Group Accounts to adhere to the principles of good financial management as contained in this Code of Practice and, in the absence of their own, the procedures manuals and documents referred to in section 4.

It is recognised that related companies and charitable trusts will be required to operate to different standards of financial accounting and reporting, e.g. standards pertaining to Charities. In all other matters Chief Executives / Managing Directors will be expected to follow the principles laid down in these codes.

Chief Executives / Managing Directors are also responsible for the submission of a Certificate of Assurance on the Effectiveness of Internal Financial Controls on an annual basis.

3.4 Responsibility of the Head of IT, Customer Service and Performance

The Director of Corporate Governance has ultimate responsibility for the provision of the Internal Audit service to the Council. The management of Internal Audit is under the control of the Head of IT, Customer Service and Performance. The Head of IT, Customer Service and Performance also has a responsibility to ensure that all

internal audit functions within the Council operate to a consistent standard that accords with best practice.

The Internal Audit Manager (whether employed or engaged to act on behalf of the Council) or duly authorised representative may: -

- (i) Enter at all reasonable times any Council operated premises or land.
- (ii) Have access to all records (electronic or manual), documents and correspondence relating to any financial or other transaction of the Council.
- (iii) Require and receive such explanations as are necessary concerning any matter under examination.
- (iv) Require any employee to produce cash, stores, or any other Council property under his or her control.
- (v) Examine financial records of organisations in receipt of grant aid from the Council.

The Internal Audit Manager may from time to time be procured / engaged from an appropriate source that is external to the Council. These auditors are the Council's representatives and will be afforded the same rights and privileges as an employee operating as an Internal Auditor. The Director of Corporate Governance will ensure that all contracts with outside partners afford auditors (whether employed directly by or engaged by Internal or External Audit) full access rights as listed above.

Whenever any matter arises which involves, or is thought to involve, irregularities concerning funds, stores or other property of the Council or associated or subsidiary companies and trusts or any suspected irregularity in the exercise of the functions of the authority, the Director or Chief Executive / Managing Director concerned shall notify in writing to the Head of Finance and Head of IT, Customer Service and Performance who will agree to take whatever steps are necessary by way of investigation and report.

Reference should be made to section 5.16 below for further information on the Internal Audit function.

3.5 Responsibility of the Head of Legal and Democratic Services

The Head of Legal and Democratic Services (the Monitoring Officer) will provide advice on the legal powers the Council has to act and the legality or otherwise of proposed income and expenditure.

The Head of Legal and Democratic Services shall deal with reported irregularities in accordance with the Council's Whistleblowing Policy and following consultation with the Chief Executive or Director of Corporate Governance shall, where appropriate, report the matter to the Police.

A register of matters relating to Fraud, Bribery and Corruption and Whistleblowing will be retained by the Head of Legal and Democratic Services and a report on matters arising from concluded investigations will be presented to the Audit, Scrutiny and Risk Committee no less than annually.

3.6 Councillors

A Committee of the Council shall be charged with overseeing the work of the Audit function. The terms of reference for the Committee will be published in accordance with the standing orders of the Council. The Committee responsible for oversight of the audit function is the Audit, Scrutiny and Risk Committee. A full copy of the committee's terms of reference can be found on the Council's Internet site.

3.7 External Audit

The Council's External Auditor shall have the right to demand access to all records (electronic or manual), documents and correspondence relating to any financial or other transactions of the Council and receive such explanations as are necessary concerning any matter under examination. Officers of the Council, officers in associated or subsidiary companies, trusts etc and officials of grant aided bodies will ensure that these rights are given to the Council's External Auditors.

3.8 Observance

Any breach or non-compliance with these Regulations must, on discovery, be reported immediately to the Head of Finance who may consult the Chief Executive and/or the Director considered appropriate in order to determine the proper action to be taken.

For the avoidance of doubt the breach of or non-compliance with these Regulations may result in Council's disciplinary policy being applied to the relevant individuals.

4. ASSOCIATED CODES, PROCEDURE MANUALS AND DOCUMENTS

The following is a list of codes of practice, procedure manuals and other documents that form an integral part of the Financial Regulations.

4.1 Standing Orders Relating to Contracts

This document supports the Financial Regulations.

[Standing Orders Relating to Contracts & Procurement](#)

The Head of Legal and Democratic Services, in conjunction with the Head of Commercial and Procurement Services, is responsible for the maintenance of this document.

Reference should also be made to sections 5.11 and 5.12 below in relation to purchasing and contractors / sub-contractors.

4.2 Whistleblowing Policy

This document, produced by the Head of Legal and Democratic Services, sets out the Council's policy with regard to whistleblowing. It is intended to cover concerns that are in the public interest.

[Whistleblowing Policy](#)

The Head of Legal and Democratic Services is responsible for the maintenance of

this document.

4.3 Fraud, Bribery and Corruption Policy

This document, produced by the Head of Finance, in conjunction with the Head of Legal and Democratic Services, sets out the Council's policy on the prevention, detection and investigation of fraud, bribery and corruption.

Fraud, Bribery and Corruption Policy

4.4 Risk Management

The Risk Management Policy and Strategy contain the procedures to be adopted to ensure risk is properly identified and appropriate mitigating control actions are put into place.

Risk Management Policy & Strategy

The Head of IT, Customer Service and Performance is responsible for the maintenance of these documents.

4.5 Scheme of Delegation

Scheme of Delegated Powers

The Head of Legal and Democratic Services is responsible for maintenance of this document.

Each Director shall adopt an appropriate system of delegation that fits with the Council's Scheme of Delegation.

4.6 Corporate Governance

Each Director and Chief Executives / Managing Directors of associated or subsidiary companies, trusts, etc shall ensure that their service/organisation has sound Corporate Governance arrangements in place. Each service and associated or subsidiary company will provide a return each year setting out adherence to these requirements.

The Council will regularly scrutinise the governance arrangements and performance of associated or subsidiary companies, trusts, etc in line with its Arms Length External Organisation (ALEO) governance framework, as approved by the Audit, Scrutiny and Risk Committee.

4.7 Following the Public Pound

The Council's procedures relating to grants to external bodies are documented in Following the Public Pound Local Code of Practice.

Following the Public Pound Local Code of Practice

4.8 Treasury Management

All cash and bank transactions shall comply with the requirement of the CIPFA Code of Practice on Treasury Management in public services. The Head of Finance shall

submit an annual treasury management strategy and investment strategy prior to the new financial year; a treasury management and investment annual report and a mid-year review of the treasury management and investment strategy and performance.

Treasury Management Policy Statement and Strategy

4.9 Travel Procedures

These procedures detail the arrangements for arranging and paying for Councillors and officers travel.

Corporate Travel

These arrangements can only be varied by agreement with the Head of Finance.

GUIDANCE TO BEE ADDED TO REFER TO THE NEW CORPORATE TRAVEL POLICY.

Important

These guidelines must be completed and approved **BEFORE** making any travel arrangements.

4.10 Councillors Expenses

The Scottish Government has laid down arrangements for the payment of Councillors' expenses.

Councillors Remuneration, Allowances and Expenses

National Guidance

Councillors, and officers supporting them, will comply with these regulations.

The Head of Finance has issued guidance to the Chief Executives / Managing Directors of associated or subsidiary companies, trusts etc informing them that any reimbursement of expenses and allowances made by external bodies to Councillors must be made in accordance with the regulations noted above.

4.11 Money Laundering

Notes on the legal and regulatory requirements relating to the handling of money which could have come from the proceeds of crime have been issued to help protect the Council and individual officers from the potential impact of criminals using the Council to launder money.

Money Laundering Guidance

Online Interactive Learning - Courses

The Internal Audit Manager is the officer responsible for reporting suspected Proceeds of Crime Act offences.

4.12 Information Security

The Council has an Information Security Policy which is supported by a number of additional guides. The aim is to ensure that everyone is aware that the information we use as part of our day-to-day work should be protected, held securely and handled with care.

[ICT Acceptable Use Policy](#)

[Councillor ICT Acceptable Use Policy](#)

[ICT Security web pages](#)

Security / Retention of records

Each Director shall be responsible for maintaining proper security, custody and control of all records (both electronic and paper records) within their Service. The Director of Corporate Governance is explicitly authorised to issue rules relating to information management, after consultation with the Convener of Audit, Scrutiny and Risk Committee, whose remit includes responsibility for governance, and the Corporate Management Team.

The retention period for all books, forms and records related to financial matters shall be determined and shall be issued jointly by the Director of Corporate Governance and Head of Finance.

Directors will, in the absence of a relevant rule, determine retention periods for non-financial records taking due cognisance of any legislative requirements where appropriate. This should be done in conjunction with the Head of IT, Customer Service and Performance.

[Information Compliance web pages](#)

Data Protection

Each Director shall be responsible for the use and security of all personal data within their service. Any queries concerning Data Protection issues shall be addressed to the Council's Head of Legal and Democratic Services.

[Data Protection web pages \(including Data Protection Policy\)](#)

4.13 Bribery Act 2010

Aberdeen City Council recognises its responsibilities under the Bribery Act 2010. The Council is an employer and a provider or procurer of works, goods and services, and as such it will not tolerate any contravention of the Act. The Council will not employ individuals, nor conduct business with any individual or third party which does not abide by the terms of the Act.

[Anti Bribery Policy Statement](#)

4.14 Codes of Conduct

Though not specifically finance, Aberdeen City Council expects all Councillors and Officers to adhere to the relevant codes of conduct.

Employee Code of Conduct

Councillor Code of Conduct

5. GOOD PRACTICE NOT COVERED IN INDIVIDUAL CODES

The following Good Practice Statements must be observed by all officers. Failure to do so places not only the Council's assets at risk but could place officers in an invidious position in any investigation.

5.1 Internal Check

The following principles shall be observed in the allocation of duties: -

- (i) Procedures to be followed regarding the calculation, checking and recording of sums due by or to the Council shall be arranged in such a way whereby the work of one person is proven independently or is complementary to the work of another and these operations shall be separated from the duty of collecting or disbursing such sums.
- (ii) Officers charged with the duty of examining and checking the accounts of cash transactions shall not themselves be participants or beneficiaries in any of these transactions.

5.2 Cash, Banking, and Security

5.2.1 General

Income is an essential source of financing many of the Council's services and therefore the system for collection of income needs to meet the following objectives:

- all income, including Council Tax, Business Rates, Council rents, VAT, etc. due to the Council is identified and maximised;
- all collections are recorded and banked promptly and completely;
- the accounting records and debtor accounts are properly and promptly updated.

Each Director/Head of Service is responsible for the prompt and complete collection, of income, ensuring that accurate records are maintained for all income received (or that should be received) by their Service.

Each Director/Head of Service shall review regularly all charges for services rendered and make recommendations to the appropriate Committee for their approval. This must be done in consultation with the Head of Finance.

All monies received on behalf of the Council (subject to a de minimus value of £5.00) must be immediately recorded by the issue of a receipt, controlled ticket or by direct entry into a receipting system. Such methods must be approved by the Head of Finance.

Documents should be retained securely in accordance with the Council's document retention policy.

5.2.2 Treatment of Monies Collected

- All monies received shall be paid into the Council's bank accounts daily or remitted to the Head of Finance without delay at such intervals as may be approved by the Head of Finance.
- All money received by an officer on behalf of the Council shall without delay be reconciled and remitted to the Head of Finance, or as otherwise directed, to the Council's bank accounts.
- No deduction may be made from such money save to the extent that the Head of Finance may specifically authorise.
- Each officer who banks money shall enter on the paying-in slip a reference to the source of the income.
- Maximum limits for cash holdings shall be agreed with the Head of Finance and shall not be exceeded without express permission.

5.2.3 Forms, Books and Tickets

All receipt forms, books, tickets and other such items shall be ordered and supplied under arrangements approved by the Head of Finance.

5.2.4 Personal Cheques

Personal cheques from Council staff shall not be cashed out of monies held on behalf of the Council.

5.2.5 Transfers of Money

Every transfer of Council money (cash or cheques) from one member of staff to another will be evidenced in the records of the services concerned by the signature of the receiving officer.

5.2.6 Arrangements with Bankers

All arrangements with the Council's Bankers concerning the Council's bank accounts and the issue of cheques, BACS, CHAPS and other forms of payment shall be made by the Head of Finance or another authorised bank signatory.

The Head of Finance shall make all arrangements with the Council's Bankers concerning the use of purchase cards and credit cards.

5.2.7 Opening and Closing of Bank Accounts

The bank account of the Council will be opened with the Bank selected by the Finance, Policy and Resources Committee following a suitable procurement process. Where required the Head of Finance will arrange for subsidiary accounts to be opened with the Bank. Therefore all banking arrangements,

including the opening and closing of bank accounts, the approval of authorised signatories, the direction for withdrawals, the ordering and issuing of cheques and day to day operation of all bank accounts shall be made with the approval of the Head of Finance, or nominated officer

All bank accounts opened for use in and for the benefit of Council services shall be in the name, or incorporate the name, of Aberdeen City Council and will not be in the name of any officer or designation. The one exception, subject to the agreement of Internal Audit, is that Social Care and Wellbeing may open accounts in trust for individual clients under the name of the Director/Head of Service and the client

5.2.8 Cheque Control

- All cheques and other documents, but excluding cheques drawn on authorised Imprest accounts, shall be ordered only on the authority of the Head of Finance who shall make proper arrangements for their safe custody.
- Cheques on the Council's main bank accounts shall bear the facsimile signature of the Head of Finance and/or other officer authorised by the Council.

5.2.9 Safe Keys

Keys to safes and similar security boxes are to be carried on the person of those responsible at all times. Keys should be locked overnight in a secure key box or taken home by the responsible person. The loss of any such keys must be reported immediately to the Head of Finance. A register of all such key holders shall be maintained by each Director.

5.2.10 Purchase Cards

Purchase cards allow goods and services to be purchased and charges made electronically. Purchase cards are for business use only and must not be used for personal purchases.

All purchases made with a Council purchase card must be supported by a VAT receipt where relevant. If there is any doubt about whether a VAT receipt is required, clarification should be sought.

Reference to internal guidance will be included when it is available.

5.2.11 Imprests / Petty Cash

The Head of Finance will provide such imprests as considered appropriate for such officers of the Council as may require them for the specific purpose of meeting minor expenses.

Such officers will be personally responsible for imprests which they hold, and, on leaving the employment of the Council or otherwise ceasing to be entitled to hold an imprest, they shall account to the Head of Finance for the amount advanced. A formal record of this accounting will be retained within the service concerned for inspection.

Such imprests held within Services are to be recorded and controlled by the appropriate Director/Head of Service with arrangements made, by them, to include authorisation levels, general security and regular annual checks.

In addition imprests are to be reconciled at regular intervals (no less than quarterly) to the Service's own records and to the financial ledger.

Income received on behalf of the Council cannot be paid into an imprest account, instead must be deposited in the Authority's main bank account(s), or paid over to the Authority in a form as provided elsewhere in these Regulations.

All imprest accounts will be maintained in accordance with guidance issued by, and under the general direction of, the Head of Finance.

5.3 Monies Owed to the Council

5.3.1 General

This refers to, but is not limited to, Charges for Services; Rent; Council Tax; Community Charge; Business Rates; Car Parking and Bus Lane Enforcement Fines.

The collection of debtor accounts shall be administered through the Finance Service, unless otherwise agreed with the Head of Finance.

Wherever possible monies owed should be collected prior to the supply of the goods and services, especially when dealing with companies or persons from outside the UK.

VAT must be applied in compliance with VAT legislation and advice must be sought from the Head of Finance to establish the correct treatment

5.3.2 Debtor Accounts

No debtors invoice should be raised for a value less than £20 (excluding VAT), unless prior dispensation has been granted by the Head of Finance.

If the charge is for a low value then the Service should reduce the frequency of billing. Where charges between Services require to be applied then advice must be sought from the Head of Finance on the most suitable process to achieve this and to ensure that appropriate records are maintained.

Where a service or business need exists invoicing in arrears is permitted, however this should be clearly documented and approved by the Director, and the Head of Finance should be notified so that appropriate accounting treatment can be applied to that are of Service.

Invoices will clearly state the description and relevant details, including cost and VAT where applicable, of the goods / services supplied by the Council. For further information on VAT see section 5.13 below.

5.3.3 Record Keeping

Directors must ensure that adequate supporting information is prepared and retained to support the charges levied for every account raised.

The Head of Finance must maintain adequate accounting arrangements to ensure the prompt and proper recording of all money due to the Council.

The Director of Communities, Housing and Infrastructure must maintain records for the Head of Finance regarding rentals due and payments made towards the amounts due for every housing property. Similarly the Director must maintain records regarding lease arrangements entered into and payments made towards the amounts due for every industrial and commercial property, whether held by the Council, Common Good or Trusts.

The Director of Communities, Housing and Infrastructure must also maintain a record of fines issued in relation to Car Parking and Bus Lane Enforcement. Details must be available to the Head of Finance of fines issued in order to complete the appropriate accounting transactions, including the value of sums collected and reasons and values of fines cancelled and written off

5.3.4 Uncollectable / Bad Debt and Write Off of Debt

The Head of Finance is responsible for setting the accounting policy on uncollectable and bad debt. Appropriate provisions for bad debt will be taken into account when preparing the annual Statement of Accounts.

Where the Head of Finance, or nominated officer(s), considers a debt to be uncollectable they must prepare and retain a schedule of debtors showing home addresses, amounts due, and reason for the debt. Such arrears may be discharged on the authority of the Head of Finance up to a value of £25,000 per debtor.

The Head of Finance may delegate authority, up to £10,000, to nominated officers on the basis that a schedule of written off debt is supplied to him/her on a regular basis, no less frequently 6 monthly.

Where a debt is written off a note will be kept for each individual and they must not be admitted to any housing waiting list unless they have settled the amounts owing or if the Finance, Policy and Resources Committee approves otherwise. Similarly where an individual or business has debt written off they will not be issued with a lease or rental agreement for land, retail, industrial or commercial property unless they have settled the amounts owing or if Finance, Policy and Resources Committee approves otherwise.

The Head of Finance has the authority to approve the write-off in the five categories of:

- (a) insolvency, receivership, liquidation and sequestration;
- (b) ceased trading/defunct company;
- (c) unable to trace;
- (d) recommendation of sheriff officer;
- (e) small balances that are uneconomic to pursue.

The Head of Finance shall submit reports, no less frequently than annually, to the Finance, Policy and Resources Committee advising of the number and value of accounts written off along with individual details of all business rates and sundry debts over £25,000 and the reasons for recommending discharge and write-off.

The Head of Finance has authority to write off all cases of Council Tax, Community Charges, Former Tenants Arrears, Housing Benefit Overpayments and Penalty Charge Notices up to £10,000. The Head of Finance will submit annual reports to the Finance, Policy and Resources Committee advising of the number, value and reasons for such accounts to be written off.

The Head of Head of Communities and Housing has the authority to write off bad debts in relation to homelessness. Factors to be taken into account when identifying which balances may be unreasonable to pursue will include:

- whether ongoing pursuance is likely to result in destitution for the household;
- if sustainability of subsequent accommodation may be affected by collection, and the risk of repeat homelessness increased;
- whether the relative cost/benefit impact is uneconomic, taking account of any indirect costs which may be incurred; and
- the vulnerability of the household members.

The Head of Communities and Housing shall submit a report, no less frequently than annually, to the Communities, Housing and Infrastructure Committee advising on the number, value and reasons for the write off.

5.4 Employee Remuneration

5.4.1 Responsibility for Payment Arrangements

Appointments of all employees are to be made in accordance with the regulations, policies and procedures of the Council and the approved establishment, grades and rates of pay and all casual workers must be paid through the payroll system.

The payment of all salaries, wages, compensation and other emoluments to all employees, former employees, Councillors or beneficiaries shall be made by the Head of Human Resources and Organisational Development under arrangements made or approved by the Head of Finance.

Each Director shall provide such information as directed by the Head of Finance and/or the Head of Human Resources and Organisational Development as is necessary to ensure remuneration is made accurately and timeously. Examples of information requirements include appointment, resignation, dismissal, suspension, secondment, transfer, sickness absence and changes in remuneration, other than pay awards.

The Head of Human Resources and Organisational Development shall also maintain records of service for superannuation, income tax, national insurance and social security purposes as directed.

5.4.2 Form and Certification of Records

All time records or other pay documents shall be in a form prescribed or approved by the Head of Finance and/or the Head of Human Resources and Organisational Development and shall be certified by or on behalf of the Director. Each Director shall maintain a list of officers to authorise time records and other records.

All requests and/or information relating to pay information, whether in paper or electronic format, shall be authorised. No pay document shall be processed unless authorised by an authorised signatory. A list of officers appointed by Directors to authorise payroll information shall be prepared and submitted to the Head of Human Resources and Organisational Development.

Changes to these lists shall be notified timeously to the Head of Finance and/or the Head of Human Resources and Organisational Development.

An individual is not permitted to authorise a change in their own pay, expenses, allowances or other remuneration and this must be authorised by an authorised signatory who is senior to them.

5.4.3 Recording and Provision of Information to Statutory Bodies

Each Director shall ensure that appropriate systems are in place to record and report statutory information by due dates.

5.4.4 Overpayments of Salaries and Wages

The Head of Human Resources and Organisational Development shall ensure that all reasonable steps are taken to recover any identified overpayments.

5.5 Officers' Travelling Expenses and Allowances

5.5.1 Arrangements for Claims

The Head of Human Resources and Organisational Development, in conjunction with the Head of Finance, shall be responsible for making arrangements for the administration and regulation of payment of claims for expenses to employees of the Council and other approved bodies. Claims for car mileage will only be paid where the employee has evidenced the following:

A valid driving licence;
A current insurance policy which covers the user for business use; and
If applicable, a valid M.O.T. certificate for the vehicle used.

All officers who use either private or Council vehicles in the course of their duties must, in the event of their driving licence becoming invalid, report this immediately to their Head of Service.

5.5.2 Claim Forms

All claims for payment of car allowances, subsistence allowances, travelling, telephone expenses and incidental expenditure shall be made, duly certified / authorised on the form prescribed by the Head of Human Resources and Organisational Development, in conjunction with the Head of Finance.

No officer authorised to certify such claims shall certify their own personal claims.

5.5.3 Certification of Claims

Certification shall be taken to mean that the certifying officer is satisfied that the journeys were authorised, the expenditure properly and necessarily incurred and evidenced and that the allowances are properly payable by the Council. All mileage claims shall be accompanied by a valid VAT fuel receipt.

5.5.4 Time Limits

Officers' claims submitted more than 3 months after the expenses were incurred will be paid only in exceptional circumstances.

5.6 Stocks and Stores

5.6.1 Care and Custody of Stock

The care, custody and level of stores and equipment in any service shall be the responsibility of the appropriate Director who will ensure that:

- adequate records are kept in order to maintain efficient and effective control over receipt and issue of stocks and stores items.
- stocktaking is carried out periodically by persons other than storekeepers as agreed by the Director.
- the arrangements for generating the year end stock figures are notified to the Head of Finance and Internal Audit Manager.
- all obsolete or excess stock or scrap materials is identified and disposed of in accordance with the requirements of the Standing Orders Relating to Contracts.

5.6.2 Reporting of Write-Offs or Surpluses

Any deficiencies shall be notified to the Head of Finance, whose agreement shall be sought prior to them being written off. All write offs in excess of £10,000 must be reported to the relevant service committee.

Each Head of Service shall report annually (on the certificate of assurance on the effectiveness of internal financial controls) to the Head of Finance the total values of write-offs and surpluses of stock and the net effect of these adjustments on the book value of consumable stores under his or her control and a brief explanation of the reasons for these differences.

5.6.3 Inventories

Each Director shall maintain on a continuous basis an inventory of equipment, furniture, information technology hardware and software, etc. While the Head of IT, Customer Service and Performance has the responsibility for the maintenance of information technology (hardware and software) but Directors should still maintain their own inventory of equipment, furniture, information technology hardware and software, etc. in operational use.

Generally moveable items costing in excess of £50.00 should be included.

Each Director is responsible for an annual checking of all items in the inventory. This ensures:

- new items have been entered on inventories (with date of purchase, value, etc.).
- all details (numbers, description, serial numbers, location, etc.) are recorded.
- that inventory items are present.

Each Director/Head of Service is responsible to take action in relation to any surpluses or deficits, to ensure that these are investigated without delay and reported to the Head of Finance.

Each Director/Head of Service will appoint a "Registrar" from within their own Service responsible for maintaining inventories.

It must be determined by a competent person that an inventory item is beyond economic repair before disposal, or that there is reasonable justification for disposal (this must be recorded in the inventory register).

5.6.4 Use of Equipment

The Council's property shall not be removed other than in the course of the Council's normal business or used other than for the Council's purposes without the specific approval of the Director of the Service concerned, or an officer authorised by the Director.

5.6.5 Levels of Stock

Stocks shall not be in excess of normal requirements except in special circumstances with the approval of the Council Committee concerned.

5.7 Security of Other Assets

5.7.1 Responsibility for Security

The Head of Land and Property Assets, in consultation with the Head of Finance will maintain a register of all land and heritable properties owned or leased by the Council in a form designed to meet all internal and external requirements for such information, including the best value requirement to ensure that best use is made of Council assets.

The register shall, as far as practicable, include:

- the account it is held on,
- the purpose for which it is held,
- its location and extent (including address),
- purchase valuation details (including current valuation, date of valuation, valuation basis and useful life),
- occupier,
- tenancies granted and rents payable, and
- particulars of nature of interest i.e. owned or leased.

The Head of Legal and Democratic Services will have custody of all title deeds and lease documents, and shall ensure their security.

The Head of Land and Property Assets will also maintain an asset register of all vehicles and plant and equipment.

Each Director shall be responsible for maintaining proper security, custody and control at all times of all fixed and movable assets under their control. The Head of Finance shall be consulted by the Director as appropriate in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.

5.7.2 Theft or Loss

Each Head of Service is responsible for ensuring that the Head of Finance and Head of IT, Customer Service and Performance are immediately informed of any theft or loss of an asset (including cash).

All losses of documented information or devices holding information such as laptops, mobile devices and flash drives must also be reported to the Head of Legal and Democratic Services. Reference should be made to the Data Protection guidance referred to at 4.13 above.

5.8 Leasing

5.8.1 General

No leasing of equipment or capital assets shall be undertaken on behalf of the Council without the prior approval of the Head of Finance and Head of Legal and Democratic Services.

Leased equipment is the property of the lessor and cannot be sold, assigned or otherwise disposed of by Services.

5.9 Insurance

5.9.1 Responsibility for Insurance

The Head of Commercial and Procurement Services, in conjunction with the Head of Finance, shall effect all insurance cover and negotiate all claims with insurers in consultation with other officers where necessary. Delegated authority has been granted to the Insurance section to negotiate and settle liability claims, after consultation with the Head of Finance.

Directors will ensure that all officers in their Service adhere to all insurance policy requirements.

The Head of Commercial and Procurement Services will arrange that the Council regularly tests the market by way of competitive tender to ensure that best value is achieved.

5.9.2 Notification of Risks

Directors shall give prompt notification to the Head of Commercial and Procurement Services of all new or increased risks, properties, vehicles, stocks and stores which require to be insured and of any alteration affecting existing insurances.

5.9.3 Notification of Claims

Directors shall notify the Head of Commercial and Procurement Services and Head of Finance immediately in writing of any loss, or any event likely to lead to a claim and shall inform the Police where appropriate. All liability claims made against the Council shall be referred to the Insurance Section in the first instance, without delay.

Upon notification to the Police, a crime report number should be obtained and notified to the Insurance Section.

The Head of IT, Customer Service and Performance will notify the Insurance and Claims section (in Commercial and Procurement Services) of any investigations which maybe of interest to the insurers.

The Head of Human Resources and Organisational Development shall be advised of all cases involving personal injury.

5.9.4 Fidelity Guarantee Insurance

All appropriate employees of the Council and associated or subsidiary companies, trusts etc shall be covered by fidelity guarantee insurance.

5.9.5 Review of Insurance Cover

The Head of Commercial and Procurement Services, in conjunction with the Head of Finance shall annually, or at such other period as may be considered necessary, review all insurances in consultation with other Directors.

The Head of Commercial and Procurement Services, in conjunction with the Head of Finance, with regard to premium levels, claims experience and assessment of risk may decide not to insure for certain risks or to self insure.

5.9.6 Indemnities

Each Director shall consult the Head of Finance who may consult the Chief Executive as necessary respecting the terms of any indemnity that the Council is requested to give.

5.10 Gifts and Hospitality

5.10.1 General

It is important that officers are aware that it is a serious criminal offence to receive or give any significant gift, loan, fee, reward or advantage for doing or not doing anything, or for showing favour or disfavour to any person in the course of work for the Council. Aberdeen City Council's Anti-Bribery Policy is in accordance with the Bribery Act 2010 which makes it illegal to offer or receive bribes.

Insignificant gifts are classified as diaries, calendars, pens and similar tokens with a monetary value of £30.00 or less.

Working lunches or dinners can be an appropriate method of business provided that no extravagance is involved and the occasions are infrequent

(infrequent is defined as fewer than 4 times in a 12 month period). Where there is a business need for increased frequency then this should be discussed and agreed at Service Manager level or above and paid for from within approved budgets.

Likewise, it can be reasonable for an officer to represent a Service of the Council at an external social function or event organised by outside bodies. Acceptance of such invitations must be first approved by the Officer's Head of Service and the Heads of Service by their Director and Directors by the Chief Executive.

5.10.2 Register for Gifts and Hospitality

Heads of Service, Directors and the Office of the Chief Executive will hold a Register for Gifts and Hospitality within their service.

All gifts, whether accepted or not, that are not considered to be insignificant or that cannot be considered reasonable hospitality received directly in connection with any meeting, function or conference must be recorded in the appropriate Register for Gifts and Hospitality.

Gifts are considered to be insignificant and may be excluded from the Register if they have a monetary value of £30.00 or less.

5.10.3 Bequests

Bequests left to individual staff members should be returned to the Executor of the Will with the suggestion that a donation could be made to, for example, a Residential Home's Amenity Fund. Similarly, relatives of clients who wish to show their gratitude should be similarly advised.

5.10.4 Improper Handling of Gifts & Hospitality

Where it is suspected that an improper motive exists or a "special deal" not otherwise available is offered on a personal purchase from a supplier with whom the officer has a working relationship, the officer concerned should report this immediately to their Head of Service. In the case of a Head of Service, they should report this to their Corporate Director who should in conjunction with the Chief Executive decide on appropriate action: possible withdrawal from a tendering exercise, referral to the Police, etc. The Head of Finance and Head of Legal and Democratic must be informed of all such instances.

Any allegations of the soliciting of gifts by an employee of the Council will be subject to the Council's disciplinary procedure.

5.11 Purchasing

5.11.1 Value for Money

Section 1 of the Local Government Scotland Act 2003 makes it a statutory duty on Local Authorities to secure best value. Section 10 below provides further information on the 2003 Act and Best Value.

All purchasing carried out must comply with Standing Orders relating to Contracts and Procurement.

Each Director and Head of Service must ensure that the Service achieves best value from any purchase before making any commitment.

In accordance with Standing Orders Relating to Contracts and Procurement, four competitive quotations are required below the tender threshold.

Orders for supplies and services are to be channelled through the Procurement Service

It is recognised that exceptional, emergency and specialist supplies may mean that four quotes cannot be obtained. In such circumstances a "Quotation Exemption Form" must be fully completed and attached to the Purchase Order. This should include:

- Clearly documented reasons for being unable to get the required number of quotations. A draft evaluation form is provided (Appendix A);
- Reasons that will stand up to audit scrutiny;
- Why a single or lesser number of suppliers has been approached and selected e.g. Urgency/specialist/practical reasons;
- Approval/authorisation by Line Manager/Head of Service. This approval should be based on submitted evidence as outlined above.

All purchases of computer and telecommunications equipment must be co-ordinated through the Head of IT, Customer Service and Performance.

In procuring equipment, particularly ICT equipment, regard should be held for business continuity and documented and tested back-up arrangements should be in place in case the equipment fails at some point in the future.

5.11.2 Orders for Goods, Works and Services

Orders are only to be issued for goods, work or services which are intra-vires (i.e. legal) and only if the cost is covered by a budget allocation or by a special financial provision.

Orders must be issued for all work, goods or services, or such other expenditure as the Head of Finance may approve.

On-line ordering is to be controlled by restricted access to approved officers with limits set in the program to the appropriate values.

5.11.3 Payment of Accounts

Each Budget Holder shall be responsible for ensuring the prompt examination, verification and certification of all invoices, vouchers and accounts relating to their Service.

Authorised accounts must be processed for payment in accordance with the supplier's credit terms with expenditure authorised by authorised signatories (electronically through PECOS / Infosmart or with original signature). Signature stamps must not be used.

All supplier invoices will be directed to the Accounts Payable team for processing through the Council's workflow systems to enable a comprehensive audit trail to be maintained and electronic access to such records.

No officer shall authorise an account for their own reimbursement or for a close relative or business associate.

VAT must be accounted for in accordance with the relevant legislation and further information on VAT can be found in Section 5.13 below.

5.11.4 Partnerships

Prior to entering into any formal agreement with external bodies the relevant Director/Head of Service must advise the Head of Finance and the Head of Legal and Democratic Services of the on-going negotiations.

No agreement is to be formally entered into without the prior agreement of the Head of Finance and Head of Legal and Democratic Services.

Before any partnership is entered into, the selection criteria must be determined in advance, documented and be consistent with the nature of the contract.

5.12 Consultants & Sub-Contractors

5.12.1 General

Consultants, usually professional specialists who charge a fee, can be used to carry out work or to undertake specialised work for which there is a lack of experience/expertise by Council employees. It is therefore necessary to control the work and terms and conditions of such people or companies in order to ensure that value for money is achieved and that the Council's services are not compromised.

If Council officers would normally be expected to provide the service or advice but have sub-contracted the work due to lack of capacity then, this should not be regarded as consultancy work, but rather as sub-contracted work and coded accordingly.

The rules set out in the Council's Standing Orders Relating to Contracts and Procurement detail the process that must be followed for commissioning all goods, services and works.

In appointing consultants Directors / Heads of Service must ensure that:

- the terms of agreement are controlled; and
- knowledge transfer to the Council's officers should be effected where beneficial

The appointment of consultants shall, wherever possible, be on the basis of four quotes for contracts with an estimated contract value of less than £60,000 and satisfy the regulations for the ordering of services as set out in Standing Order 6. The appointment of consultants with a total cost in excess of £60,000 will be approved by the appropriate committee. It should be noted that where a contract is likely to extend beyond one financial year then the

total value of the contract is determined by adding together the estimated value in each financial year of the estimated contract period.

5.12.2 Contract

Where consultants (including architects, engineers, quantity surveyors, accountants, and others) are engaged to carry out professional services for the Council, the relevant Head of Service shall be responsible for ensuring that an appropriate contract is in place setting out the terms on which they are engaged.

Amongst other things the contract shall specify:

- the precise scope of the commission;.
- cost limits and controls;
- lines and levels of reporting, responsibility and authority;
- insurance cover (which must be verified by Council officers);
- the method of determining completion of work and payment thereof;
- standard Aberdeen City Council terms of payment; and
- the ownership of intellectual property rights relating to any material or computer software developed during the consultancy.

It is the responsibility of the Director / Head of Service to ensure that in any contract there is no inadvertent or unnecessary conflict with the Council's Standing Orders or Financial Regulations. In the event of there being any conflict it should immediately be brought to the attention of the Head of Finance and the Head of Legal and Democratic Services.

5.12.3 Payment of Fees

The relevant Director / Head of Service should ensure that fees are only paid when the work fulfils the specification.

It is acceptable for stage / interim payments to be made during the period of the engagement provided the consultant / sub-contractor has demonstrated that the claim for payment reflects the work that has been undertaken to that point.

5.13 Taxation and VAT

5.13.1 General

The Head of Finance will be responsible for the taxation procedures of the Council, ensuring where possible, that tax liabilities and obligations are properly reported and accounted for, avoiding any possible losses.

Where transactions of a new or unusual nature are being considered the Head of Finance should be consulted on the tax implications before committing the Council.

5.13.2 Value Added Tax (VAT)

Aberdeen City Council VAT Registration Number 663 7266 13

Expenditure

Directors shall keep records, as determined by the Head of Finance, for the prescribed statutory period, of all matters relating to the administration and accounting of VAT. This includes records of all supplier invoices, including any relevant back up and authorization documents. To reclaim VAT, the council must have a valid tax invoice from a VAT registered trader and be able to produce it on request. If input tax is claimed and not supported by a valid invoice, the council may be liable for penalties for misdeclaration of VAT. In particular, to be aware that when errors arise due to incorrect VAT coding, this can impact on the amount of revenue posted to the income and expenditure account.

Expenditure Example

Invoice paid to the value of £24,000 inclusive of VAT, incorrectly coded with VAT code C (outside scope) instead of VAT code S (Standard rate – currently 20% at Nov 13). This error results in the revenue expenditure account being charged with the whole sum of £24,000 instead of £20,000.

The sum of £4,000 VAT should be posted to the input VAT account and recovered from H.M. Revenue & Customs (HMRC). This happens automatically when the correct VAT codes are used. In order to correct this error the VAT Officer would need to adjust the relevant VAT return on the completion of a journal entry.

If the sum of errors in any one VAT period (1 calendar month) is greater than £50,000, the Aberdeen City Council is required to make a voluntary disclosure to HMRC.

Income

Directors will retain documentation supporting all income raised by debtors invoice and documentation supporting all non-invoiced income, including amounts lodged directly with the bank and cash collected directly with departments. It is crucial that the treasury team and the bank reconciliation team are given the relevant documentation, financial coding and VAT coding for any transactions coming into or going out of the bank account.

Income Example

Income received of £24,000 inclusive of VAT, incorrectly coded with VAT code C (outside scope) instead of VAT code S (Standard rate – currently 20% at Nov 13). This error results in the revenue income account being overstated by £4,000. The VAT of £4,000 should be posted to the output VAT account and paid over to HMRC. Again if the correct VAT coding is used, then the posting of VAT is done automatically. This type of error is more difficult to deal with if not identified in the VAT period in which it occurs. If the error is not detected until say the following VAT period or later, then ACC are in a position whereby they owe HMRC this amount (misdeclaration). Again as for errors on VAT on expenditure under £50,000 then the VAT Officer can adjust the current VAT return. However, as above if the error is over the £50,000 limit, then a voluntary disclosure would have to be submitted to HMRC. HMRC would, on receipt of a voluntary disclosure, issue and assessment. They would not only assess for the £50,000 owed to them, they would also

issue a penalty, which for misdeclarations, can be severe. Any penalties levied, are an additional expense to the Council and if caused as a result of a failure of an officer to comply with these regulations then the Service will bear the cost of the penalty.

5.13.3 VAT Codes:

S	Standard Rate (currently 20%)
C	Outside Scope
F	Reduced Rate
Z	Zero Rated
E	Exempt

5.13.4 Head of Finance Responsibilities

It shall be the responsibility of the Head of Finance to secure arrangements for the administration and accounting of VAT to ensure compliance with all statutory requirements including such returns as are required within laid down timescales.

5.13.5 Chief Officers Responsibilities

Each Chief Officer shall keep records, as determined by the Head of Finance, for the prescribed statutory period, of all matters relating to the administration and accounting of VAT. This includes records of all supplier invoices, including any relevant back up and authorization documents. To reclaim VAT, the council must have a valid tax invoice from a VAT registered trader and be able to produce it on request. If input tax is claimed and not supported by a valid invoice, the council may be liable for penalties for misdeclaration of VAT. In particular, to be aware that when errors arise due to incorrect VAT coding, this can impact on the amount of revenue posted to the income and expenditure account.

5.14 External Funding / Grants

5.14.1 General

Receivable - External funding is potentially a very important source of income, but funding conditions need to be carefully considered to ensure they are compatible with the objectives of Aberdeen City Council. Funds from external agencies provide additional resources to enable the authority to deliver services to the local community. Grant conditions can be inflexible, restrictive and resource intensive (to evidence compliance) and this should be evaluated prior to acceptance.

There are many sources of external funding, such as the European Union, the Scottish Government and other Public Bodies and officers are to be alert to the opportunity of securing additional funding, especially in the context of projects.

Payable - The Council is relying upon external organisations to deliver services on its behalf and it is incumbent upon it ensure that where external funding pays for service delivery it has robust and comprehensive governance of those funds. Where grants to outside organisations are being considered then careful consideration and compliance with the Aberdeen City

Council Code of Practice on Funding External Organisations and Following the Public Pound must be followed.

Further information on providing funding to partners and Arm's Length External Organisations is set out in section 5.15 below.

5.14.2 Match Funding

Where External Funding is Receivable - Evidenced match funding approval should be obtained through the production of a business case prior to submitting an application for external funding and entering into long term agreements. This should be signed off by the Director of the relevant Service and the Head of Finance.

Where match funding is being demonstrated by attributing a value to specific staff or property costs then a mechanism for justifying and accounting for those values must be put in place. This may involve the use of time recording systems and where appropriate accounting guidance and proper accounting practice to evidence those costs.

It is essential that match funding and project costs are regularly updating to take account of changes in cost profiles and to ensure that the full project value is captured and reflected in the Council's 5 year business plan.

Where match funding is being provided to the Council by an external body or partner suitable documentation should be put in place between the Council and the partner to ensure that the Council is not exposed to unnecessary financial risk as a result of its commitment to deliver the project. The Service must put in place a clear process to ensure that the funds are drawn down from the partner in line with a timetable of funding that should be agreed prior to the start of the project. The timetable will be reflective of the cost profile submitted as part of the external funding application.

Where External Funding is Payable – The Council Service will arrange for a suitable analysis of the costs of a project to be carried out in order to determine the requirements for match funding that is being requested from the outside body. The Council must be satisfied that only reasonable costs are included in the proposed project and that the request for grant funding, to match other partners, is appropriate.

Where match funding is being provided by the Council to an external body or partner suitable documentation should be put in place between the Council and the partner to ensure that the Council is not exposed to unnecessary financial risk as a result of its commitment to deliver the project. The Service must put in place a clear process to ensure that the funds are drawn down from the Council in line with a timetable of funding that should be agreed prior to the start of the project. The timetable will be reflective of the cost profile submitted as part project proposal / application for funding made.

5.14.3 Grant Offers and Claims

Where External Funding is Receivable – Prior to acceptance of external funding the Director, and where appropriate the Heads of Finance and Legal and Democratic Services, will require to be satisfied that the terms of an external funding grant can be met.

The Director must ensure that all funding received by the Council from external bodies, government bodies, other agencies, and partner organisations etc. is received and that income and expenditure is properly accounted for and complies with the conditions of the funding.

All claims for grant funds are to be made promptly by the due date.

All grants are to be paid directly to the Council.

Each Service shall identify a responsible officer to monitor compliance with grant conditions.

Grant claims for European Union funding must be properly authorised by the appropriate Director, and the Head of Finance will arrange for suitable independent audit of the claims to be carried out.

Where External Funding is Payable – Reference must be made to the Council’s Code of Practice on Funding External Organisations and Following the Public Pound for guidance.

5.15 Partnerships and Relationships with Arm’s Length External Organisations (ALEO’s)

5.15.1 General

Directors and Heads of Service will be responsible for ensuring that any funding relationships with external bodies, other than those which are operated on a contractual basis, are operated in accordance with the “Code of Guidance on Funding External Bodies and Following the Public Pound” issued by the Accounts Commission, the associated COSLA Operational Guidance, and the Council’s own local code of practice.

5.15.2 Relationship Management

The Council will appoint a suitable individual to establish and maintain the relationship between itself and the ALEO.

In considering an application for funding, due consideration in line with the code of practice should be given to the following areas:

- Aims and objectives of the ALEO and how they align to those of the council.
- Financial viability, risk and control.

5.15.3 Funding Agreement

The Council will put in place an appropriate funding agreement in order to set out the responsibilities of the ALEO to report back on outcomes and achievements in order to demonstrate their accountability towards the funds and the value that has been derived.

Detailed advice and checklists are available in the Aberdeen City Council Local Code of Practice for funding external bodies and following the public pound.

5.15.4 Group Entities

The Council recognises the importance of its relationships with those organisations that form part of its group. In so doing, the Council has approved a range of requirements to be adhered to by the group entities. These include requirements for the Council to scrutinise group entities, with specific reference to:

- Management assurance;
- Internal and external audit reports;
- Business Planning;
- The system of risk management;
- The roles and responsibilities of the board; and
- The work of the governance hub by meeting regularly to discuss performance and governance matters.

Each group entity must provide year end information for inclusion in the Council's annual Statement of Accounts in accordance with the timetable set by the Head of Finance.

5.16 Internal Audit

5.16.1 General

Guidance regarding the provision of an effective system of internal audit is provided by the United Kingdom Public Sector Internal Audit Standards (PSIAS)

The function of Internal Audit is based upon the following principles:

- It must be completely independent of all systems operating within the Council with no authority or responsibility for activities which they audit.
- They may concern themselves with any activity, function or operation of the Council.

The Council will secure an Internal Audit function through the employment of suitably qualified individuals under the guidance of an Internal Audit Manager or alternatively enter into a binding contract with an external supplier of such services. The Head of IT, Customer Service and Performance will manage the relationship that is put in place.

The Internal Audit Manager or Engagement Manager (if provided under contract) shall be responsible for maintaining an independent and effective internal audit function.

The Internal Audit or Engagement Manager shall report on a regular basis to the Audit and Risk Committee and they must:

- Annually provide a copy of the Internal Audit plan drawn up after discussion with Directors and Heads of Service for the Committee's information, input and approval;
- Report on all work carried out and the follow up status of previously reported work;

- Provide an assurance for the reliability of existing and new financial systems and other management controls throughout the Council, including Trusts where the Council is a constituent body;
- Annually prepare a report, including their audit opinion, on the overall adequacy and effectiveness of the Council's control environment; and.
- Undertake a programme of value for money studies according to the audit plan.

The Internal Audit function shall liaise closely with External Auditors to ensure the Council derives maximum value from the combined resource.

5.16.2 Responsibilities of Senior Management

It is the responsibility of Senior management to ensure that:

- Internal Auditors and Officers undertaking investigations are given access at all reasonable times to premises, personnel, documents and assets that the Auditors/Investigating Officers consider necessary for the purposes of their work;
- Auditors and Investigating Officers are provided with any information and explanations that they seek in the course of their work; and
- Any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.

It is also the responsibility of Senior Management to consider and respond promptly to recommendations in audit and investigations reports.

5.16.3 Financial Irregularities

All officers shall inform their Head of Service immediately of any circumstances which may suggest an irregularity affecting the finances, property, services or policy of the Council. These shall be reported immediately by the Head of Service to the Head of Finance and the Head of IT, Customer Service and Performance. Pending investigation and reporting, the Head of Service is to take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.

The Head of IT, Customer Service and Performance must investigate such incidents as they consider appropriate.

If, on consideration of the results of such an investigation, the Head of IT, Customer Service and Performance is of the opinion that there is a *prima facie* breach of criminal law they must, after taking advice as appropriate from the Head of Legal and Democratic Services, report the matter to the Police.

When an officer is suspended pending the conclusion of an investigation into a possible irregularity, or if an officer resigns in such circumstances, then that officer shall immediately surrender all Council property they may have including all money, portable ICT equipment, flash drives and keys. The officer shall be instructed not to enter Council premises without prior

agreement and not to contact other Council officers in relation to the matter under investigation. The Officer's manager must also ensure that passwords and computer access by the Officer under investigation are also immediately withdrawn.

5.17 Deposit of Trust Securities

5.17.1 All officers acting as trustees by virtue of their official position shall deposit all securities, bank books and documents and articles of value relating to any trust with the Head of Finance unless the relevant trust deed provides otherwise.

5.18 Control of Registered Charities, Trust Funds and Other Funds

5.18.1 Custody and Control

The Head of Finance shall ensure

- 1) the proper and safe custody and control of all charitable and other funds held by the Council;
- 2) that all expenditure is in accordance with the conditions of the fund; and
- 3) in relation to charitable funds these are held in accordance with regulations laid down by the Office of the Scottish Charity Regulator.

All registered charities, trust funds and other funds shall, wherever possible, be in the name of the Council or make reference to the Council. All monies left in trust to the Council or to be administered by its officers shall be notified immediately to the Head of Finance, unless the trust's deed outlines otherwise

5.18.2 Investment

All investments of money under the Council's control shall be made by the Head of Finance in the name of the Council or in the name of nominees approved by the Finance, Policy and Resources Committee. Any investments made will be made in accordance with the Treasury Management Strategy determined by the Finance, Policy and Resources Committee.

5.18.3 Audit

Where elected members (all or some) of Aberdeen City Council are the sole trustees of registered charities they will be subject to external audit, and from financial year 2013/14 onwards this will be undertaken through the Council's appointed external auditor.

Exemptions apply to charities that had applied by 31 March 2014 for a reorganisation which will result in the charity being removed from the Register of Scottish Charities.

5.19 Control of Common Good

5.19.1 Purposes for which Common Good Funds may be utilised

Items of expenditure which can be met from the Aberdeen City Council Common Good Fund must be for:

- Upholding the dignity of the City;
- The prudent management, upkeep and improvement of those items of Council property which form part of the Common Good;
- Safeguarding the corporate rights of the community and defending its interests;
- Granting donations to public institutions or charities – this must be exercised in the interests of the general public of the City; and
- Any other purpose which in a reasonable judgement of the Council is for the good of the community as a whole or in which the inhabitants may share; as distinct from the interest of benefit of any particular individual or group.

Overall, the purposes for which Common Good funds may be utilised are limited to the City and its interests.

Where there is a doubt about whether or not Common Good funds can be used for a particular purpose then in the first instance advice should be sought from the Head of Legal and Democratic Services and Head of Finance.

5.19.2 Common Good Investment Strategy

The Common Good Investment Strategy was approved by the Finance and Resources Committee in December 2012. The Head of Finance will review this on a regular basis.

5.20 Voluntary Funds

5.20.1 General

A voluntary fund is any fund (other than an official Council fund) which is managed wholly or in part by a Council employee. Examples of such are School funds and funds to support Social Work Services establishments.

Such funds are deemed to be Council funds.

5.20.2 Financial Control and Administration

The financial control of voluntary funds must reflect the standards required of public funds.

The Head of Finance or their representative may examine the accounts and records of the fund if held by a Council employee and ask for such records, explanations and information as they may require.

In the event of any loss of voluntary funds the Council accepts no responsibility whatsoever, and no person has any authority to bind the Council to accept such liability.

Money due to the Council shall not be paid into any voluntary fund, either permanently or temporarily.

The Council employee shall keep all money, goods, or property of the voluntary fund, separate from those of the Council. The Council employee must not use official Council order forms for voluntary funds.

5.20.3 Employee Involvement

The Council employee must inform their line manager of any involvement in a voluntary fund and state the position they hold with regard to the fund. The line manager must ensure proper accounts of the funds activities are kept and that an independent audit is carried out at annual intervals by a competent auditor appointed by and reporting to the fund's controlling body.

5.21 Pension Fund

5.21.1 General

The Head of Finance shall be responsible for the financial affairs of the North East Scotland Pension Funds. The investment of Pension Fund monies shall be made in the name of the nominees approved by the appropriate Committee and such investments shall be within the policy determined by the Council.

Specific guidance on the financial regulations relating to the Pension Fund can be found in Section 12 below.

5.22 Variation and Revocation

5.22.1 General

These Regulations may be varied or revoked by the Council and any motion to vary or revoke them shall, when proposed and seconded, stand adjourned without discussion to the next Ordinary Meeting of the Council.

Part Two

FINANCIAL MANAGEMENT & CONTROL

FINANCIAL MANAGEMENT & CONTROL

6. ROLES AND RESPONSIBILITIES

6.1 Introduction

- 6.1.1 Aberdeen City Council is committed to achieving Best Value and the highest possible standards in the delivery of its services. The Council attaches a very high priority to exercising strong control over the management of its financial resources. Both objectives are facilitated by the provision of high quality financial management and control, through continuous improvement, to meet both statutory requirements and the needs of clients/customers in the most efficient and effective manner in terms of Best Value.
- 6.1.2 Financial management is provided to the Council, its Committees and Services through an accounting function that provides corporate financial management and service specific accounting. Within all Services, budget holders undertake financial management in varying degrees to their conveners, Committees and their directorate.
- 6.1.3 This Code of Practice clearly defines the respective roles and responsibilities of officers in both the accounting function and Services. Implementation of the recommended procedures will improve the effectiveness of financial management and control and ensure the continued development of best practice.

6.2 Councillors

- 6.2.1 As Council and Committee Members, Councillors have a personal, individual and collective responsibility for the Council's organisation and activities. Councillors are responsible for ensuring that adequate management arrangements are in place, developing and taking decisions on the use of the Council's physical, financial and human resources, and to concern themselves with the performance, development, continuity and overall well being of the organisation (*extract from the Code of Conduct for Councillors*).
- 6.2.2 To enable Councillors to discharge their responsibilities in this respect, officers must present to Councillors appropriate information on the Council's performance both in operational and financial terms to allow them to ask relevant questions. Councillors will also expect to be advised on all legal matters pertaining to the operation of the Council.

6.3 Chief Executive

- 6.3.1 The Chief Executive has a responsibility, through the Director of Corporate Governance, to ensure that standing orders and this Code of Practice are applied across the Council, and the appropriate Committee structures are in place. It is the responsibility of the Director of Corporate Governance to ensure that the relevant Committees operate to the agreed schedule.
- 6.3.2 The Chief Executive, as Head of Paid Service, has an authority over all officers and has responsibility for ensuring that the Council maintains an efficient use of the resources at its disposal. However the Chief Executive relies on senior officers of the Council informing them of the up to date position of an

operation. Directors shall therefore give the Chief Executive a commentary on specific matters.

- 6.3.3 The Chief Executive does not have operational responsibility for Services, which is delegated to Directors. Similarly the Chief Executive has delegated, to the Head of Finance, the responsibility for establishing the appropriate financial reporting framework.
- 6.3.4 Consequently the Director shall formally report any major problems identified in a Service to the Head of Finance and to the Chief Executive who can instruct appropriate action and report as appropriate.
- 6.3.5 On a periodic basis a summary of the financial position of each Service shall also be reported to the Chief Executive. In pursuance of this the monthly monitoring statement shall be included on the agenda of the Corporate Management Team.

6.4 Head of Finance

- 6.4.1 The Chief Financial Officer is a statutory appointment under Section 95 of the Local Government (Scotland) Act 1973. This states that every local authority shall make arrangements for the proper administration of its financial affairs and shall ensure that one of its officers has responsibility for the administration of these affairs. The primary legislation is supplemented by Scottish Executive Regulations. In Aberdeen City Council, the Head of Finance is the responsible officer.
- 6.4.2 Further, the Chartered Institute of Public Finance and Accountancy (CIPFA) has defined in detail the role of the Chief Financial Officer within local government.
- 6.4.3 CIPFA specifically outlines the role of the Chief Financial Officer as being:
- a key member of the Leadership Team, helping it to develop and implement strategy and to resource and deliver the authority's strategic objectives sustainably and in the public interest;
 - actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer term implications, opportunities and risks are fully considered, and alignment with the authority's financial strategy; and
 - must lead the promotion and delivery by the whole authority of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively.

To deliver these responsibilities the Chief Financial Officer:

- must lead and direct a finance function that is resourced to be fit for purpose; and
 - must be professionally qualified and suitably experienced.
- 6.4.4 There exists, however, a degree of decentralisation of financial administration within the Council and the responsibilities of the Head of Finance must be

seen in this context. This Code of Practice delegates much of the day to day financial administration to staff within Finance and to Directors, the extent of which shall be outlined within a framework of job descriptions.

Financial Management

6.4.5 As head of strategic and operational financial management and administration, it is the responsibility of the Head of Finance to:

- ensure that a proper and prudential financial framework exists within the Council in terms of relevant legislation and codes of practice;
- secure effective systems of financial administration;
- ensure that financial management arrangements are in line with strategic policies and objectives and the Council's overall management arrangements.

6.4.6 Specifically, the Head of Finance will:

- advise on effective systems of internal control such as financial regulations;
- secure effective systems of internal financial control to ensure that income collected and payments made are accurate, complete and timely;
- advise on anti-fraud and anti-corruption measures through an effective internal audit function;
- ensure that all staff with financial management responsibilities are made aware of the existence and content of this Code of Practice and their requirement to comply with the code..

Supporting the Democratic Process

6.4.7 In supporting and advising the democratic process, the Head of Finance is expected to:

- advise on the respective roles of Councillors and officers on financial management;
- advise Councillors on an overall financial strategy which serves policy and service objectives;
- provide Councillors with clear, accurate and impartial advice when considering service plans and budgets;
- provide timely, accurate and impartial advice on reported financial performance, including reporting any concerns and/or disagreements with Directors on the stated financial position and the reliability of financial systems;
- ensure that Councillors have adequate access to financial skills and are provided with an appropriate level of financial training on an ongoing

basis.

Contributing to Corporate Management and Leadership

6.4.8 The Head of Finance has an essential part to play in the corporate management of the authority by;

- contributing to the effective leadership of the authority;
- contributing to the management of the authority;
- ensuring that the authority's financial resources are well managed;
- contributing to cross-authority issues and to the development of the authority.

Supporting and Advising Operational Officers

6.4.9 In supporting and advising operational officers, the Head of Finance shall:

- ensure that financial strategy and arrangements serve policy and service objectives, advising Services on all strategic and operational financial matters and on the availability of resources;
- advise officers on performance and standards to be adhered to in relation to financial matters;
- delegate responsibility for financial management and control to Directors, ensuring the development and maintenance of appropriate management accounting systems, functions and controls and that these are compatible with the corporate financial reporting systems;
- ensure that officers' roles and responsibilities are clear and understood and that budget managers have access to adequate financial skills;
- provide timely, accurate and impartial advice to the Chief Executive on any concerns or disagreements with Directors on the reported financial position or reliability of financial systems.

Leading and Managing an Effective and Responsive Financial Service.

6.4.10 In leading and managing the authority's finance function, the Head of Finance will;

- secure high standards of performance and service to the public;
- demonstrate accountability to the public by providing robust financial and performance information;
- establish a good, professional working relationship with external auditors and other statutory agencies;
- act as head of profession for all finance staff in the authority.

6.5 Directors

6.5.1 Within the overall framework of the financial management and administration arrangements, it is the responsibility of the Directors to:

- ensure adherence to this Code of Practice, Standing Orders, and any other legislative or Council requirements;
- manage the expenditure and income of the Service and ensure its control within approved budgets;
- prepare draft budget and service plan submissions, in conjunction with the Head of Finance and Chief Executive;
- provide data necessary to enable the completion of budgets, monitoring reports, annual reports and all Government or other returns, in conjunction with the Head of Finance;
- formally report any major financial problems identified within the Service to the Head of Finance, and if appropriate the Chief Executive, who can instruct appropriate action and report if required.

6.5.2 In practice, duties will be delegated to operational managers within the Service, the extent of which shall be covered by a framework of job descriptions clearly defining individual responsibilities.

6.6 Budget Holders and Finance Staff

6.6.1 As set out in the Finance Framework, the respective roles and responsibilities of budget holders and finance staff are set out against each fundamental finance standard as follows:

Budget Holder

Financial Leadership

- Build a culture of effective financial management within the service.
- Ensure financial standards are applied across the service and act as a role model.
- Demonstrate a commitment to good financial management.
- Scan the external environment for future developments that impact financial management.

Insight and Solutions

- Identify opportunities arising from external and internal changes.
- Create and implement appropriate plans to deliver best value.
- Generate and assess options and deliver them.
- Balance long and short term decision making considering cross council implications.

Finance Staff

- Help assess the financial culture in the service and provide feedback and support.
- Create the framework for good financial governance and manage effective reporting and control mechanisms.
- Work in partnership with services to develop strategy that will strengthen the business.
- Support the decision making process by providing pro-active advice, commercial insight and creative solutions.
- Ask appropriate probing questions and assess the financial impact of decisions.
- Support the framework for effective decision making and

Budget Holder

- Manage risk.
- Regulate governance of partner organisations and effectively supervise contracts.

Customer Engagement

- Demonstrate a partnership with finance.
- Maintain required skills and competencies.
- Engage appropriate people within and outside the team and commit appropriate resource to managing the business.
- Role model standards of professional competency in financial matters within the service and support a shared understanding of effective financial management.

High Quality Reporting, Planning and Analysis

- Demonstrate knowledge of the financial situation in the service. Contribute to accurate forecasting and identify and assess variances.
- Make wise decisions.
- Lead effective financial planning and monitoring processes within the service and drive action planning that supports service and financial performance.

Financial Controls and Transaction Processing

- Maintain efficient and effective application of financial controls, systems and processes within the service.

Finance Staff

financial governance of partners.

- Effectively advise, support, train and challenge budget holders supporting a shared understanding of service operations and the financial position.
- Operate an effective performance culture that encourages customer feedback.
- Facilitate productive budget holder meetings.

- Provide high quality financial information, advice and challenge to the budget setting and monitoring processes.
- Drive and enable effective analysis of financial information in conjunction with service and operational implications.

- Set standards and design strong financial controls, systems and processes that enable efficient processes to operate within services.

Line Responsibilities/Accountabilities

6.6.2 The Head of Finance has overall responsibility for the management and administration of the Council's financial affairs and consequently for all staff engaged in delivering the service. All finance staff are responsible to the Head of Finance for maintaining professional accounting standards and the highest standards of conduct and integrity.

All staff engaged in financial management within Services have a similar responsibility, not only to their Director, but also to the Head of Finance. Further, Finance staff have a responsibility to Directors for the provision of impartial advice and guidance on all financial matters, including contributing to and assisting in Best Value reviews, option appraisal and the process of continuous improvement across the Council.

6.6.3 The Head of Finance has the power to draw to the attention of a Director any circumstances where he/she considers that a member of staff engaged in financial management has not met the required standards. The Head of

Finance is also empowered to recommend how the matter shall be taken forward. Conversely, any Director has recourse to the Head of Finance where it is considered that any member of staff in Finance has not met the required standards. In the event that a Director and the Head of Finance fail to agree, the matter shall be raised with the Chief Executive who will be the final arbiter.

7. INTERNAL CONTROL.

7.1 Introduction

7.1.1 Internal control is all of the policies and procedures management uses to achieve the following goals.

- Safeguard Council assets - well designed internal controls protect assets from accidental loss or loss from fraud.
- Ensure the reliability and integrity of financial information - Internal controls ensure that management has accurate, timely and complete information, including accounting records, in order to plan, monitor and report business operations.
- Ensure compliance - Internal controls help to ensure the Council is in compliance with the laws and regulations affecting the operations of our business.
- Promote efficient and effective operations - Internal controls provide an environment in which managers and staff can maximise the efficiency and effectiveness of their operations.
- Accomplishment of goals and objectives - Internal controls system provide a mechanism for management to monitor the achievement of operational goals and objectives.

7.2 Responsibilities

7.2.1 Directors are responsible for maintaining an adequate system of financial control and are expected to communicate the expectations and duties of staff as part of a control environment. They are also responsible for ensuring that the major areas of an internal control framework are addressed and that weaknesses highlighted are acted upon.

7.2.2 Staff are responsible for carrying out the internal control activities set out by the Head of Finance and Directors.

7.3 Control Framework

7.3.1 The framework of good internal control includes:

- **The Control environment:** A sound control environment is created by management through communication, attitude and example. This includes a focus on integrity, a commitment to investigating discrepancies, diligence in designing systems and assigning responsibilities.
- **Risk Assessment:** This involves identifying the areas in which the greatest threat or risk of inaccuracies or loss exist. To be most efficient, the greatest risks should receive the greatest amount of effort and level of control. For example, the value or the nature of the transaction (for instance, those that involve cash) might be an indication of the related risk.

- **Monitoring and Reviewing:** The system of internal control should be periodically reviewed by management. By performing a periodic assessment, management assures that internal control activities have not become obsolete or lost due to staff turnover or other factors. They should also be enhanced to remain sufficient for the current level and extent of risks.
- **Information and communication:** The availability of information and a clear and evident plan for communicating responsibilities and expectations is paramount to a good internal control system.
- **Control activities:** These are the activities that occur within an internal control system. These are described in 7.4 below.

7.4 Internal Control Activities

- 7.4.1 These activities are the policies and procedures as well as the daily activities that occur within a system of internal control. The Head of IT, Customer Service and Performance and Internal Audit Manager, in conjunction with the Head of Finance, will ensure that the system includes both prevention and detection activities.
- 7.4.2 Prevention control activities aim to deter the instances of error or fraud. Activities include comprehensive documentation, authorisation processes, segregation of duties and security. These activities prevent undesirable transactions from happening and therefore require well thought out procedures and risk identification.
- 7.4.3 Detection control activities aim to identify any undesirable transactions after the fact, and in financial situations the most frequently used detection controls are reconciliation along with monitoring and review.
- 7.4.4 Appropriate controls shall be established to ensure that the financial information system accurately collates, sums and reports all authorised input and that regular and sufficient back up is maintained.

7.5 Embedding Internal Control Activities into Operations

- 7.5.1 Control activities occur at all levels and functions of the Council. Directors should establish control activities that are effective and efficient.
- 7.5.2 When designing and implementing control activities, the aim should be to get the maximum benefit at the lowest cost. Consideration should be given to the following:
- The cost of the control activity should not exceed the cost that would be incurred by the Council if the undesirable event occurred;
 - Control activities should be built into business processes and systems as the processes and systems are being designed. Adding control activities after the development of a process or system is generally more costly and may enable errors or fraud to occur;

- The allocation of resources among control activities should be based on the likelihood and impact of the risk;
- For any given risk, there may be multiple appropriate control activities that can be put into place, either individually or in combination with other control activities; and
- Excessive use of controls could impede productivity.

7.6 Commonly Used Controls

7.6.1 The following brief descriptions of the commonly used control activities will help managers to identify and select appropriate activities to prevent and detect error and fraud.

- **Documented Systems / Process** – Comprehensive documentation of systems and processes provides clarity to those involved and a structure to enable checking to be carried out.
- **Authorisation** – Control activities in this category are designed to provide reasonable assurance that all transactions are within the limits set by policy or that exceptions to policy have been granted by the appropriate officer(s).
- **Review and approval** – Control activities in this category are designed to provide reasonable assurance that transactions have been reviewed for accuracy and completeness by appropriate officers.
- **Verification** – Control activities in this category include a variety of computer and manual controls designed to provide reasonable assurance that all accounting information has been correctly captured.
- **Reconciliation** – Control activities in this category are designed to provide assurance of the accuracy of financial records through the periodic comparison of source documents to data recorded in accounting information systems.
- **Physical security over assets** – Control activities in this category are designed to provide reasonable assurance that assets are safeguarded and protected from loss or damage due to accident, natural disaster, negligence or intentional acts of fraud, theft or abuse.
- **Segregation of duties** – Control activities in this category reduce the risk of error and fraud by requiring that more than one person is involved in completing a particular financial process.
- **Education, training and development** – Control activities in this category reduce the risk of error and inefficiency in operations by ensuring that staff have the proper education and training to perform their duties effectively. Education and training programs should be periodically reviewed to ensure they remain relevant to the current Council operating environment and financial processing procedures.

- **Performance planning and evaluation** – Control activities in this category establish key performance indicators for the Council that may be used to identify unexpected results or unusual trends in data which could indicate situations that require further investigation and/or corrective actions. Evaluations may be done at multiple levels within the Council, as appropriate: the Council as a whole; major projects; specific Services / functions; or specific activities. Performance reviews may focus on compliance, financial or operational issues. For example, financial reviews should be made of actual performance versus budgets, forecasts and performance in prior periods.

7.6.2 This list is not exhaustive and advice should be sought from the Head of Finance or Internal Audit Manager if any manager is uncertain about incorporating appropriate control activities into their operations.

8. BUDGETARY CONTROL

8.1 Revenue

8.1.1 Revenue items are the operational costs incurred by the authority during the financial year in providing its day to day services, or income generated through, for example, fees and charges.

8.2 Revenue Budget Preparation

8.2.1 A budget is required for all revenue items which form part of the council's budgets;

- General Revenue Fund;
- Housing Revenue Account;
- Common Good Fund; and
- North East Scotland Pension Fund (the Council being the administering authority).

8.2.2 The budgets for both income and expenditure must be prepared in accordance with the Council's budgeting principles and approved timelines in support of the Council's 5 Year Business Plan. The budgets will be prepared jointly by the Directors, Heads of Service and the Head of Finance.

8.2.3 Budgets will be prepared in compliance with Government regulations and relevant codes of practice.

8.2.4 The Head of Finance shall prepare a consolidated draft budget, incorporating a 5 year budget, together with a report on its financial implications. This budget report may be submitted to Finance, Policy and Resources Committee prior to being submitted to the Council Budget meeting. Once approved by Council the Budgets will constitute the Revenue Budgets for the relevant financial year.

8.3 Revenue Budget Monitoring

8.3.1 The Head of Finance shall provide Directors and Budget Holders with up-to-date financial information on income and expenditure compared to the approved budget. The Head of Finance will be entitled to receive any clarification deemed necessary on any item of expenditure or income and

Directors and Budget Holders shall provide the Head of Finance with such information as he or she shall require from them.

- 8.3.2 The Head of Finance shall report regularly to the Finance, Policy and Resources Committee on comparisons of actual figures with budget to date along with a forecast for the full year. The Committee will be entitled to seek explanations for any figures which it deems require special attention.
- 8.3.3 Each Director, with the assistance of the Head of Finance, shall report regularly to their Service Committee on comparison of actual figures with budget to date along with a forecast for the full year. The Committee will be entitled to seek explanations for any figures which it deems require special attention.
- 8.3.4 The reporting of the Housing Revenue Account shall be to the Communities, Housing and Infrastructure Committee; the Common Good Fund shall be to the Finance, Policy and Resources Committee; and the North East Scotland Pension Fund shall be to the Pensions Committee.

8.4 Revenue Budget Management

- 8.4.1 Budget Holders shall be responsible for monitoring their budgets in accordance with these Regulations, Standing Orders and corporate procedures and timetables, using the relevant financial systems as determined by the Head of Finance.
- 8.4.2 No expenditure should be incurred unless it can be included within an approved budget.
- 8.4.3 If it becomes apparent that any item of income or expenditure is likely to vary significantly from budget estimates, this shall be reflected as a variance in revenue budget monitoring reports and reported to the relevant Service Committee. If this is a permanent variance then a budget virement may be approved following the guidelines below.

8.5 Scheme of Virement

- 8.5.1 The term "virement" refers to the switching of budgetary provision from one budget head to another.
- 8.5.2 Any proposal for virement involving a new policy, or variation of existing policy, which may have a significant impact upon the corporate plans of the Council, will be subject to the approval of the appropriate Service Committee, in the first instance, and thereafter the Finance, Policy and Resources Committee.
- 8.5.3 The Chief Executive, Directors, Heads of Service and Budget Managers may exercise virement, as set out below, within the Services' overall Revenue Budget provided:
- The Head of Finance has been notified; and
 - The virement does not create an additional financial commitment into future financial years.
- 8.5.4 Virement cannot be used by services in the following situations:
- for expected savings on finance costs or recharges;
 - for recurring items of expenditure in place of non-recurring savings;

- for property items such as rates and utilities;
- any savings against a property which has been declared surplus under the Council's surplus asset procedure;
- to reinstate an item deleted by Council during budget considerations unless approved by the appropriate Service Committee AND the Finance, Policy and Resources Committee;
- for service budgets which are committed to and included within partnership agreements; and
- between services that are budgeted and funded through Council house rents and the Council tax i.e. the Housing Revenue Account and General Fund budgets.

8.5.5 Education establishments within the scheme of Devolved Education Management (DEM) may vire between different categories of specified budgets in accordance with the scheme regulations

Scope	Limit	Approval to Vire
1. Within Account Code Groupings, within individual budget holder areas of responsibility (e.g. printing & stationery to telephones – within admin costs)	Up to £20,000 or 10% of the budget grouping, whichever is the lesser	Budget Manager
	Up to £100,000	Head of Service
	Over £100,000	Director, reported to Service committee in Service Monitoring Report
2. Between Account Code Groupings, within individual budget holder areas of responsibility (e.g. Administration Costs to Supplies & Services)	Up to £20,000 or 10% of the budget grouping, whichever is the lesser	Budget Manager
	Up to £100,000	Head of Service
	Over £100,000	Director, reported to Service committee in Service Monitoring Report
3. Between Functional Services Budgets but within Head of Service area of responsibility (e.g. Primary to Secondary Education, Libraries to Museums, or Learning Disability to Mental Health)	Up to £20,000 or 10% of the budget grouping, whichever is the lesser	Head of Service
	Up to £100,000	Director, reported to Service committee in Service Monitoring Report
	Over £100,000	Service Committee
4. Between Functional Service Budgets within Directorate Budgets (e.g. transfer from Education to Culture)	Up to £250,000	Director, reported to Service committee in Service Monitoring Report
	Over £250,000	Service Committee

Scope	Limit	Approval to Vire
5. Between Directorate Budgets i.e. across committees (e.g. transfer from Education & Children's Services to Communities, Housing and Infrastructure)	Up to £500,000	Corporate Management Team, reported to Service Committees in Service Monitoring Reports
	Over £500,000	Finance, Policy and Resources Committee

8.6 Capital

- 8.6.1 Capital items are the costs incurred by the authority on the acquisition, creation or enhancement of fixed assets.
- 8.6.2 Examples include, but are not limited to, land and property, roads and structures, vehicles and plant, and Information and Communication Technology (ICT).
- 8.6.3 Enhancement of an asset refers to something which will significantly lengthen the useful life of an asset; increase the open market value of an asset; or increase the extent to which an asset can be used.
- 8.6.4 Capital income is the value of any receipt received upon the sale or disposal of any fixed asset, or the value of any grant or contribution received to offset the cost of a new fixed asset.

8.7 Capital Budget Preparation

- 8.7.1 All capital items should be included in one of the Council's capital budgets:
- General Fund capital
 - Housing capital
- 8.7.2 The budgets for both capital income and expenditure must be prepared in accordance with the Council's budgeting principles and approved timelines, in support of the Council's business plan.
- 8.7.3 Any bid from a service to have a project included in the General Fund Capital programme should be supported by a business case including a detailed options appraisal, whole life costing, any revenue budget implications, and demonstrating how the bid supports service priorities and asset management plans. All business cases shall be submitted for review by Corporate Asset Group, which will make recommendations on each bid to the Corporate Management Team before the General Fund Capital programme is approved.
- 8.7.4 The revenue budget implications identified during the process shall be incorporated into the Revenue Budget and 5 Year Business Plan.
- 8.7.4 The Head of Finance shall prepare a consolidated draft capital programme, incorporating a 5 year programme, together with a report on its financial implications. This budget report may be submitted to Finance, Policy and Resources Committee prior to being submitted to the Council Budget meeting. Once approved by Council the Budget will constitute the Capital Budget for the relevant financial year.

8.7.5 The Head of Finance shall prepare a report on the Prudential Indicators. This will demonstrate the affordability and prudence of the budget being set. More information is available in section 4.8 above.

8.8 Capital Monitoring

8.8.1 Capital budget holders shall be responsible for monitoring their budgets in accordance with these Regulations, Standing Orders and corporate procedures and timetables, using the relevant financial systems as determined by the Head of Finance.

8.8.2 No capital expenditure should be incurred unless it can be included within an approved capital budget.

8.8.3 The Corporate Asset Group is responsible for monitoring the overall General Fund Capital programme and the profiling of project expenditure within the 5 year programme, subject to funding limits determined by the Head of Finance.

8.8.4 The Chair of Corporate Asset Group, the Head of Land and Property Assets, may approve an overspend of up to 10% of the budget for any General Fund Capital project, subject to the overspend being contained within the overall budget allowed for the General Fund Capital programme. The Head of Finance must be informed in the event of this regulation being used.

8.9 Virement of Capital Budgets

8.9.1 The Corporate Asset Group may exercise virement of budgets between projects included in the approved General Fund Capital programme, within the overall budget, provided:

- the Head of Finance has been notified; and
- the virement is reported to the next available Finance, Policy and Resources Committee

9. ACCOUNTING POLICIES AND STATEMENT OF ACCOUNTS

9.1 General

9.1.1 The Head of Finance is responsible for the preparation of the Council's annual Statement of Accounts, in accordance with proper practices and asset out in the format required by the Code of Practice on Local Authority Accounting in the United Kingdom ["The Code"] (published by CIPFA / LASAAC), for each year ending 31 March.

9.1.2 Maintaining proper accounting records is one of the way in which the Council discharges its responsibility for stewardship of public resources. Therefore the Head of Finance is responsible for selecting suitable accounting policies to ensure that they are consistently applied to the accounts relating to each financial year. It follows that all accounting procedures and the related records, of the Council, shall be determined by the Head of Finance.

9.1.3 It is the duty of Directors / Heads of Service to maintain proper financial and accounting records within their Service to demonstrate adequate stewardship of public resources. Arrangements put in place by the Head of Finance shall

not be discontinued or amended and new arrangements will not be introduced without the approval of the Head of Finance.

- 9.1.4 The following principles will be observed in the allocation of accounting duties:
- The duties of providing information regarding sums due to, or by, the Council, and of calculating, checking and recording these, will be separated as completely as possible from the duty of collecting or disbursing them; and
 - Officers charged with the duty of examining and checking the accounts of cash transactions shall not themselves be participants or beneficiaries in any of these transactions.

9.2 Annual Abstract of Accounts

- 9.2.1 The Abstract of Accounts for the preceding financial year will be prepared by 30 June following, or by such date as may be determined by Scottish Ministers in regulations under Section 105 of the Local Government (Scotland) Act 1973, and submitted, by that date, to the Council and the Controller of Audit. Following completion of the Audit, the Head of Finance will submit to the Council, not later than two months following receipt, a certified copy of the Abstract together with the External Auditor's report thereon.
- 9.2.2 The Head of Finance is responsible for ensuring that the Council's Abstract of Accounts is produced in compliance with the legal and accounting framework. Therefore all accounts and accounting records of the Council will be compiled by, or under the direction of, the Head of Finance.
- 9.2.3 The Chief Executive, Directors and Heads of Service shall be responsible for ensuring that staff in their Service afford to the Head of Finance such assistance as is necessary to ensure the deadlines agreed with the Head of Finance for the completion of the Abstract of Accounts are complied with.
- 9.2.4 At the end of the financial year (or any other date as laid down by the Head of Finance), this shall include (but will not be limited to) the submission of:
- A copy of certified stock lists;
 - A reconciliation of sums of petty cash held;
 - Assurance statements on internal controls;
 - Details of asset impairments and dilapidations;
 - Details of related parties and other organisations with which the Council has / may have control; and
 - Any other information necessary to close the Council's accounts.
- 9.2.5 It is the direct responsibility of the Chief Executive, Directors and Heads of Service to provide the External Auditor with supporting documentation and any other information required in connection with the closure of the Council's Accounts.

10. LOCAL GOVERNMENT IN SCOTLAND ACT 2003

10.1 Requirements of the Act

- 10.1.1 The Act sets out a statutory duty on local authorities to secure Best Value in the delivery of their services. Best Value requires the Council to consider the balance between the quality of performance of its functions, the cost to the

authority of that performance and the cost to persons of any service provided to them by the authority on a wholly or partly rechargeable basis. In maintaining that balance, the Council shall also have regard to seeking the most effective and efficient means of delivering services to its citizens.

- 10.1.2 The Act also sets out the requirement for statutory trading accounts to be maintained for 'significant trading operations' and that they should break even over a 3-year rolling period.
- 10.1.3 The Act introduces a requirement under primary legislation for authorities to adopt proper accounting practice, and sets out a statutory duty to publish performance reports, including provision for the inclusion of trading accounts under this duty.
- 10.1.4 The requirement to keep accounts in accordance with 'proper practices' is defined, for the purposes of local government legislation, as meaning compliance with the terms of the Code of Practice on Local Authority Accounting in the United Kingdom ("The Code"). It is based on International Financial Reporting Standards
- 10.1.5 The Code specifies the principles and practices of accounting required to prepare a Statement of Accounts which gives a true and fair view of the financial position and transactions of a local authority. The Code is reviewed continuously and is normally updated annually by the CIPFA/LASAAC Local Authority Code Board ("CIPFA/LASAAC").

10.2 Key Roles and Responsibilities

10.2.1 Finance, Policy and Resources Committee

The Finance, Policy and Resources Committee is responsible for undertaking overall management of the Council's resources – finance, people, systems and technology and property, at the stage of acquisition or disposal.

The full terms of reference for this committee are available on the Council's website.

Summarised financial monitoring statements prepared by the Head of Finance shall also be presented, each cycle, to the Finance, Policy and Resources Committee. This Committee can ask for further information or refer matters to the appropriate Committee for more detailed consideration.

10.2.2 Audit, Scrutiny and Risk Committee

The Audit, Scrutiny and Risk Committee is responsible for the review of the system of risk management and to ensure the effectiveness of the control environment, receiving and considering internal and external audit reports.

The Committee is also responsible for considering the system of risk management and governance of the Council's ALEO's, and in certain circumstances this is delegated to the Shareholder Scrutiny Group.

Currently, these include, but are not limited to:

Aberdeen Exhibition and Conference Centre and Mountwest 343;

Aberdeen Heat and Power;
Aberdeen Sports Village;
Bon Accord Care and Bon Accord Support Services;
Sport Aberdeen.

The full terms of reference for this committee and the Shareholder Scrutiny Group are available on the Council's website.

11. LOCAL AUTHORITY RESERVES

11.1 Background

11.1.1 To assist authorities in developing a framework for reserves, CIPFA have issued guidance in the form of the Local Authority Accounting Panel (LAAP) Bulletin 55 – Guidance Note on Local Authority Reserves and Balances. This guidance outlines the framework for reserves, the purpose of reserves and some key issues to be considered when determining the appropriate level of reserves.

11.2 Statutory/Regulatory Framework for Reserves

11.2.1 Local Authorities may only hold reserves for which there is a statutory or regulatory power to do so. In Scotland the legislative framework is as follows:

Reserve	Powers
General Fund	Local Government Scotland Act 1973
Capital Fund Insurance Fund	Local Government Scotland Act 1975

11.2.2 For each reserve there is a clear protocol setting out:

- the reason / purpose of the reserve
- how and when the reserve can be used
- procedures for the reserves management and control
- the review timescale to ensure continuing relevance and adequacy

The protocol for each reserve is as follows:

General Fund

Purpose of the Reserve

Every local authority shall have a general fund and

- (a) all sums received by or on behalf of the authority shall be paid into that fund;
- (b) all fees, commissions, discounts allowed on payment of accounts and expenses payable to or recovered by any officer of a local authority in respect of any business relating to the authority whether by reason of his office or otherwise shall be accounted for and paid into that fund; and
- (c) all sums payable by the authority shall be paid out of that fund.

Schedule 3, Section 12 (1) of the Local Government (Scotland) Act 1975 prescribes the requirement for each local authority to establish a loans fund and states that it shall be part of the general fund of the authority.

Use of Reserve

This represents the general reserve of the Council and is used to manage the financial strategy of the Council. Any use of general fund reserves has to be approved by the Council through the appropriate committee framework.

Management and Control

Management and control is maintained through the established financial management frameworks and review and through the year-end and budget process.

Capital Fund

Purpose of the Reserve

To defray any expenditure of the authority to which capital is properly applicable, or in providing money for repayment of the principal of loans (but not any payment of interest on loans)

Use of reserve

The capital fund will support major capital investment projects within the Council's approved capital programme.

Management and Control

Management and control is maintained through the established financial management frameworks and review and through the year-end and budget process.

Insurance Fund

Purpose of the Reserve

An authority may operate an insurance fund for the following purposes:

- (a) where the authority could have insured against a risk but have not done so, defraying any loss or damage suffered, or expenses incurred, by the authority as a consequence of that risk; or
- (b) paying premiums on a policy of insurance against a risk

Use of reserve

The reserve is used to manage insurance costs over the medium term.

Management and Control

The insurance fund is subject to dedicated accounting rules and procedures as approved by LASAAC (Local Authorities Scotland Accounts Advisory

Committee).

11.2.3 The adequacy and relevance of each fund is reviewed by the Head of Finance at each year-end and through the budget process. All recommendations for movements in balances are reported to Council either through the year-end report or as part of the budget and service plan strategy.

11.2.4 In addition, over recent years the Code of Practice on Local Authority Accounting in the United Kingdom has introduced a number of technical reserves in line with proper accounting practice associated with capital accounting, defined benefits pension schemes, financial instruments and employee benefits. These reserves are governed by specific accounting treatment and do not form part of the Council's general available reserves.

11.3 Operation of Reserves

11.3.1 Useable reserves are generally held to do three things:

- create a working balance to help cushion the impact of uneven cash flows and avoid unnecessary temporary borrowing – this forms part of general reserves;
- create a contingency to cushion the impact of unexpected events or emergencies – this also forms part of general reserves; and
- create a means of building up funds, often referred to as earmarked reserves, to meet known or predicted liabilities.

11.4 Role of the Head of Finance

11.4.1 The Head of Finance is responsible for advising on the levels of reserves. The Council, based on this advice, should then approve the appropriate strategy as part of the budget process.

11.5 Adequacy of Reserves

11.5.1 There is no guidance on the minimum level of reserves that a Council should hold. In determining reserve levels the Head of Finance must take account of the strategic, operational and financial risks facing the Council over the medium term and the Council's overall approach to risk management.

11.5.2 In determining the level of general reserves the Head of Finance should consider the Council's medium term financial strategy and the overall financial environment. Guidance also recommends that the Head of Finance also reviews any earmarked reserves as part of the annual budget process.

11.5.3 In light of the size and scale of the Council's operations, over the medium term a risk based approach has been taken to establish a level of uncommitted reserves to be held by the Council. This Reserves Strategy should be reviewed on a regular basis. This value of reserves must be reviewed annually as part of the Council's Budget and Business Planning process and in light of the financial environment at that time.

11.5.4 The level of other earmarked funds will be established as part of the annual budget process.

11.6 Reporting Framework

11.6.1 The Head of Finance has a fiduciary duty to local taxpayers to ensure proper stewardship of public funds.

11.6.2 The level and utilisation of reserves will be formally approved by Council based on the advice of the Head of Finance. To enable the Council to reach a decision, the Head of Finance should clearly state the factors that influenced this advice.

11.6.3 As part of the budget report the Head of Finance should state:

- the current value of general reserves, the movement proposed during the year and the estimated year-end balance and the extent that balances are being used to fund recurrent expenditure.
- the adequacy of general reserves in light of the Council's 5 year business plan; and
- an assessment of earmarked reserves and advice on appropriate levels and movements during the year and over the medium term.

12. NORTH EAST SCOTLAND PENSION FUND

12.1 Introduction

Aberdeen City Council is appointed by Scottish Ministers to administer the Local Government Pension Scheme, in addition to Uniform Police and Fire Schemes, on behalf of a range of scheme employers across the North East of Scotland, including Aberdeen City Council, Aberdeenshire Council, Moray Council, Scottish Police Service, Scottish Fire Service and a range of other charitable and local government funded bodies.

The Council has the legal responsibility for the Fund, and delegates this through the Pension Committee, which makes the decisions for the Fund.

12.2 North East Scotland Pension Fund Committee

The Pension Committee has the power to discharge all functions and responsibilities relating to the Council's role as administering authority for the North East Scotland Pension Fund in terms of the Local Government (Scotland) Act 1994 and the Superannuation Act 1972. This includes overseeing the administration of the Local Government Pension Scheme in accordance with the Local Government Pension Scheme (Scotland) Regulations 2008 and managing the investments of the North East Scotland Pension Fund in accordance with the Local Government Pension Scheme (Management and Investment of Funds) (Scotland) Regulations 2010

The full terms of reference for the Committee are available on the Council's website.

The principles within this Code of Practice, apply to North East Scotland Pension Fund.

12.3 Pension Fund Management and Control

12.3.1 Scheme Governance

The Head of Finance shall ensure that the Pension Fund complies with all government regulations in the administration of the above Funds.

The Head of Finance shall ensure that all required policy statements are created, maintained and annually reviewed by the Pensions Committee.

- Governance Statement
- Governance Compliance Statement
- Training Policy
- Statement of Investment Principles
- Pensions Administration Strategy
- Communication Policy

12.3.2 Accounting

Subject to the overriding requirements of Section 2 above, the Head of Finance is responsible for ensuring that the North East Scotland Pension Fund and the Aberdeen City Council Transport Fund accounts are produced in compliance with existing legal and accounting requirements.

Financial Services are required to provide all relevant information to the Pension Fund Service as detailed in the Guidance notes and procedures issued annually by the Head of Finance, in order to complete the Abstract of Accounts by the statutory deadline.

It is the responsibility of the Pension Fund Manager to provide the External Auditor with supporting documentation and any other information required in connection with the Pension Funds' accounts.

The Head of Finance shall ensure that an annual report is prepared in respect of governance and management of the Local Government Pension Schemes administered by Aberdeen City Council and published by the statutory deadline.

12.3.3 Management of Investment Banking Arrangements

The Head of Finance shall ensure the appropriate custody arrangements are in place to provide:

- Safe custody of scheme assets
- income collection
- proxy voting
- foreign exchange transactions
- the provision of a 'global record keeper'
- investment accountancy services

The Head of Finance shall make recommendations to the Pensions Committee with regard to added value custody services, such as, but not limited to:

- Cash Management
- Performance measurement
- Stock Lending

12.3.4 Treasury Management

Subject to the overriding requirements of Treasury Management Strategy and Policy, the Head of Finance shall create and maintain, as the cornerstones of effective treasury management:

- A treasury management policy in respect of the North East Scotland Pension Funds covering treasury management function delegated to i.) Aberdeen City Council Treasury Management Team, ii.) Pension Fund Section with regard to the Pension Fund Global Custodian and other approved external providers
- Suitable treasury management practices in compliance with Pension Fund long term investment objectives as set out the Pension Fund Statement of Investment Principles.

The Head of Finance shall report annually to the Pension Committee on the review of treasury management strategy, policies, objectives, controls and activities.

12.3.5 Financial Controls

Subject to the overriding requirements at Regulations 3, in accordance with Local Government Pension Scheme regulations the Head of Finance shall maintain separate bank accounts on behalf of the Pension Funds.

The Head of Finance shall ensure that financial transactions carried out on behalf of the Pension Funds will be carried out with due regard to segregation of duties.

The Head of Finance shall approve the scope and limit of financial transactions carried out on behalf of the Pension Funds.

12.3.6 Budget

Subject to the overriding requirements of Section 4 above,

a.) the budget will be prepared to incorporate the costing detailed in the 'Service Level Agreement' between Aberdeen City Council and the Pension Funds.

b.) projected fund management costs will be subject to an assessment by the Head of Finance and the Pensions Manager of the likely movement in investment markets over a twelve month period.

c.) projected third party costs will be subject to assessment by the Head of Finance and the Pension Fund Manager.

Variations from budget projection which are out with the control of the administering authority (i.e. Fund Manager costs, Third Party service costs) will be monitored and reported to the Pensions Committee on a quarterly basis.

12.3.7 Financial Administration

Income - The Head of Finance shall ensure that appropriate policies are in place and are regularly reviewed for the effective and efficient collection of

all monies due to the Pension Fund.

Debtors - The Head of Finance shall ensure that all outstanding income due to the Fund is pursued by the Pension Fund section and escalated to the Service Income Section as appropriate. A report shall be prepared annually for the Head of Finance with regard to the write-off of unrecoverable debt. Under delegated powers on review of the annual report the Pensions Manager shall be authorised to write off debts up to a value of £10,000, and the Head of Finance is authorised to write off debts up to a value of £25,000.

Expenditure - The Head of Finance shall ensure that effective procedures are in place and regularly reviewed with regard to Pension Fund expenditure.

Record Keeping * The Head of Finance shall ensure that accurate records are maintained in respect of all Pension Funds income and expenditure activity

Systems - The Head of Finance shall ensure that the Pension Fund has in place appropriate IT and accounting systems in order to comply with the requirements of the Local Government Pension Scheme Regulations.

Documentation - The Head of Finance shall be responsible for authorising financial documentation on behalf of the Pension Fund, such as, but not limited to:

- Transition Management Programmes
- Project Management Documentation
- Proxy Voting Documentation
- Tax Documentation

12.3.8 Employee benefit payments

Payment of all benefits to scheme employees and transfer of pension fund benefits to external Pension providers shall be made by the Pension Fund Section under arrangements approved and controlled by the Head of Finance.

All payments and transfers will be processed through the Pension Fund benefit administration system, subject to review and authorisation by a relevant senior officer of the Pension Fund.

12.3.9 Risk Management

Subject to overriding requirements at Regulation 12 the Head of Finance shall be responsible for the identification and control of Risk for the North East Scotland Pension Funds'.

The Head of Finance will carry out an annual review of risk management relating to the Pension Funds, in respect of but not limited to:

- Scheme Governance
- Benefit Administration
- Investment Management and administration
- Employer Covenant
- IT administration

The Head of Finance will report quarterly to the Pensions Committee in respect of all risk matters impacting the Pension Funds’.

12.3.10 Audit

The Pension Fund shall be subject to the same internal and external audit appointments as Aberdeen City Council.

Subject to the overriding requirements of Section 13 above, both the internal and external audit function shall report to the Pensions Committee providing copy information to the main Audit and Risk Committee.

An annual internal and external audit plan shall be reported to the Pensions Committee.

Internal and External Audit shall report on all work carried out and follow up status to the Pensions Committee.

Both the internal and external audit function shall work directly with the Pensions Manager in relation to work carried out and followed up.

12.3.11 Investment of Funds

The Head of Finance will be responsible for ensuring that all monies in respect of the Pension Funds’ shall be invested in accordance with the Local Government Pension Scheme (Scotland) Regulations.

- The Local Government Pension Scheme (Management and Investment of Funds) (Scotland) Regulations 2010 as amended
- The Local Government Pension Scheme (Administration) (Scotland) Regulations 2008 as amended

The Head of Finance shall ensure that proper records are maintained with regard to the investments of the North East Scotland Pension Funds.

The Head of Finance will be responsible for ensuring that, all investment will be held either in the name of the North East Scotland Pension Funds or appropriate nominee name.

Asset Classes considered as being suitable investments for the Pension Funds will be detailed in the Pension Funds’ ‘Statement of Investment Principles’ (SIP). The SIP will be subject to annual review by the Pensions Committee.

In accordance with the Local Government Pension Scheme regulations the Pensions Committee will take proper advice with regard to investment of the Funds’ monies including advice from the Head of Finance.

12.3.12 Service Providers

The Head of Finance shall ensure that all service providers engaged on behalf of the Pension Fund will be appointed subject to the City Council procurement requirements

The Pension Fund has identified the following service providers as ‘key’

providers with regard to Pension Fund service provision. The list is not exhaustive and may be revised subject to direction by the Head of Finance.

- Aberdeen City Council (subject to an SLA)
- Scheme Actuary
- Global Custodian
- Investment Fund Managers
- Investment Consultants
- Benefit Administration system provider

All third party service providers will be subject to annual performance review or more often as required with reporting to the Pension Panel.

12.3.13 Travel and Expenses

The Head of Finance shall approve an annual travel plan in respect of Training event and Conference attendance, for elected members and officers in respect of the North East Scotland Pension Funds. Travel will be approved in accordance with the Travel Procedures set out in section 4 above.

12.3.14 Police and Fire Schemes

The Head of Finance shall ensure that effective and efficient management of records and monies related to the non-funded uniform Police and Fire Schemes.

Purchasing - Quotation Exemption Form (Financial Regulation 5.11.1)

(Notes in Italics are for guidance – delete as required).

Item	<i>(outline the category of supply or service that it s planned to get quotes for)</i>	
Requesting Officer	Name: Contact No.	Job Title:
Estimated value of an order	<i>(Insert estimated value £'s)</i>	
Number of suppliers planned to approach	<i>(This should normally be 4 as no fewer than 4 quotes should be sought)</i>	
Proposed Suppliers	<i>(Please give names of each of the proposed suppliers from whom quotes will be sought)</i>	
Reasons	<i>(Please give details of reasons why a quote from fewer than 4 suppliers is being sought in terms of value for money)</i>	

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	8 th October 2014
LEAD OFFICER	Chief Executive
TITLE OF REPORT	Appointments
REPORT NUMBER	OCE/14/037
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

The report brings before the Council changes to previously agreed appointments.

2. RECOMMENDATION

That the Council resolves to agree that:-

- i. the Council's representation on the Aberdeen International Airport Consultative Committee be reduced to three members – Councillor Laing plus one Administration local member and one Opposition local member;
- ii. Councillor Donnelly replaces Councillor Milne as the Council's representative on KIMO;
- iii. Councillor Grant replaces Councillor Taylor as one of the Council's representatives on NESTRANS and that Councillor Laing replaces Councillor Crockett as a substitute representative on NESTRANS;
- iv. Councillor Jean Morrison MBE replaces Councillor Taylor as one of the Council's representatives on the Strategic Development Authority; and
- v. Councillor Laing replaces Councillor Crockett as one of the Council's representatives on Visit Aberdeen Destination Marketing Organisation.

That the Council resolves to note that:-

- i. Councillors Laing and Young replace Councillors Grant and Nathan Morrison on the Electoral Boundaries Working Group; and

3. FINANCIAL IMPLICATIONS

There are no financial implications to the Council.

4. OTHER IMPLICATIONS

There are no other implications to the Council.

5. BACKGROUND/MAIN ISSUES

At its Statutory Meeting on 16th May 2012 and at subsequent meetings of the Council and the Urgent Business Committee, the Council considered reports on the appointment of representatives to outside bodies.

A number of proposed changes to appointments have now been intimated as noted above in the recommendations. The Council is requested to approve these changes.

In addition, the Chair of the Aberdeen International Airport Consultative Committee has recently written to the Council Leader to suggest that the Council's representation on the Committee be reduced from four to three members. At the same time, Aberdeenshire Council's representation is to be increased from two to three members. This is felt to be a more equitable representation given that travellers using the airport come more or less equally from the two local authority areas. It is suggested that the Council Leader and two local members should be the City Council's representatives.

6. IMPACT

Representation on the various sub-committees, trusts, boards and outside bodies assists the Council in fulfilling its role in delivering the Single Outcome Agreement.

7. MANAGEMENT OF RISK

The report is concerned solely with a change of representation on outside bodies.

8. BACKGROUND PAPERS

None

9. REPORT AUTHOR DETAILS

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ABERDEEN CITY COUNCIL

COMMITTEE	Finance, Policy and Resources
DATE	30 September 2014
DIRECTOR	Ewan Sutherland
TITLE OF REPORT	Treasury Management Policy and Strategy
REPORT NUMBER	CG/14/103
CHECKLIST RECEIVED	Yes

1. PURPOSE OF REPORT

To update the Committee on Treasury Management activities undertaken during financial year 2013/14.

2. RECOMMENDATION(S)

The Committee is asked to consider the report and make recommendations to Council for approval as follows:-

- a) Notes the Treasury Management activities undertaken in 2013/14 as detailed ;and
- b) Recommends to Council that it notes the Treasury Management activities undertaken in 2013/14.

3. FINANCIAL IMPLICATIONS

Treasury Management activities influence the loans pool interest rates and aims to minimise the cost of borrowing. This directly impacts upon costs chargeable to the Council's revenue budgets through the interest rates that are applied to capital financing costs. Whilst the level of borrowing a Council can undertake is now devolved from the Scottish Government to individual Councils, it will still be constrained by the requirement for capital investment to be affordable, sustainable and prudent. The main test of affordability will be whether the capital financing costs can be contained within the revenue budgets.

4. OTHER IMPLICATIONS

None.

5. BACKGROUND/MAIN ISSUES

5.1 Introduction

The Council previously approved a Treasury Management policy for 2014/15 to 2016/17 on 21 February 2014. Part of this policy is to report a year-end review to committee on Treasury Management activities undertaken during the financial year 2013/14.

Historically, the Council's annual programme of capital investment has been funded by Treasury Management activities, such as additional long-term borrowing.

It is a requirement of this Code that Treasury Management is carried out in accordance with good professional practice. The Code requires the Council to comply with CIPFA "Code of Practice for Treasury Management in the Public Services", which this Council does.

This "year-end" review on activities undertaken is also in line with new reporting requirements from the latest update of the CIPFA Code of Practice.

5.2 Treasury Management 2013/14

The following is a summary of the significant Treasury Management activities which were undertaken during 2013/14: -

5.2.1 Loans Pool Rate The Council's average Loans Pool Rate takes account of all loan interest and expenses paid, as well as investment interest received during the financial year.

The Loans Pool Rate for 2013/14 was 4.22%, which can be broken down to 4.20% for interest, and 0.02% for expenses.

This is a reduction from the 2012/13 rate which was 4.25%.

5.2.2 Long Term Borrowing

One new PWLB (Public Works Loan Board) loan for £10 million was borrowed at an interest rate of 3.95%, in order to assist the financing of the Council's capital programmes. This new loan was borrowed over a repayment term of 14 1/2 years, with the Council's existing debt Maturity Profile in mind.

PWLB Interest Rates As a direct result of the Government 2011 Spending Review, there was a major change to PWLB public sector lending rates. There was an immediate increase to all PWLB borrowing rates by some 90 basis points. The rationale behind this major change is that HM Treasury will now set the rates at an average of 100 basis points over the relevant gilt price.

This change presented the Council with 2 challenges:

The first of these was to minimise any rise in borrowing costs. During the 2013/14 financial year, this was achieved using a combination of factors - due to the previously undertaken borrowing at relatively low rates, and by reducing the repayment term of new loans. (e.g. borrowing for up to 15 years, rather than 20-50 years).

The second problem was that, as reported last year, the PWLB introduced "penalty rates" which discourages debt rescheduling by Councils. This reduced the Council's ability to make rescheduling savings, as it had in the past. However, the "Spending Review" 90 basis point rise in rates was not similarly reflected in the penalty rates; thereby further reducing opportunities for the Council.

This discourages the use of PWLB loans and forces the Council to look increasingly to other forms of long term borrowing, such as LOBO loans (Lenders Option Borrowers Option) from financial institutions as well as other innovative methods of financing capital investment.

5.2.3 Short Term Borrowing

Short-term borrowing rates for periods of up to 1 year continued at relatively low levels. The Council's borrowing strategy during the year was to borrow short-term where possible, to take advantage of these lower rates. To illustrate this, as at 31st March 2014, the Council had some £47m of Temporary Loans from other Local Authorities, at an average rate of 0.45%. Compared with similar PWLB rates of 1.46%, this represents a saving of £475k in annualised interest costs.

5.2.4 Investments

Over the last few years, the downturn in the global economy has seen many financial institutions removed from the Council's Counterparty list as their credit ratings fell. This significantly reduced range of investment options available to the Council.

The Counterparty list is compiled using credit rating information supplied by the major credit rating agencies to Capita Asset Services; the Council's appointed Treasury Management advisors.

In April 2010, changes to investment regulations allowed Scottish Local Authorities to use 'AAA rated' Money Market Funds for the first time. These have been used successfully and safely, and assist with the management of short-term fluctuations in the Council's daily cashflow.

As at 31st March 2014, the Council had temporary investments totalling £35.7m at an average rate of 0.85%. These were invested in line with the current Counterparty list to the following institutions -

- Bank of Scotland £20.0m
- Clydesdale Bank plc £ 0.7m
- Royal Bank of Scotland plc £5.1m
- Handelsbanken £9.9m.

5.2.5 Banking Services Tender

The Council's Banking Services Tender with Clydesdale Bank was due to expire on 1st October 2013. This was a five-year contract and was a joint procurement exercise with Aberdeenshire Council.

Both Councils commenced working together on a new joint Banking Services Tender in early 2013.

With things having changed considerably in the Banking Sector over the past five years, it was deemed appropriate to hold pre-tender meetings with interested parties, to ascertain what options were available to the Councils in the current market.

The Tender was formally advertised, submissions were carefully evaluated and Clydesdale Bank were awarded the contract from 1st January 2014 until 30th September 2018.

6. IMPACT

Corporate - If an active Treasury Management policy is not undertaken and implemented there may be future budgetary implications for the Council through greater than budgeted capital financing costs.

7. MANAGEMENT OF RISK

The CIPFA Code of Practice states that in the use of financial instruments for the prudent management of risk, priority must be given to security and liquidity, when investing funds.

8. BACKGROUND PAPERS

CIPFA "Code of Practice for Treasury Management in the Public Services",
Sector Treasury Services "Treasury Management Annual Investment Strategy",
Scottish Government "The Investment of Money by Scottish Local Authorities".

9. REPORT AUTHOR DETAILS

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ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	8 October 2014
DIRECTOR	Liz Taylor, Social Care and Wellbeing
TITLE OF REPORT	Bon Accord Care Ltd Annual Report
REPORT NUMBER:	SCW/1420
CHECKLIST RECEIVED:	YES

1. PURPOSE OF REPORT

This report introduces the first Annual Report of Bon Accord Care Ltd. for the period 1 August 2013 to 31 July 2014, to be presented to Council by the Managing Director.

2. RECOMMENDATION(S)

Council is requested to agree to receive each Annual Report from Bon Accord Care Ltd.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising directly from the recommendations in this Report. The financial considerations for the Council relating to Bon Accord Care Ltd are covered through the budget setting process for the funding of Social Care and Wellbeing, on the basis that the services delivered by Bon Accord Care are commissioned under contractual arrangements. Review of the Contract in relation to the services delivered will inform the budget setting for these services to be delivered by Bon Accord Care in 2015-2016.

The Contract describes a requirement on Bona Accord Care Ltd to report on the financial position of the Company, as a component part of the Council's Group Accounts.

4. LEGAL IMPLICATIONS

Bon Accord Care Ltd delivers services under Contract and contract compliance arrangements are in place to monitor this. The initial Service Specifications

detailing the services to be delivered and the cost of these, and the related performance measures and reporting schedules are under review, to allow for changing user demand and reconfiguration of services by Bon Accord Care Ltd. Any changes from this review will constitute a variation to the original contract and the Council's Legal service will lead on the revision of the Contract.

5. BACKGROUND/MAIN ISSUES

- 5.1 On 27 May 2014, the Social Care, Wellbeing and Safety Committee considered an Interim Performance Report on Bon Accord Care, submitted by the Director. It was agreed by Committee that the Bon Accord Care Annual Report for 2013-2014 be submitted by the company to Committee on 28 August 2014. The Annual Report was not ready at this stage and it was agreed that it should be submitted instead to full Council on 8 October, with the Managing Director of Bon Accord Care in attendance.
- 5.2 Bon Accord Care Ltd is an arms length external organisation (ALEO) of which Aberdeen City Council is the sole shareholder. It has been operational as a Local Authority Trading Company since 1 August 2013.
- 5.3 Bon Accord Care delivers the range of older people's and rehabilitation services that were formerly delivered directly by Social Care and Wellbeing. These include: residential care at Balnagask House and Fergus House; residential respite and rehabilitation at Rosewell House; day care at Craigton Road and Kingswood Court; day rehabilitation at Horizons; home care and integrated care at home to sheltered and very sheltered housing; occupational therapy and enablement; the community equipment store and telecare; and aspects of learning and development for Bon Accord Care and Council staff. In the course of 2013-2014, service developments came to fruition, with the closure of Smithfield Court and the opening in January 2014 of Clashieknowe residential rehabilitation unit as a replacement, and the opening of Hillylands Independent Living Centre in May 2014.
- 5.4 Bon Accord Care submits monthly reports on service delivery to Social Care and Wellbeing and regular meetings take place between the Director and the Managing Director, between the Finance Director and the Council's Finance service, and between respective operational service managers. Though the Council has no place on the Board of Bon Accord Care, the Director or Finance partner have been attending Board meetings.
- 5.5 The monitoring of performance will be strengthened as reporting on Bon Accord Care becomes part of the arrangements for all ALEOS that are being put in place under Audit and Risk Committee and through the officer Governance Hub for ALEOS, as reported to Social Care, Wellbeing and Safety Committee on 16 January 2014 in the report on Governance of Arms Length Organisations by the Director of Corporate Governance.

6. IMPACT

The presentation of The Bon Accord Care Annual Report allows Council to exercise its governance role in considering the outcomes of the first year of trading of the company.

7. MANAGEMENT OF RISK

Failure to operate an effective governance mechanism in relation to Bon Accord Care may result in less effective and efficient delivery of services against the financial and other resources allocated. Failure to deliver the expected outcomes may result in risk to the most vulnerable citizens, challenge to the Council in relation to its statutory duties, and adverse publicity leading to loss of reputation.

The presentation of this report on the performance of an ALEO contributes to addressing and reducing risks previously identified in the report to Council on 21 August 2013, "Roles and Responsibilities – Is Aberdeen City Council Getting It Right? – Committee Structures and Standing Orders and Governance Arrangements for Arms Length External Organisations – Report by Chief Executive.

8. BACKGROUND PAPERS

Report to Social Care, Wellbeing and Safety Committee 27 May 2014 - Bon Accord Care Interim Performance Report - SCW/14/13
<http://councilcommittees/documents/g2935/Public%20reports%20pack%2027th-May-2014%2010.30%20Social%20Care%20Wellbeing%20and%20Safety%20Committee.pdf?T=10>

9. REPORT AUTHOR DETAILS

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Bon Accord Support Services & Bon Accord Care

First Year Report 1st
August 2013 - 31st
July 2014

Sandra Ross

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Bon Accord Support Services & Bon Accord Care

First Year Report 1st August 2013 - 31st July 2014

Sandra Ross

Chairman's Comments

Welcome to the first Annual Report of Bon Accord Support Services Ltd and Bon Accord Care Ltd.

Both as a Board and Senior Management Team, we have been clear in establishing our vision for the direction of travel, in which Bon Accord Care, would undertake to care for and support, all who come under our remit for the provision of care. Much progress has been made in undertaking this journey, in this our first year. Yet, like all newly established organisations, there have also been the unexpected challenges. The work involved in meeting those challenges, has been found to be both insightful and rewarding.

We hope that you will enjoy reading this Report and that you will be suitably informed, as we highlight our performance this past year, undertaken within the context of Aberdeen City's contract. Focus is particularly made on our performance against financial, personnel, and quality targets.

An omission in the Report is acknowledgment to the enormous contribution that has been made by all members of Bon Accord Staff. I am very proud, not only to be involved with Bon Accord Care, but of what everyone has achieved. The Team has shown a huge commitment to the work to be undertaken, in embracing the new, and in resolving the challenges that have arisen.

I wish to specifically mention and pay tribute, to Sandra Ross and the other members of the Senior Management Team, for the highly competent and inspirational way they have led the organisation. They have shown exceptional leadership and dedication, to ensure that our service users can enjoy and benefit from the provision of the best services that can be achieved. I also wish to record my appreciation, for the contribution that our Non-Executive Directors have made, and the support that they have provided to myself and the SMT, through their enthusiasm and critical governance.

In commencing our second year of trading, we look forward to providing further benefits to the elderly and vulnerable, living within Aberdeen, and look to continue the delivery of our services with quality, value, pride, integrity, and innovation.

Graham Parker

Bon Accord Support Services & Bon Accord Care

First Year Report 1st August 2013 - 31st July 2014

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Executive Summary

Bon Accord Support Services and Bon Accord Care commenced trading on 1st August 2013; this document reports on the financial (8 months audited accounts) and contractual (12 months) performance.

Bon Accord Support Services and Bon Accord Care (BAC) are wholly owned by a single shareholder Aberdeen City Council (ACC). They operate on a fixed cost, volume based contract to deliver a range of Older People Services across Aberdeen City on behalf of Aberdeen City Council.

The organisation consists of over 800 staff with the majority of the workforce being a part time, female workforce with 68% above 45 years of age. 87% of our staff are frontline. These characteristics are recognised as reflective of high absence rates (**Appendix 2**) and the organisation went live with an absence rate of 6.6%, this has fallen to 6.3%. Our total staff costs account for 89% of our expenditure.

The services provided cover Care at Home, Residential Care Homes, Rehabilitation Services in various models, Housing Support, Occupational Therapy, Learning & Development, Community Equipment Store and Community Meals Service.

A trading deficit of (£383k) is reported in the year end accounts, the first year has proven to be the challenge that any new business faces; with the impact of savings targets, agency, absence rates and the assumption to meet additional planned overheads within the contract price.

BAC has taken a view in the first year to review the areas of inefficiency and focus has been on absence management to reduce agency and staff vacancies. These areas all show improvement and it is anticipated this trend will continue.

Services such as finance, human resources, payroll and facilities are all supplied and supported by ACC; as such a positive working relationship can develop to understand fully the context and basis of the business. We would envisage the business case for 2015/16 will explore opportunities for development of service, income generation and capacity building which will all impact positively for the shareholder while our first years are focusing on building solid frameworks.

Governance of BAC has been through our Board which meets 8 days per year and consists of 4 Non-Executive Directors, Finance Director, Managing Director and Chairman. Externally there has been no direct involvement with the ACC arm's length organisations (ALEO's) governance structure; a new process was agreed mid-year by ACC for all their ALEO's and we anticipate this will commence this financial year. Internal governance is managed through weekly and monthly reporting on specific key performance areas; these reports are shared with ACC officers to ensure compliance with contractual arrangements. Regular monthly meetings are held with key commissioners and business partners to monitor performance and discuss issues. In addition a Regulation & Compliance Officer monitors complaints, concerns, compliments and adherence to all regulatory body requirements such as Fire Service, Scottish Social Services Council, Care Inspectorate, Environmental Health and Protection of Vulnerable Groups scheme.

Bon Accord Support Services & Bon Accord Care

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Managing Directors Report Contractual Context

Following a two year project a business case was presented by council officers and approved by elected members two new limited companies were launched.

On 1st August 2013 Bon Accord Support Services (BASS) and Bon Accord Care (BAC) commenced trading as a wholly owned Local Authority Trading Company (LATC) of Aberdeen City Council (ACC), the Council owns 100% of the share capital of BASS and BAC. Through formal documented agreement the Council transferred to BASS the undertaking and certain assets and obligations associated with the delivery of adult social care services; BAC is the sub-contractor of BASS to deliver those services. This agreement states that BASS delivers services in accordance with service specifications agreed with ACC and receives payment in line with the Business case for the relevant period.

Costs

Alterations to the original costing set in the business case impacted on the perceived financial performance of the company. Had the original case been used the Company would have shown savings of 1% across the contract price and 1% against the aggregated company unit cost, *table 1*.

Table 1

Summary

	Original	After variations
Business Case	£25,492,040	£16,994,693
Service Specification	£16,563,255	£16,688,472
Amended Specification	£16,454,489	£16,444,627

Actual spend 1st August 2013- 31st March 2014

£16,828,500

Variation from actual to planned

	Planned	Variation
Business Case	£16,994,693	£166,193
Service Specification	£16,688,472	-£140,028
Amended Specification	£16,444,627	-£383,873

Average unit costs total inclusive all costs

Initial Business case	£471.59
Amended Specification	£433.78
Actual 2013/14	£464.70

The impact of the alterations shows annual accounts with a trading deficit of circa £384k (Appendix 1).

Bon Accord Support Services & Bon Accord Care

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Workforce

1st August 2013 saw the transfer of 766 employees through TUPE to Bon Accord Care and Bon Accord Support Services.

The Staff Team comprises a variety of roles with some staff having dual roles within the team. 87% of the team are involved in direct customer delivery with 0.5% providing training and development support; the remaining 12.5% is made up of administrative and management support, *table 2 and 3*.

Table 2

	1st August 2013	31st July 2013
Head count	766	830
FTE	624	655
New starts		123
Leavers		50
Turnover		6%
Sickness	6.60%	6.3%
Female staff	92%	91%
Male staff	8%	9%
Full Time staff		29%

Table 3

Role at 31st July (some dual roles)	
Administration	38
Ancillary	60
Care Staff	478
Learning & Development	5
Management	38
Occupational Therapy staff	69
Relief Staff	56
Senior Care staff	93
Team Leaders	35
Total	872

We have focused on reducing overall agency and absence rates as BAC Team targets for 2014 with our strategic documents, 'Staff Engagement' and 'Workforce Plan' being the methodology used to drive the change.

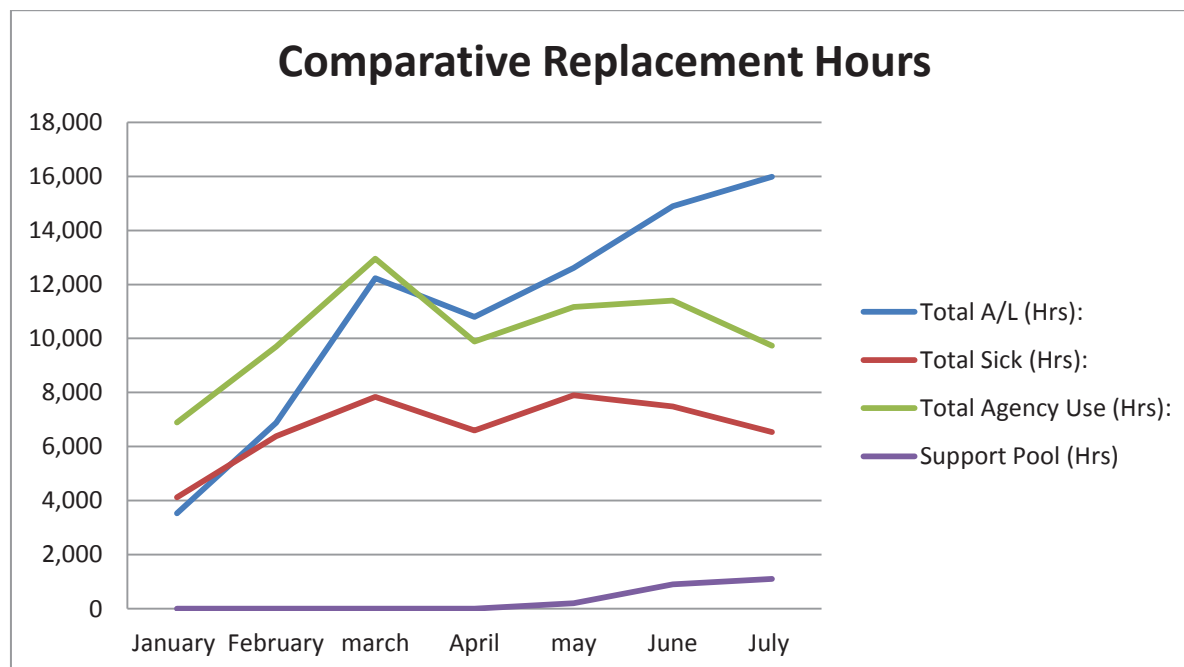
Absence rates have been a target area with the rationale for this being based on staff feedback, replacement costs of staff and quality issues. Information on sickness/absence rates is based on absence hours divided by contract hours to give a percentage. We have progressed with changes to the process which are starting to show positive results at both a team and organisational level. Initial trending showed a correlation between the sickness/absence rates and peak (school) holidays. Continued focus and awareness has reduced this trend across recent months; however we will monitor and action should the trend continue, *table 4*.

Bon Accord Support Services & Bon Accord Care

First Year Report 1st August 2013 - 31st July 2014

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Table 4



The introduction of the 'Support Pool' is beginning to show a positive impact on agency; this is a pool of staff who are employed on a flexible basis. This has allowed us the opportunity to engage with staff who would not normally be attracted to fixed hours/roster patterns. Some concerns were raised initially that we would attract staff from other providers and weaken the overall provision; this has not proved to be the case of the total 89 current support pool 78% work solely for BAC within the sector with 22% working for other providers.

Case Study - Relief Pool

Recruitment and retention within the care sector in Aberdeen City is known to be challenging. At inception Bon Accord Care (BAC) reported absence at 6.6% and planned leave 12% these areas were covered by overtime/additional hours 5% and agency cover at 12%. The impact on service delivery through quality and capacity was affected.

A more flexible workforce aimed at covering the planned leave was required; one which was able to deliver on the core values of BAC, maximise continuity both in staff and practice.

A 'relief pool' commenced; this is based on casual workers who wish to have more control over the volume and pattern of their shifts. Pool Staff state when they are available for work and the hours they are willing to work. This flexibility allowed us to consider staff from areas not traditionally recruited as the degree of flexibility could not match expected patterns.

We commenced the development of the Relief Pool on 24th March 2014 recruiting staff, setting up systems and identifying processes. Staff began to work on 18th May; the delay in starting being due to recruitment and training of staff. We were keen to ensure all BAC Relief staff were fully trained and equipped to deliver the same level of values based care as other BAC staff. To date we have progressed from 77 hours per week to over 400 with approximate savings of 5k within the first 15 weeks.

The impact on this within BAC is that agency is currently at 9.5% and the relief pool at 1.6%; overtime/additional hours make 4%. A 1% reduction in replacement hours is evidenced with the shift being from agency. A system is now in place for planned leave across BAC, vacancies have been filled and a reduction in absence rates to 6% has also impacted.

The target is for the trend in agency to reduce and relief pool hours to increase to allow the joint quality and capacity benefits this brings.

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Another key target is annual leave; to ensure that leave is taken in a planned way to meet the needs of the service and encourage team members to take regular breaks. This change to process was not well received initially and the trending chart shows the initial uptake was slow; however, feedback from team members is more positive and monitoring suggests that over 90% of annual leave is already planned for the year.

Agency staff have been traditionally used to replace gaps caused by annual leave, vacancies and absence and we have targeted the overall % of use. With the introduction of planned annual leave, the support pool, a focused approach to attendance management and a reduction in staff vacancies the overall % of agency replacement hours has reduced from 90% in January to 48% in July.

Performance Monitoring

Through formal documented agreement the Council transferred to BASS the undertaking and certain assets and obligations associated with the delivery of adult social care services; BAC is the sub-contractor of BASS to deliver those services. This agreement states that BASS delivers services in accordance with service specifications agreed with ACC and receives payment in line with the business case for the relevant period.

Each of these service specifications has Key Performance Indicators (KPI's) which provide the monitoring framework of what is essentially a volume based contract. Contract volumes reflect anticipated levels of service based on 2012/13 figures; the services are, in the majority, needs led and the volumes were anticipated to reflect capacity and not targets. *Table 5* highlights the % achieved against the volume required, while *table 6* shows a summary of the Key Performance Indicators for 2013/14. KPI's are reported on weekly and monthly; quantity, quality and outcome focused indicators support the delivery of the overall expected volumes.

Each of the service level agreements will be reported on to outline the performance across 2013/14 and anticipated performance across 2014/15.

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Table 5

Service Level Agreement	Volume Achieved 2013/2104
Balnagask/Fergus	100% (85% uptake)
Rosewell	100% (85% uptake)
Clashieknowe/Smithfield	65%
Horizons	110%
Day Care	100% (72% uptake)
ICAH	100%
Care at Home	91%
Community Meals	100%
Reablement	100%
OT	100%
Adaptations	100%
<i>Community Equipment</i>	
Deliveries	88%
Collections	143%
Telecare	112%
Recycled – able to be from total uplifts	66%
Service of Last Resort	-
Learning & Development	107%

Table 6

Question	Response December 2013	Response January 2014	Response February 2014	Response March 2014	Response April 2014	Response May 2014	Response June 2014	Response July 2014
How many Current Service Users do you have?	4116	3471	5160	6756	6737	6790	6671	6802
What is the total number of referrals within this period?	330	324	890	954	835	765	844	878
What is the total number of referrals <i>unable</i> to be taken on?	77	153	336	209	198	49	182	181
The number of referrals taken on?	242	162	572	745	637	716	695	697

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Balnagask/Fergus House Residential Care Homes

The service specification is to provide residential care, respite and permanent care for people over 65. The contract occupancy volume is set at the maximum of 73 available beds jointly across the two services. Referrals are directly through ACC.

The services have had 100% available occupancy with an average uptake of 85% with quality indicators being achieved.

A 3% saving against contract price was achieved, although it should be noted low uptake of occupancy levels on the first 2 quarters impacted on this. It is anticipated that 2014/15 will see an increased level of expenditure due to increased delivery and staff costs.

Rosewell House

Rosewell House provides residential, rehabilitation and respite services for older people. It has a contract volume of maximum occupancy of 60 which is the available beds with referrals through ACC, NHS, GP and District Nurses. The residential places are nonrecurring and the target is to cease this service and focus on entirely on rehabilitation and respite provision in line with commissioners requirements.

The service has achieved 100% availability with an average 89% uptake. The respite service has proven to be the highest use with an average of 71 respite admissions per month; residential permanent has reduced from 9-7 places with rehabilitation admissions showing an average of 10 per month.

A deficit of 12% against service cost was reported; this is in line with 2012/13 ACC results as the service contract was based on historical budgets and reflective of service spend. There has been no increase in head count but the variances are accounted for through agency (previous budget removed) used to cover vacancies, absence and annual leave; also a deficit against 'enhanced rates' even with a vacancy rate suggesting an under budget. Progress will be expected through the review of staff rosters, reduced absence, robust annual leave management and filling vacancies.

Smithfield/Clashieknowe

This service specification was to provide residential rehabilitation to adults with assessed need arising from frailty, physical disability, sensory impairment or chronic health conditions. At inception the service was delivered from Smithfield Court which was under a planned closure to move the service to Clashieknowe following an extensive refurbishment by ACC Housing. This led to a reduced availability in Smithfield while the service planned closure and the build up after Clashieknowe opened.

The service is expected to achieve maximum occupancy. Referrals to the service are through ACC; YTD 65% occupancy has been achieved with 44 admissions since opening on 6th January 2014.

A 40% savings against service level cost was achieved based on low availability while Smithfield closure was underway; it is anticipated that a 100% achievement against volume targets will see the expenditure matching service costs in 2014/15.

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Horizons

The service specification is to manage the Integrated Rehabilitation Day Centre which provides a service to individuals under 65 with neurological trauma or a diagnosis of progressive neurological condition. The contract volume is 450 per annum and referrals are through NHS and ACC.

The service has achieved 110% against volume with a 23% saving against unit cost. It is anticipated that the service will continue to increase their volume effectively reducing overall unit costs.

Day Care

The service specification is to provide day care services within Craigton Road (7 day service) and Kingswood Court (5 day service) at a contract volume of 325 places per week. The services have had 100% available places with 72% uptake.

A 12% reduction in unit cost was achieved.

Integrated Care at Home

Service specification requires Integrated Care at Home for tenants in sheltered housing, to include housing support and a 24 hours responder service, according to the needs of the tenants and terms of the tenancy. In very sheltered housing and extra care housing, this is to include provision of a cooked meal daily, housing support and a 24 hour responder services, according to the needs of the tenants. Unscheduled Personal Care to tenants in sheltered and very sheltered housing according to need and Community Alarm Responder Service known as 'mobile wardens' are also part of the specification.

The contract has been achieved, however the unit cost has increased by 1.5%, this has been in response to the increased volume of Telecare and corresponding mobile warden services required and increasing needs of tenants. At present individuals with no family or significant other support who have a community alarm system (CAS calls) across Aberdeen City in all types of accommodation are supported during 8am-6pm by Telecare in addition if they have no formal care provider then by the mobile warden service. This is a service with increasing demand with no additional funding and is impacting on the unit cost within ICAH.

It would be anticipated that a review of how Housing Support is provided could release the necessary resource to support this current high demand and future potentially unmet need. There is a proposal with Housing under consideration which identifies how a consistent, ratio based approach to Housing support across the City would assist in eliminating service inequalities, address tenants understanding of what can be expected from housing support and release resource to assist with the increasing support required for Telecare assistance calls.

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Table 7

	Total Tenants	Housing Support Hours	Average Housing Support per Tenant per Week
ICAH	2155	2799	1 hour 17 minutes

Care at Home

The service specification is to provide personal care at home to older people and adults over the age of 16 with assessed need arising from frailty, physical disability, learning disability; sensory impairment, mental health difficulties or chronic health conditions who are living at home and community meals provision.

An increase of 4% costs against contract in the first year.

The care at home volume has been subject to much debate across the course of the year. An anticipated volume of 6000 hours per week was to be achieved by 31st March 2014, this was calculated by the expressed delivery at 31st July 2013 and FTE staff available for personal care delivery taking cognisance of annual leave/absence/training; travel time was not considered.

Currently within the sheltered complexes personal care is delivered at 94% efficiency; effectively for every 100 (inclusive of breaks) hours of staff time we provide 94 hours of direct personal care.

Within very sheltered complexes it is 59%, this is due to staff being on site for 24 hours; night staff are not delivering high levels of planned care but are available to provide the response should care be required. Therefore, hour care versus hour staffing efficiency ratio is reduced.

Personal care at home is at 39% this is due to the service delivery model of the responder service, night care and out of hours being provided. Staff working after 7pm within community work in pairs in line with the lone working policy; this means that as a maximum 50% efficiency can be achieved for Out of Hours. Taking cognisance of the night care service, again this is a not a fully 'planned service' but is required to be available, again a maximum of 50% efficiency due to pairing of staff. The additional impact on this service efficiency is traveling time and the increased dependency of service users.

Table 8 shows a summary of the daily and weekly hours planned time/visits and travel time required against contract volume. It also highlights the increased double visits and reflects the increased dependency of service users.

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Table 8

	2013/14	YTD 2014/15
Total daily planned personal care hours	783	789
Total daily planned visits	1913	2006
Total daily travel time hours	89	108
Total double care planned time per day	114	167
Total double planned visits	322	318
Service Specification	857	857
Total average daily time	872	897
Total average weekly time	6104	6279
Positive service specification	1.8%	4.7%

Community Meals

The Community Meals service is a managed service incorporating 1.5 FTE Staff to 'arrange the provision of meals according to assessed need', the contract is fixed cost at flexible volume and the initial contract period showed a unit cost of 0.22p a day to provide the service. Turnover is at 23.5% with above 500 current users on average a month.

We are also responsible for providing the meal service at Victoria Grange with a 5.4% saving on contract price.

Enablement

This is a service for adults over the age of 65 with assessed need arising from frailty, physical disability, sensory impairment or chronic health conditions. To enable them to maximise independence, remain at home and reduce reliance on health & social care services.

The volume for this service was to be reviewed across the initial 8 month period and agreed moving forward.

Enablement showed a 4% overspend on contract.

Enablement is an intensive OT led service which focuses on rehabilitation. Outcomes are focused on increased independence and reduced dependence on services. Across the first contract year we have seen a block in service users being able to access long term care which impacts then on the availability of Enablement. As such a service redesign is being proposed to maximise the benefits from this innovative and proven service which will facilitate a faster 'flow'.

Case Study – Partnership working with ACC Shareholders

ACC are the only shareholder within BAC; they are also the main commissioner and the strategic direction of local and national policy will influence the positive partnership working arrangements.

The Development of BAC as an ALEO has allowed ACC to have a flexible vehicle of service delivery which continues to focus on the strategic direction and statutory obligations of the local authority.

Clashieknowe was a sheltered complex which was no longer fit for purpose; the Smithfield project was a rehabilitation service which had ceased to be tenable in its original location. Housing and Social Care worked collaboratively to review the services to promote a delivery model which would best aid the service users and future provision. This project was well underway prior to the commencement of BAC. However, by continuing to work on the project as a collaborative team Clashieknowe is now a fully functioning service, well aligned with discharge planning and reducing delayed discharges. This example demonstrates the positive outcomes that can be achieved when there is a shared vision and willingness for partnership working.

Hillylands was a project partially funded by change fund monies which came over with the original BAC portfolio. The project was completed and Hillylands commenced service delivery in May 2014. Housing colleagues and the Occupational Therapy Services worked closely together to ensure the environment provided appropriate facilities for demonstration and teaching facilities. The independent living centre is now fully functional and experienced staff provide advice and support to the public on equipment and possible adaptations, irrespective of their level of need. In addition it provides a centralised base for OT services within the crisis and self-referral arenas and is used by the third sector and ACC wellbeing partners as an information site. The flexibility and focus of this service will aim to make positive impacts on maintaining and promoting independence for people across Aberdeen city; encouraging a proactive and self-directed approach to health.

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Occupational Therapy

This is a service to provide assessment and interventions to children, adults and older people with a functional need to improve the individual's ability to maintain activities of daily living.

The contract shows a saving of 4.6% against contract price.

The volume based contract was initially based at 9,750 referrals per annum; this figure was amended to reflect the current referral rate with a target increase to 6,000 per annum, see *table 9* for comparative figures.

Table 9

	2010/11	2011/12	2012/13	2013/14
Referrals	5384	5377	5990	5950

this data is for total OT referrals inclusive of all services.

The opening of Hillylands and the introduction of ADL Smart-care, an investment of the change fund, will start to impact on referral numbers particularly supporting low to medium need referrals; ultimately positively impacting on the high need referrals as staff time is released to meet the growing demand of complex, multifactorial referrals.

Community Equipment

The scope for this service specification is to provide and install community equipment to aid daily living, Telecare devices and deliver to all service user groups where there is a functional need.

The contracts volumes have been exceeded due to demand on the service which is reflected in the 14% overspend in cost.

Table 10

	1 st August 2013 to 31 st March 2014	Contract volume
Deliveries Completed	4690	5333
Collections Completed	2383	1664
NEW Telecare and Community Alarm Installations	670	600
recycled OT Store, including CAS & Telecare	5762 items uplifted and 3531 able to be reissued.	5333

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Learning & Development

The scope is to provide a Learning & Development service to ACC and BAC staff to ensure a trained workforce able to meet the needs of the service delivered by BAC on behalf of ACC and the requirements of relevant registration bodies.

The volume for delivery to BAC staff is not stipulated within the specification but is for ACC; 107% of this has been achieved with an 11% saving. It is anticipated that given the deficiency of training provision to BAC staff across essential areas within the past there is a focus on increased availability and uptake. This drive is showing significant impact and funding at the current level will see an impact on the quality and quantity of training provided.

Table 11

BAC Staff Courses	August 2013-July 2014
BAC Induction (Includes follow up days and Relief Pool)	173
Introduction to H&S	43
Basic Fire Awareness/Fire Extinguisher	71
First Aid	36
Food Hygiene	72
Adult Protection	36
Child Protection (GIRFEC)	35
Data Protection	21
Medication Management	22
People Handling	210
Proact SCIPr	40
CM2000	8
TOTAL	767

Table 12

SLA	Achieved	Percentage Achieved
120 days	123.5 days	103%
720 hours	840 hours	116.6%
27 SVQ Awards	29 SVQ Awards	107%

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Workforce Developments

To assist with the direction set out in the workforce action plan several initiatives have been led from within the Learning & Development Team.

Prince's Trust

This is a charity organisation which supports young people; working in partnership we are set to launch a 'Get into Social Care' programme in November 2014 which will see young people interviewed and a successful group of 12 will advance through a planned introduction programme. At the end of the programme they will be guaranteed an interview for available positions within Bon Accord Care. The success of the inaugural programme will dictate future plans.

Modern Apprenticeships

We aim to register in March 2015 (next available opportunity) to become a provider of modern apprenticeships. The aim of this is to introduce young people to Social Care as a career and start them on a positive journey with the opportunity to gain a qualification while working through the Modern Apprenticeship programme.

Staff Feedback

We have undertaken an organisational wide staff engagement survey (31% response rate) which has allowed us to focus on specific areas which staff feel could impact positively across the organisation; communication, visible leadership at all levels within the organisation and feeling valued were the 3 main areas for focus. We will repeat this survey in November to determine the success of the actions taken in response to feedback.

Regulation & Compliance

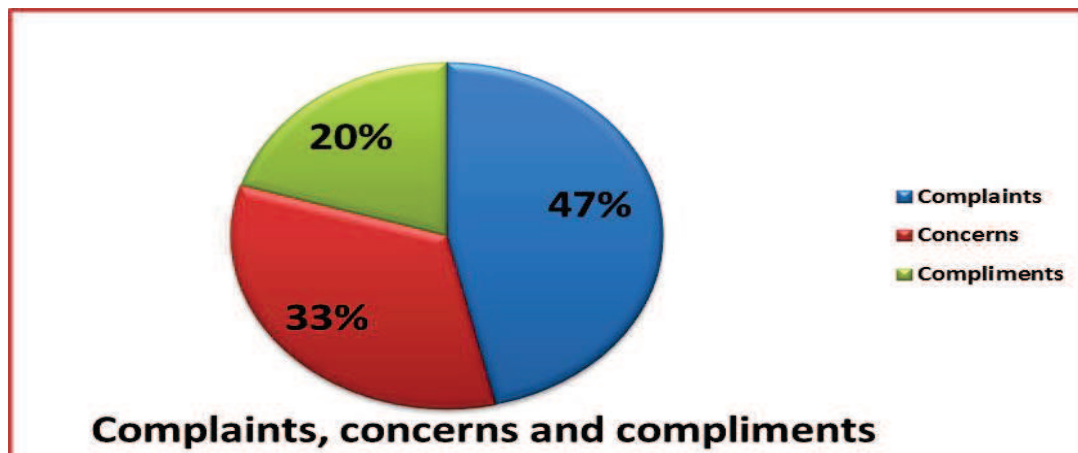
We have updated our complaints policy and process to ensure that we engage with stakeholders in a meaningful way and promote positive outcomes for individuals who use our services; we are working with staff to embrace complaints as an opportunity to improve.

This ethos has seen a more positive reaction and improved reporting of complaints/concerns and compliments with 33 complaints, 27 concerns and 15 compliments in the period January to June 2014. The issues are raised by a variety of sources.

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We monitor regulatory inspections from Fire Service, Environmental Health and the Care Inspectorate. To date all inspections have had action plans completed within appropriate timescales.

We view Regulation & Compliance as a key driver within our internal governance process which maintains a focus on the quality and safety of BAC to provide reassurance to stakeholders, shareholders and team members.

Health & Safety/Risk Management

We have reviewed the system of Health & Safety within BAC and commenced with a structure to promote a positive H&S culture throughout the organisation. We have a Health & Safety champion (Finance Director) on the Board of Directors who also updates at every Board from the Chair of our Risk Management Committee.

Accident and incident process and recording have been reviewed and a system implemented to engage with all levels of the organisation while promoting positive reporting, analysis and actions.

Developments with staff training in easier to access and deliver formats are proving effective and having an impact on the team understanding of roles and responsibilities.

Case Study – Positive Feedback

As an organisation we have worked hard across our first year to promote complaints, concerns and compliments as positive tools for improvement.

Through a review of the system, staff training and a focus on sharing feedback we believe positive progress has been made.

Concerns and complaints are a regular feature of Social Care services and these are to be encouraged; a service receiving complaints, concerns and compliments is a service with which its stakeholders are engaged, vocal and have a clear access and understanding of how to make their views known within and to the organisation.

Earlier this year we posted out complaints & compliments flyers to all the sheltered and Very Sheltered complexes in response to various concerns raised regarding the CM2000 system. We shared and provided information and reassurance on the concerns. We had anticipated questions and further concerns; however, we received numerous compliments regarding the staff and service they received.

We positively affirm compliments and applaud staff on their hard work and commitment when we receive compliments. The BAC Team are delivering service, quality and value with innovation, integrity and pride

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Finance Directors Report

The start-up phase in any business is never easy; the financial results for our first 8 months reflect this. Bon Accord Care as a whole reports a trading deficit of £383.9K on a total turnover of £16,444.6K. Once we reflect the pension deficit associated with our staff who are members of the North East of Scotland Pension Fund, a final salary arrangement, our reported deficit increases by £8,273K to £8,620.9K.

To support this financial position the Board has requested and has received a written assurance from Aberdeen City Council of their continuing financial support. Given this assurance our auditors Johnston Carmichael are satisfied of the company's immediate financial stability and of their ability to continue to operate on a going concern basis.

The company's overall first 8 months performance against its contract is summarised below:

	Contract £000s	Actual £000s	Variance £000s
Rosewell House	2,029.0	2,204.3	(175.3)
Balnagask & Fergus House	1,518.0	1,413.5	104.5
Smithfield Court	588.2	350.4	237.8
Horizons	193.5	140.5	53.0
Day Care	395.7	337.7	58.0
Integrated Care at Home	2,205.3	2,223.7	(18.4)
Care at Home	5,804.4	5,981.3	(176.9)
OT Services	2,424.8	2,518.0	(93.2)
Learning & Development	319.1	277.0	42.1
Head Office & Board Costs	330.6	504.7	(174.1)
Property under Licence	580.5	580.5	0.0
Support Services	195.5	195.5	0.0
PBB Savings Target	(140.0)	0.0	(140.0)
Depreciation	0.0	101.4	(101.4)
Trading Result	16,444.6	16,828.5	(383.9)
Pension provision	0.0	8,237.0	
Reported In Statutory Accounts		25,065.5	

Bon Accord Support Services & Bon Accord Care

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There are several large variances to contract reported. Being a new company the activity undertaken has not been in the same way as the contract had assumed as the contract basis was set prior to the company launch. This is to be expected. New management will make changes in service delivery. Future years contractual arrangements will more closely mirror actual activity as there is more opportunity to work together with our customer, Aberdeen City Council.

The assumptions underpinning the contractual basis of our first 8 months of operation have contributed significantly to the trading position shown in that it assumed the non-funding of new corporate costs (i.e. finance), some building costs and depreciation of transferred in assets on the basis that such costs would be absorbed through new efficiencies and savings being made. In addition a "priority based budgeting" savings target was assumed bringing the contract value below that previously budgeted. No doubt, in time, savings, efficiencies and new business will be found and developed but not to such a significant level in the first 8 months of operation. This accounts for the deficits shown under head office, depreciation and priority based budgeting savings. The biggest impact within the contract is a vacancy factor in many operational areas, this assumes that 6.5% of payroll costs will be saved from staff turnover. In practice, this is not realistic in some areas where this was applied i.e. homecare and OT where services are demand driven and so any vacancy must be replaced by agency staff or overtime to meet client needs. In some areas the contract does not reflect the service being delivered, in that service pricing has not altered over time although the service provision has, i.e. the Rosewell service where activity has moved from a mixed service to a predominately more labour intensive respite care service.

Contract drafting aside the company recognises that it must play our part in developing efficiencies in services to maximise the levels of care that can be provided to the population of Aberdeen City. To that end several initiatives have been undertaken or are in process to reduce the cost base and drive down unit costs. Sickness absence is being reduced through careful application of the maximising attendance policy, annual leave is being managed more in line with the needs of the organisation, staff rotas have been examined to minimise unproductive time, a casual labour pool has been introduced giving managers access to a flexible and cost effective staff resource. All these measures improve productivity and reduce reliance on expensive agency staff so driving down unit costs and improving the overall quality of services.

Given the issues outlined above regarding the contract we have with our business partners, Aberdeen City Council recently began a process of re-examination of the contractual basis of our relationship. There is a need to ensure that the contract governing our operation is more commercially based and so reflective of the service we can provide for the price our customer offers. We anticipate that this process will be concluded by the end of this year.

The Board believes that much has been achieved in the short 8 months of our trading existence, this drive for change will continue as we aim to push down unit cost, push up activity and keep service standards to the highest possible level. In the coming months the company will begin to develop new commercial business outside our main contract which will further improve the levels of service we can offer to the people of Aberdeen.

Bon Accord Support Services & Bon Accord Care

First Year Report 1st August 2013 - 31st July 2014

Sandra Ross

APPENDIX 1

Table Showing Service Specification & Adjustment comparator									
2013/14									
service	price	adj price	initial unit cost	adj unit cost	Year 1 Business Case	Actual costs	Actual unit costs	variance to initial costs	
balnagask & Fergus	1,460,305	1,460,305	82.32	82.32		1,413,500	79.68	3%	
Rosewell	1,949,970	1,949,970	133.74	133.74		2,204,300	151.19	-13%	
Smithfield	586,182	586,182	89.34	89.34		350,400	53.41	40%	
horizons	183,270	183,270	407.27	407.27		140,500	312.22	23%	
Day Care	383,136	383,136	34.28	34.28		337,700	30.21	12%	
ICAH	2,190,489	2,190,489	4.13	4.13		2,223,700	4.19	-2%	
Care at Home	5,534,048	5,761,448	23.65	27.67		5,981,300	28.72	-21%	
Reablement	580,222	580,222	2387.74	2387.74		598,500	2462.96	-3%	
OT	1,070,993	1,070,993	109.85	109.85		1,022,000	104.82	5%	
equipment store	752,137	773,555	38.78	39.88		884,400	45.60	-18%	
L&D	311,228	311,228	1280.77	1280.77		277,000	1139.92	11%	
Residential relief	103,333	103,333	106.31	106.31		-	0	100%	
Management & Admin	222,804	222,804	916.89	916.89		383,200	1576.95	-72%	
property under lic.	895,750	580,500	656.23	477.78		580,500	477.78	27%	
ASH	101,455	73,254	417.51	301.46		89,700	369.14	12%	
Board remun.	42,400	28,267	1060.00	706.68		31,800	795	25%	
support services	195,533	195,533	268.22	268.22		195,500	268.18	0%	
Total/Average Unit Cost	£ 16,563,255	£ 16,454,489	471.59	433.78	£ 25,492,040	16,714,000	464.70		

APPENDIX 2



25 February 2014

Full Report: Sickness Absence in the Labour Market, February 2014

Coverage: UK
Date: 25 February 2014
Geographical Area: Region
Theme: Labour Market

Key points

The key points are:

- 131 million days were lost due to sickness absences in the UK in 2013, down from 178 million days in 1993.
- Minor illnesses were the most common reason given for sickness absence but more days were lost to back, neck and muscle pain than any other cause.
- Sickness absence rates have fallen for both men and women since 1993 with men consistently having a lower sickness absence rate than women.
- Sickness absence increases with age but falls after eligibility for the state pension.
- Sickness absence has fallen for all age groups since 1993, but has fallen least for those aged 65 and over.
- Lower sickness absence rates in the private sector but the gap with the public sector has narrowed over past 20 years.
- Of the larger public sector organisations sickness rates are highest for those working in the health sector.
- Self-employed less likely than employees to have a spell of sickness.
- Largest workforces report highest sickness levels.
- Sickness absence lowest for Managers, directors and senior officials.
- Sickness absence lowest in London.

Sickness Absence in the Labour Market

(These figures include all people aged 16 and over in employment and are for the whole of the UK. Annual averages for each of the years have been calculated).

131 million days were lost due to sickness absences in the UK in 2013, down from 178 million days in 1993.

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	8 October 2014
LEAD OFFICER	Director Social Care and Wellbeing
TITLE OF REPORT	Remit of the Shadow Integration Joint Board
REPORT NUMBER	SCW/14/19
CHECKLIST COMPLETED	YES

1. PURPOSE OF REPORT

This is a report on behalf of the Transitional Leadership Group for integration, recommending that Council approves the proposed Remit of the Shadow Integration Joint Board, to be established to take forward preparations for integration of adult health and social care from 1 April 2015.

2. RECOMMENDATIONS

The Transitional Leadership Group (TLG) recommends that the Council

- (i) approve the proposed Remit of the Shadow Integration Joint Board as at Appendix A;
- (ii) note the joint appointment of the Chief Officer, Judith Proctor; and
- (iii) suspend standing order 22(1) and agree that the TLG will transition to the Shadow Joint Board when the Chief Officer is in post, at a time deemed appropriate by the TLG and within timescales that ensure legal requirements for integration are met.

3. FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

4. OTHER IMPLICATIONS

None

5. BACKGROUND/MAIN ISSUES

- 5.1 Aberdeen City Council and Grampian NHS Board agreed to adopt the 'body corporate' model for integration of adult health and social care which requires the establishment of an Integration Joint Board and the appointment of a Chief Officer to the Board, under the Public Bodies (Joint Working) (Scotland) Act 2014.
- 5.2 As the Integration Joint Board cannot become operational until 1 April 2015 at the earliest, arrangements were put in place to enable the Partners to take

forward the planning and implementation of integration, in the form of a Transitional Leadership Group (TLG). The TLG has been meeting regularly since February 2014.

- 5.3 At Council on 25 June 2014, recommendations were approved for the establishment of a Shadow Integration Joint Board, comprised of members of the TLG, from 1 October 2014. Council agreed that the proposed remit for the Shadow Board be subject of a further report to Council.
- 5.4 The proposed Remit for the Shadow Integration Joint Board has been expanded from that of the TLG to take account of its changing role and the requirements for integration that have been set out in legislation and regulation.
- 5.4 It is the view of the TLG that further preparatory work is needed for the transition to the Shadow Board and that this should be planned with the Chief Officer in post. The TLG is of the view that the transition should be deferred to allow this. The Chief Officer who will lead the integrated services under the Integration Joint Board has been appointed according to the process agreed by Council on 25 June 2014 (Report CG/14/079 by Chief Executive) but has not yet taken up post.
- 5.5 The Integration Joint Board must be put in place during the period from 1 April 2015 to 1 April 2016, by law. The Integration Scheme for the Aberdeen Partnership must be approved by the Council and Grampian NHS Board then Scottish Ministers before the Integration Joint Board can be established. The intention is that all approvals be achieved before 1 April 2015.

6. IMPACT

The Shadow Integration Joint Board, with the Chief Officer, will ensure that the implementation of the integration of adult health and social care services will progress towards the establishment of the Integration Joint Board and will prepare the membership for their Board responsibilities.

7. MANAGEMENT OF RISK

The risk to the Council and NHS Board at this stage is that without and a clear remit for the Shadow Integration Joint Board, preparations for integration are not progressed sufficiently to meet the requirements of implementation of the integration.

8. BACKGROUND PAPERS

Report to Council 25 June 2014, Establishment of a Shadow Integration Joint Board SCW/14/19.

9. REPORT AUTHOR DETAILS

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**INTEGRATION OF HEALTH and SOCIAL CARE
SHADOW INTEGRATION JOINT BOARD
DRAFT REMIT**

TERMS OF REFERENCE

1. Purpose

To lead and provide strategic direction in relation to the implementation of the Integration of Health and Social Care, in line with legislation, emerging regulation and guidance, and local requirements.

2. Remit of the Shadow Board

The Shadow Board will:

- lead the transition to an integrated health and social care partnership, to be established from 1 April 2015 and by 1 April 2016 at the latest;
- lead the transition from Shadow to Integration Joint Board;
- oversee the production of the required Integration Scheme for establishing the Integration Joint Board;
- recommend the Integration Scheme to full Council and Health Board timeously;
- ensure a clear description of the role of the Chief Officer during the 'shadow' stage of integration and put in place reporting arrangements between the Shadow Integration Joint Board and the Chief Officer;
- establish the Strategic Planning Group with an agreed remit to progress work towards the delivery of the Strategic Plan post April 2015;
- ensure that an integrated performance management system to reflect joint and single agency requirements, performance measures that reflect national outcomes and local priorities, and the required reporting arrangements to the Shadow Board are put in place to enable the Board to develop its governance role in preparation for integration;
- consider Scottish Government guidance on integration as it progresses and take appropriate action arising from this;
- delegate work to and receive updates from lead officers;
- provide guidance to and be advised by lead officers;
- make decisions where authority has been delegated, otherwise make recommendations to the Council and Health Board; keep the Council and Health Board apprised of developments;
- consider and keep under review whether further dedicated resources are required to support the programme of transition;
- ensure the appropriate use of the Organisational Development Fund to support the development and establishment of integration arrangements;
- regularly communicate with key stakeholders.

3. Membership

The Shadow Board will be co-chaired by an elected representative of Aberdeen City Council and a non-executive NHS Board member, chairing alternate meetings.

Core membership of the Shadow Board will be:

- 6 elected members of Aberdeen City Council;
- 6 Board members of NHS Grampian;
- Chief Officer for integration
- Director of Social Care and Wellbeing /Chief Social Work Officer, Aberdeen City Council;
- Head of Adult Services, ACC
- General Manager, Aberdeen CHP;
- 1 clinical lead NHS Grampian;
- The Third Sector, represented by Aberdeen Council of Voluntary Organisations;
- The Civic Forum (to be confirmed);
- 1 Trade Union representative (Aberdeen City Council)
- 1 Staff Partnership representative (NHS Grampian).

Substitutes are allowable on an exceptional basis. Aberdeen City Council has appointed 6 named substitutes for elected members. Substitutes for NHS Board members are to be drawn from the remaining pool of Board Members.

Other stakeholders may be co-opted as required.

It is expected that decisions will be reached by consensus. In terms of the legislative guidance, if a vote is required only the elected Councillors and Health Board members will have voting rights; if there is an equality of votes, officers will be instructed to report to the next meeting on a way forward. (See Standing Orders)

4. Meeting Cycle

The Shadow Integration Joint Board will meet on a monthly cycle.

5. Quorum

A meeting will require 3 ACC elected members and 3 members of NHSG Board in attendance. If a meeting is at any stage not quorate, it may continue but no decisions will be made at that meeting.

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	8 October 2014
DIRECTOR	Ewan Sutherland (Acting Director)
TITLE OF REPORT	Update - Camping in Designated Places
REPORT NUMBER:	CG/14/126
CHECKLIST COMPLETED:	Yes

1. PURPOSE OF REPORT

The purpose of this report is update members on progress on the byelaw on camping in designated places.

2. RECOMMENDATIONS

The Council is recommended to note the report.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

4. OTHER IMPLICATIONS

There are no additional implications arising from this report beyond those set out in the report to the Council's meeting on 14 May 2014

5. BACKGROUND/MAIN ISSUES

The Council, at its meeting on 14 May 2014, approved the wording of the proposed byelaw, approved the designated areas, and instructed officers to take all necessary steps to complete the statutory process to seek confirmation of the byelaw from the Scottish Government. As advised at the 20 August Council meeting, statutory procedures have been followed to complete the process and application for confirmation has been made to the Scottish Government. Seven letters of representation have been lodged with the Scottish Government. These have been copied to the Council for comment and a full response was

sent on the Council's behalf to the Scottish Government on 11th September. The Scottish Government will consider the position and reach a decision, current indications suggesting a decision in early October but there is no guarantee that such a timescale will be met.

A further update regarding the byelaw will be provided to the next Council meeting.

6. IMPACT

Public – The report may generate public interest as the issue of a byelaw has attracted widespread public interest.

Equalities – The issues identified in the report to Council on 14 May 2014 continue to exist.

7. MANAGEMENT OF RISK

The issues identified in the report to Council on 14 May 2014 continue to exist.

8. BACKGROUND PAPERS

Council report and minute of meeting 14 May 2014.

9. REPORT AUTHOR DETAILS

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ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	8 th October 2014
LEAD OFFICER	Chief Executive
TITLE OF REPORT	Local Authority Community Covenant (motion by Councillor Ross Thomson)
REPORT NUMBER	OCE/14/038
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

The report addresses the notice of motion by Councillor Ross Thomson in relation to the Local Authority Community Covenant and indicates next steps to be taken on the matters raised.

2. RECOMMENDATION

That the Council notes the content of the report.

3. FINANCIAL IMPLICATIONS

The report has no financial implications at this stage. Future reports will detail the financial implications for the Council of any proposals arising through discussion with interested parties.

4. OTHER IMPLICATIONS

The report has no other implications at this stage. As with finance above, future reports will address the implications of any emerging proposals.

5. BACKGROUND/MAIN ISSUES

At its meeting of 20 August 2014 the Council had before it a notice of motion by Councillor Thomson in the following terms:-

That this Council:-

- i. restates its commitment to the Local Authority Community Covenant which ensure that Aberdeen City Council supports the local armed forces community;

- ii. recognises the enormous contribution that the armed forces and their families make and the sacrifices that the armed forces and their families make every day for the safety and security of our country;
- iii. to recognise the contribution made by our armed forces, agrees to request a report examining what more Aberdeen City Council can do to support our armed forces and veterans community across the services it provides;
- iv. instructs officers to engage with neighbouring authorities on their allocation of housing to members of the armed forces;
- v. instructs officers to meet with Legion Scotland and to establish a protocol for an ongoing relationship between the Council, Legion Scotland and other pertinent organisations; and
- vi. congratulates and welcomes the Armed services Advice Project (ASAP) provided by the Scottish Citizens Advice Bureau which is the focal point for the City's armed forces community for access to advice, information and support.

The Council resolved:-

- i. to instruct officers to submit a report to the next Council meeting; and
- ii. to accept the offer from ASAP, as intimated by Councillor Yuill, to deliver a presentation to members at a future meeting.

At its meeting of 22 August 2012 the Council approved a motion by the Lord Provost in the following terms:-

That this Council works with the armed forces, veterans' groups, health and social care providers, the business community and other local bodies to develop a Community Covenant for Aberdeen.

The Lord Provost and the Chief Executive signed the resulting Community Covenant on behalf of the Council on 30th January 2013. The other signatories to the Covenant are Aberdeen's Armed Forces Community, the Highland Reserve Forces and Cadets Association, Veterans Scotland, Royal British Legion Scotland, Combat Stress, SaBRE Supporting Britain's Reservists and Employers, NHS Grampian and Jobcentre Plus.

With regard to Councillor Thomson's motion, it is intended that representatives of Royal British Legion Scotland, other signatories to the Covenant and other relevant organisations be invited to meet with the Lord Provost as the Council's Veterans Champion both to discuss the envisaged protocol and what additional actions the Council might take in order to support the armed forces and veterans community in Aberdeen. A further report will then be brought to a future meeting of the Council.

6. IMPACT

The subject matter of the matter relates both to the Smarter Living and Smarter People facets of the policy document *Aberdeen – the Smarter City* and by extension to the Council's delivery of the Single Outcome Agreement for the City.

7. MANAGEMENT OF RISK

The report responds to the terms of a notice of motion.

8. BACKGROUND PAPERS

None

9. REPORT AUTHOR DETAILS

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