

Public Document Pack



To: All Members of the Council

Town House,
ABERDEEN, 5 May 2015

COUNCIL

The Members of the **COUNCIL** are requested to meet in Council Chamber - Town House on **WEDNESDAY, 13 MAY 2015 at 10.30am.**

RODERICK MACBEATH
SENIOR DEMOCRATIC SERVICES MANAGER

BUSINESS

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

MINUTES OF COUNCIL

- 4(a) Minute of Meeting of Council of 5 February 2015 - for approval (circulated separately)
- 4(b) Minute of Meeting of Council of 4 March 2015 - for approval (circulated separately)
- 4(c) Minute of Special Meeting of Council of 5 March 2015 - for approval (circulated separately)
- 4(d) Minute of Special Meeting of Council of 12 March 2015 - for approval (circulated separately)

- 4(e) Minute of Meeting of Urgent Business Committee of 2 April 2015 - for approval
(Pages 1 - 4)

BUSINESS STATEMENT, MOTIONS LIST AND OTHER MINUTES

- 5(a) Business Statement (Pages 5 - 12)
- 5(b) Motions List (Pages 13 - 16)

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

- 6 None to date

GENERAL BUSINESS

- 7(a) Hayfield Riding Centre and Fields to East of Hazledene Road, Hazlehead Park - proposed development of a country house hotel and associated infrastructure
(Pages 17 - 112)
Planning Reference - 141026
The documents associated with this application can be found at:-
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=141026>
- 7(b) 5th Reviews of Electoral Arrangements (Pages 113 - 138)
- 7(c) Council Diary 2016 (Pages 139 - 154)
- 7(d) Appointments (Pages 155 - 156)
- 7(e) Relaxation of Drinking in Public Byelaw for BP Big Screens 2015 (Pages 157 - 162)
- 7(f) Street Begging Update (Pages 163 - 184)
- 7(g) Fishing Memorial Working Group (Pages 185 - 204)
- 7(h) John Murdoch Henderson Bequest - Reorganisation (Pages 205 - 214)

BUSINESS THE COUNCIL MAY WISH TO CONSIDER IN PRIVATE

8 No exempt business at this stage

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Martyn Orchard, tel 01224 523097 or email morchard@aberdeencity.gov.uk

Briefing for Elected Members on the Importance of EHRIAs

As an elected member, you will know you have an important role to play in championing equality within and outside Aberdeen City Council. There is also a scrutiny role for you to ensure that equality considerations are included in the decision making and governance of the council.

In exercising your duties as an elected member, you will make decisions which shape the council budget as well as the practice, strategies, plans and policies of the council. You have to make sure that the relevant equality implications are considered and so need to have sufficient information to satisfy our legal requirement to pay “due regard” to equality. Since public authorities subject to the equality duties are also likely to be subject to the obligations under the Human Rights Act, our impact assessment tool also considers the potential impact our decisions could have on human rights – Equality and Human Rights Impact Assessment (EHRIA).

EHRIA forms are included in the agenda pack, and this is important as it ensures that the impact of any proposals being considered by the Committee is clear at the point of decision making. These are included at the back of the report, as an appendix. Committee members should feel able to ask questions of report authors in relation to EHRIA forms, including questions about why an impact assessment has not been carried out/is not included.

There is an onus on elected members to make sure that EHRIAs are robust and give appropriate weighting in decision-making processes. In recent guidance from the Equality and Human Rights Commission, relevant case law examples show the Courts stating that, the public authority had to demonstrate that it had paid ‘due regard’ to its equality obligations.

Policies and practices should be assessed for impact across the three parts of the public sector duty (eliminate unlawful treatment, advance equality of opportunity and foster good relationships).

These duties do not prevent us from taking many difficult decisions such as reorganisations and relocations, redundancies, and service reductions, nor do they stop us from making decisions, that may affect one group more than others. Whilst we have a duty to involve groups of people who have protected characteristics, this does not give them the right of veto regarding any of our budget proposals or other council decisions.

What the equality duties do is enable us to demonstrate that we are making decisions in a fair, transparent and accountable way, considering the needs and the rights of different members of our communities.

The EHRIA will allow you to see that people with protected characteristics are enjoying equal access to our services, and where they are not, or are over/under-represented, or are not getting as good a service, the EHRIA gives the opportunity to do something to resolve the situation.

The equality target groups, or people with protected characteristics, include age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex (gender) and sexual orientation.

The sort of questions to ask yourself as you read an EHRIA might include:

- How might the proposal impact on ethnic minority communities, including Gypsy / Travellers?
- How might the proposal impact on people with a disability?
- Would the impacts on women and men or the Transgender community differ?
- Would the proposal affect ethnic minority women and men in the same ways?
- Would the proposal affect women and men with disabilities in the same ways?
- What about age considerations when thinking about impacts?

It is important to remember that the potential impact is not just about numbers. Evidence of a serious impact on a small number of individuals is just as important as something that will impact on many people. You should also think about how individual proposals might relate to one another. This is because a series of changes to different policies or services could have a severe impact on particular protected groups.

The EHRIA is therefore an invaluable tool to assist you in ensuring that the interests of all groups are properly taken into account when difficult choices about resources are required.

A case study on “Southall Black Sisters – the need to impact assess decisions” is set out below.

Southall Black Sisters (SBS) provides specialist services to Asian and Black Caribbean women, particularly in relation to domestic violence issues.

In June 2007, Ealing council announced proposals to move away from funding particular organisations (such as SBS), towards commissioning services (including domestic violence services) following a competitive bidding exercise.

During discussions about criteria for commissioning domestic violence services SBS had highlighted the adverse impact the criteria could have on pre-existing domestic violence services provided to women from ethnic minority communities, and so an equality impact assessment should be carried out.

Ealing carried out belated impact assessments on proposals before deciding to proceed with the existing domestic violence services commissioning criteria, resulting in two SBS service users launching a judicial review of the decision.

Ultimately, Ealing conceded these submissions and withdrew from the case. However, in an oral judgement, Lord Justice Moses reiterated the importance of undertaking an equality impact assessment, and also the importance of carrying out an impact assessment before policy formulation.

Should you require any help with EHRIAs please contact me at sandrab@aberdeencity.gov.uk or 01224 523039 or Faiza at fnacef@aberrdeencity.gov.uk or 01224 523183

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Agenda Item 4(e)

URGENT BUSINESS COMMITTEE

ABERDEEN, 2 APRIL 2015 - Minute of Meeting of the URGENT BUSINESS COMMITTEE. Present:- Councillor Laing, Convener; and Councillors Boulton, Dickson, Jackie Dunbar, Grant (substituting for Councillor Cooney), Lawrence (substituting for Councillor Crockett), McCaig, Noble, Taylor, Thomson, Townson (substituting for Councillor Cameron), Young and Yuill.

The agenda and reports associated with this minute can be found at:-

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=334&MId=3754&Ver=4>

DETERMINATION OF URGENT BUSINESS

1. In terms of Standing Order 28(6)(vi), and in accordance with Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, the Committee was informed that it had to determine (1) that the items on the agenda were of an urgent nature; and (2) that the Committee required to consider the items and take decisions thereon.

The Committee resolved:-

- (i) to agree that the report entitled 'Interim Arrangements for Head of Legal and Democratic Services and Monitoring Officer' was of an urgent nature and required to be considered this day; and
- (ii) to agree that the report entitled 'Amendments to the Recruitment Process for Director of Corporate Governance' was not of an urgent nature, and instruct that it be submitted to the next meeting of the Finance, Policy and Resources Committee.

At this juncture, Councillor Yuill intimated that he wished for an additional item to be added to the agenda in the following terms:-

That this Committee -

- (1) deplores the decision by the Council to ban the Standards Commission for Scotland from holding on Council premises on 15 April a hearing into the conduct of members of this Council; and
- (2) instructs officers to immediately issue an invitation to the Standards Commission for Scotland to use Council premises for this hearing and to provide such other logistical support as the Standards Commission may require.

The Chief Executive explained the background to the situation, emphasising that having taken advice from officers, she had informed the Standards Commission that it would be preferable not to hold the hearing on Council premises on 15 and 16 April due to it falling within the pre-election period, and therefore it was not considered appropriate to use Council premises for a hearing which would generate significant media attention of a sensitive nature. She added that the Standards Commission had written to her on 1 April expressing their disappointment at the decision, and requested that she reconsider and provide them with a final decision by 2 April. The Chief Executive explained that she had not yet concluded her deliberations and therefore had not reached a final decision on the matter.

The Convener ruled Councillor Yuill's motion incompetent in terms of Standing Order 18(1)(iii), as the decision had been taken by the Chief Executive and not by the Council, however she was willing to allow Councillor Yuill to move an alternative form of wording which was competent.

At this juncture, Councillor McCaig asked if a decision was made by officers under delegated powers on whose behalf would they be making it. Mrs Alyson Mollison, Legal Manager, advised that they would be making it on behalf of the Council, however that was not necessarily the same as the decision being made by the Council. The Convener requested that this be recorded in the minute.

Following further questions to the Chief Executive and other officers, Councillor Yuill advised that his revised wording was as follows:-

That the Committee agree to instruct officers to immediately issue an invitation to the Standards Commission for Scotland to use Council premises for their hearing scheduled for Aberdeen on 15 and 16 April 2015.

The Committee further resolved:-

- (i) to accept the additional item onto the agenda, agreeing that it was of an urgent nature and required to be considered this day; and
- (ii) to consider the matter as the last item of business.

INTERIM ARRANGEMENTS FOR HEAD OF LEGAL AND DEMOCRATIC SERVICES AND MONITORING OFFICER - OCE/15/011

2. The Committee had before it a report by the Chief Executive which sought to put arrangements in place to provide cover for the post of Head of Legal and Democratic Services and the statutory role of Monitoring Officer until the recently appointed candidate takes up post.

The report recommended:-

that the Committee -

- (a) appoint the Head of Procurement to provide strategic managerial direction to Legal and Democratic Services until the recently appointed candidate takes up post;
- (b) authorise the four service managers in Legal and Democratic Services to act up into the duties of the Head of Legal and Democratic Services specific to their post set out in Standing Orders, the Scheme of Delegation and job profile during this period;
- (c) suspend Standing Order 42(3) insofar as it requires that the Head of Legal and Democratic Services shall be the Monitoring Officer and to appoint the Head of Procurement to that position until such time as the recently appointed candidate takes up post; and
- (d) notwithstanding (b) above, during the same period to appoint Alyson Mollison, Legal Manager, as Clerk to the Licensing Board, and Karen Donnelly, Legal Manager, as Appointed Person for the Pensions Scheme and as Data Controller.

The Committee resolved:-

to approve the recommendations.

STANDARDS COMMISSION HEARING ARRANGEMENTS

3. With reference to Article 1 of this minute, the Convener moved, seconded by Councillor Boulton:-

That the Committee -

- (1) note the information provided by the Chief Executive in relation to this matter; and
- (2) agree that this is a decision to be made by the Chief Executive.

Councillor Yuill moved as an amendment, seconded by Councillor Jackie Dunbar:-

That the Committee agree to instruct officers to immediately issue an invitation to the Standards Commission for Scotland to use Council premises for their hearing scheduled for Aberdeen on 15 and 16 April 2015.

On a division, there voted:-

For the motion (7) - Convener; and Councillors Boulton, Grant, Lawrence, Taylor, Thomson and Young; For the amendment (6) - Councillors Dickson, Jackie Dunbar, McCaig, Noble, Townson and Yuill.

The Committee resolved:-
to adopt the motion.

In terms of Standing Order 15(6), Councillors Dickson, McCaig, Noble, and Yuill intimated their dissent against the foregoing decision.

- JENNIFER LAING, Convener.

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**COUNCIL
BUSINESS STATEMENT**

13 MAY 2015

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 05.03.14 Article 21	<u>Broad Street Civic Square Assessment</u> 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 report, and enter into discussions with Muse Developments with regard to maximising views of Provost Skene's House from Broad Street.	At its meeting of 8 October 2014, the Council approved the planning application for Marischal Square and noted that the proposal to pedestrianise Broad Street was not being considered as part of the determination of the application. Officers are continuing to investigate options, including appropriate traffic modelling, for creating a more user-friendly pedestrian environment to form a civic space on Broad Street in advance of the pedestrianisation of Union Street. That work is being carried out in tandem with the development of the city centre masterplan and development framework.	Director of Communities, Housing and Infrastructure	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>
2.	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 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 have undertaken survey work to help inform what additional strategies would be required and this may determine any additional financial support required. Given that we were already delivering a multi-faceted strategy it should be expected that identifying new approaches may not be possible. Insufficient partner participation in recent street-begging forum meetings has affected our progress however we</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>are currently engaging partners on an individual basis to obtain their proposals for additional activity. Our intention is to report to Council on 13 May 2015.</p> <p>A report is on the agenda.</p>		
3.	<p>Council 20.08.14 Article 6</p>	<p><u>Corporate Parenting Champions Board and Sistema Partnership Board</u></p> <p>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.</p>	<p>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.</p> <p>The Sistema Partnership Board/Big Noise Torry Strategic Group has now met three times. Its role is to ensure that the partnership between the Council and Sistema Scotland can be as strong as possible; that decision-making can be simplified, resources made available and capacity assured to achieve a successful launch and operation. The Operational Group is now in place to support the team in the Torry community and the first musicians will begin their induction programme, in the existing two Sistema Scotland Big Noise centres and in Torry, from next month. Plans are progressing for the launch concert at the end of June in Torry. <u>It is recommended that this item be removed from the business statement and that future progress be reported via the Information Bulletin.</u></p>	<p>Director of Education and Children's Services</p>	<p>08.10.14</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>
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>The Asset Management team are continuing to identify alternative and additional sites both in the public and private sector.</p> <p>At its meeting of 17 December 2014, the Council resolved:-</p> <p>(i) to note the letter dated 31 October 2014 from the Scottish Government confirming that Scottish Ministers have decided not to confirm the byelaws requested by the Council;</p> <p>(ii) to note the East Loch Lomond Camping Byelaws approved by Scottish Ministers on 10 March 2011 which comply with the general duty of the Equality Act 2010;</p> <p>(iii) to instruct the Chief Executive to work with all interested parties including those who objected to the byelaws and liaise with the Loch Lomond and the Trossachs National Park Authority to consider the issues experienced in Aberdeen and to report back to the Council at its meeting on <u>24 June 2015</u> with all available options to address those issues; and</p> <p>(iv) to instruct the Chief Executive to provide a report on the progress made on the implementation of the instruction contained in (iii) above to the Council meeting on 4 March 2015.</p>	<p>Chief Executive</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	<u>City Centre Regeneration Board</u> 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.	The Council noted a progress report on 4 March 2015. The Council, at its meeting of 25 June 2014, resolved:- (i) to note the work of the City Centre Regeneration Board; (ii) to approve the proposed nine month programme for the preparation of the City Centre Masterplan and Delivery Programme; and (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. Minutes of meetings of the City Centre Regeneration Board will be on the agenda when available. A report is expected to be submitted to the Council meeting on 24 June 2015.	Director of Communities, Housing and Infrastructure	Every Council meeting
6.	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.	A report is expected to be submitted to the Council meeting on 24 June 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>
7.	Council 04.03.15 Article 13	<u>Aberdeen Sports Village - Recruitment of Board Member</u> The Council delegated authority to the selection panel to select their preferred candidate, and instructed that a report be submitted to the Council meeting on 13 May 2015 for approval.	A report is expected to be submitted to the Council meeting on 24 June 2015.	Director of Education and Children's Services	13.05.15
8.	Council 31.10.13 Article 17	<u>Community Planning Aberdeen - Development Plan</u> The Council agreed to receive six monthly updates on progress with the implementation of the Development Plan.	The Council received the last six month progress report on 17 December 2014.	Director of Communities, Housing and Infrastructure	24.06.15
9.	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).	The Council received the last six month progress report on 17 December 2014.	Director of Communities, Housing and Infrastructure	24.06.15

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>
10.	Council 08.10.14 Article 16	<u>Bon Accord Care Annual Report</u> The Council noted the Bon Accord Care Annual Report for 1 August 2013 to 31 July 2014, and agreed to receive each annual report from Bon Accord Care Ltd.		Director of Social Care and Wellbeing	October 2015
11.	Council 08.10.14 Article 13	<u>Standing Orders on Contracts and Procurement</u> The Council noted that legislation which would require to be reflected in revisions to the Standing Orders on Contracts and Procurement was expected during 2015 and that a report would be submitted thereafter.		Director of Corporate Governance	Late 2015
12.	Council 06.03.13 Article 16	<u>Welfare Reform</u> 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.	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 July 2013.	Director of Communities, Housing and Infrastructure	As and when required

<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>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> <p>An update will be provided at the end of the 2014/15 financial year.</p>		

**COUNCIL
MOTIONS LIST
13 MAY 2015**

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.

Reports on motions which are overdue are shaded

<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 Community 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</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.	At the Council meeting of 8 October 2014, members noted a report which advised that it was 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 would then be brought to a future meeting of the Council.	Chief Executive Director of Communities, Housing and Infrastructure	4 March 2015

<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>veterans community across the services it provides.</p> <p>(4) Instructs officers to engage with 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>			<p>Infrastructure Committee of 28 October 2014.</p> <p>The Lord Provost, as the Council's Veterans Champion, is currently working closely with all relevant organisations in relation to the City's Armed Forces Day celebrations to be held on 27 June 2015. A meeting in relation to the potential protocol will be held in the coming weeks.</p> <p>The meeting to be hosted by the Lord Provost has now been scheduled for 25 May 2015. A report will be brought to the Council at its meeting on 24 June 2015.</p>		
2.	<p><u>Motion by Lord Provost George Adam</u></p> <p>"That Aberdeen City Council agrees to take forward approaches from associates of the local fishing industry to create an appropriate</p>	17.12.14	To approve the terms of the motion.	A report is on the agenda.	Director of Education and Children's Services	13 May 2015

<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>and lasting memorial to the men and women who lived, worked and died in it, in peace time and war, and to commemorate the major contribution which fishing has made to the city's life and heritage. Officers are instructed to report on the establishment of a small working group, the scope of a commission and confirmation of a budget with a view to obtaining additional contributions to build on external funds already secured."</p>					

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Agenda Item 7(a)

HAYFIELD RIDING CENTRE AND FIELDS TO
THE EAST OF HAZLEDENE ROAD,
HAZLEHEAD PARK

PROPOSED DEVELOPMENT OF A COUNTRY
HOUSE HOTEL CIRCA 200 BEDROOMS, SPA,
SWIMMING POOL, FUNCTION AND
CONFERENCE FACILITIES, RESTAURANTS
AND EQUESTRIAN CENTRE ON THE
HAYFIELD SITE, ASSOCIATED CAR PARKING
/ ALTERATIONS TO ACCESS ROADS.

For: Mr Alan Massie

Application Type : Planning Permission in
Principle

Application Ref. : P141026

Application Date: 24/07/2014

Officer: Lucy Greene

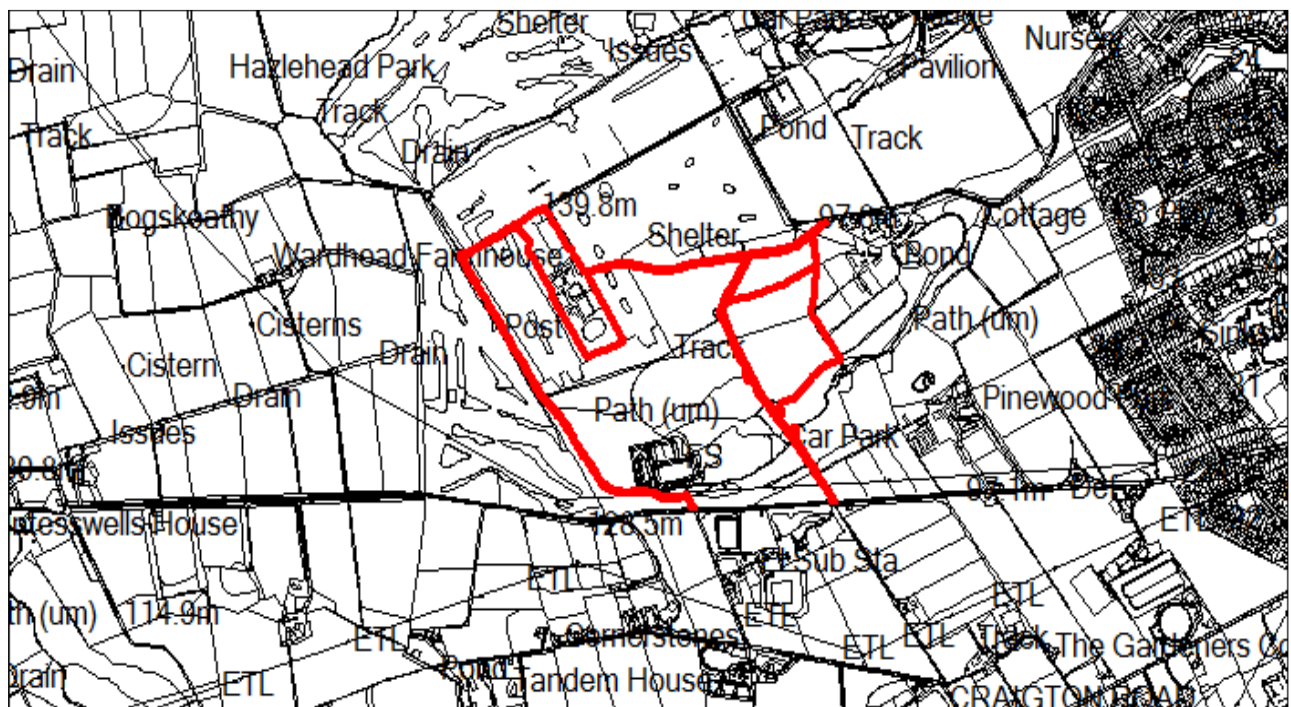
Ward : Hazlehead/Ashley/Queen's Cross(M
Greig/J Stewart/R Thomson/J Corall)

Advert : Dev. Plan Departure

Advertised on: 20/08/2014

Council Date: 13th May 2015

Community Council : Comments



RECOMMENDATION: Willingness to approve conditionally, subject to referral to Scottish Ministers and permission to be withheld pending the securing of developer contributions, towards:

- upgrading of access roads and paths,

- recreational and wildlife enhancements to Hazlehead Park,
- public bus services and
- the Strategic Transport Fund.

This would also ensure the provision of facilities including the swimming pool, spa, restaurants, banqueting / conference facilities and equestrian centre and that these facilities are open to the public as well as hotel guests.

Background

This report follows a Pre-determination Hearing that was required to be held as this is major applications and was deemed to be a significant departure from the development plan.

The purpose of the hearing was for elected members to hear the views of those who have made representations on the application, prior to the application being determined by full Council.

The application has been referred to the full Council for determination because this is a requirement for a major development that is deemed on submission as significantly contrary to the development plan. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

Following any resolution of Willingness to Approve by Council, the application must be referred to the Scottish Ministers who may call in the application for their own determination, this is because this a major application that was deemed on submission as significantly contrary to the development plan.

DESCRIPTION

The application site consists of two large areas linked by access roads and paths of varying widths and qualities.

Site A, the easternmost area, consists of a roughly square shaped area of fields that is approximately 5.48 hectares in size. The fields are used for the grazing of horses and are grassed. There is a dry stone wall running east – west across the area and two mature trees are growing adjacent to the wall.

Site A lies approximately 300m to the north west of Countesswells Road and to the east of Site B. This site is accessed from the road that leads between Hazledene Road (to the north) and Countesswells (to the south). In recent years the surface of this road has become significantly eroded and barriers have been erected in an effort to prevent vehicular through access.

The submitted topographical drawing shows that the land slopes from the west to the east and to a lesser extent from north to south. The highest point on the western boundary is approximately 10.0m higher than the lowest point at the south eastern corner. The gradient is fairly evenly spread across the site.

The topographical study also shows the tree canopy at approximately 21 – 25m above ground level along the northern site boundary and around 16m along the eastern site boundary.

Site B consists of a rectangular shaped site of approximately 3.72 hectares. This currently contains the Hayfield Riding Centre, with stables, indoor and outdoor school, two terraced houses, a steading, a detached house and ancillary buildings. The houses and steading are granite and traditional in nature. There are paddocks within the northern portion of the site.

Site B is accessed via a single track road that leads off Hazledene Road. This road lies within the application site, as well as the paths that leads from the north west corner of the site and loop round to meet the shooting range to the south.

Site B lies within the golf course, although there are lines of trees along the east and west boundaries and woodland to the south. To the north is a track with drystone dyke along the site boundary.

The wider area contains the golf course and park to the north, the site of the former Dobbie's nursery to the east and woodland to the south and west.

PUBLIC HEARING

A public hearing was held on 14th November 2014 and the following points were made:

Members questions: The following information was given in response to Members questions, and further information sought :

- that officers would look at the possibility of access to the site via Countesswells Road
- that officers would confirm (with all members) if the Hayfield Riding School was contained within the Hazlehead Park Policy documents
- that the exact definition of "special events" could be determined and conditioned if required
- that agreed "maintenance" costs could be negotiated
- that other junctions/roads in the vicinity would be assessed for the impact the development may have on them
- that there would be landscaping on both sites of the development
- that an ecology report was undertaken on the site
- that further traffic assessments would be undertaken
- that traffic calming on site would be considered at the next stage of the process
- that tree thinning was to be undertaken on site in the near future
- that the officers and the developer would receive important information from the Hearing which would give them a steer as to the main issues that required to be addressed.

Members raised the following issues following the presentation by the applicant's road engineer Mr Robertson:

- It was suggested that if Countesswells Road was to serve as both entrance and exit to the site, then some improvements might be required at the junction of Seafield Road and Countesswells Road. The Committee heard that the Seafield junction was to be upgraded as part of another development, but that threshold assessments would be undertaken.
- In relation to concerns about access from Countesswells Road being used as a rat-run, Mr Robertson explained that the access from Countesswells would solely lead to the hotel, and therefore there would be no through route for traffic.
- In response to a query about the low grade walls in the area, Mr Stuart (the applicants architect) explained that part of these would need to be repaired, but that they would not be removed.
- It was noted that the design of the equestrian centre was of a differing style to the hotel, and Mr Stuart explained that this was to provide a contrast.
- In response to a suggestion that the construction traffic did not use Hazledene Road to access the site, Mr Robertson advised that the developer was willing to look at the best option.
- In response to a query about whether there would be an impact on public usage of the golf course, Mrs Farquharson-Black (the applicants planning agent) advised that the application would not affect usage of the golf course by the public.
- In response to a query about how the general public would make use of facilities if the hotel was busy with guests, Mr Stuart advised that the developer was in discussion with service providers and that there would be a proviso from the developer that the public would have suitable access to hotel facilities.
- There was a query in relation to potholes on the surrounding roads and whether any resurfacing would be undertaken. Mr Robertson explained that the road would be upgraded to an appropriate standard for the amount of traffic using the access.
- There was further discussion about whether work would be undertaken in the Denwood area to improve the tree coverage, and Mr Stuart advised that the developer would want to work on a woodland management plan with the Council.
- In relation to a query about whether the methods proposed for the protection of the red squirrels were effective, Mr Rudd, Ecologist advised that the methods had been employed elsewhere. He noted that it might be the case that the rope bridges were found to be unnecessary, depending on the amount of tree canopy coverage.
- In relation to a query about whether the organisation was comfortable with the development being built on a network of unadopted roads, Mrs Farquharson-Black advised that access and maintenance arrangements would be covered as part of the legal and maintenance agreements. Mr Stuart also noted that in order for the roads to be adopted, they would likely need to be widened. The

developer was keen to retain a 'park' feel to the site, and widening the roads would change this. Mr Stuart added that increasing the width of the roads would also probably lead to an increase in traffic speed.

- In response to a query about the landscaping at the front of the hotel, Mr Stuart advised that while the initial planting might look sparse, there would be significant tree input to the site from the beginning of the development. The trees would be at least 4.5 metres in height. A formal garden style would be adopted at the front of the hotel. It was noted that there would be a detailed report on sustainability, but that the new buildings were designed to use as limited an amount of energy as possible. It was suggested that consideration could be given to using a biomass plant to generate power for the hotel
- In response to a query about why the proposal had not been taken through the development plan process, Mrs Farquharson-Black advised that the development plan process had commenced before the development was proposed, but added that she felt that the process of early public consultation and the pre-determination hearing was very thorough.

Issues raised by the Craigiebuckler and Seafield Community Council (CSCC):

- At the time of consultation on the existing adopted Local development Plan (LDP) the CSCC had agreed with the Council that sufficient greenfield sites were allocated, however, times have changed. Although broadly supportive of the hotel, the CSCC would not wish to see a precedent set leading to the further development on the city's green spaces. Concerns that the wished to have taken into account:
 - a) Tree removal, loss of habitat and impact of noise
 - b) Use of Hazledene Road by construction traffic and other heavy traffic
 - c) Concern for safety of pupils from Hazlehead Academy, due to traffic on local roads
 - d) Use of Hazledene Road where there is no right turn onto Queens Road. This may also result in drivers diverting down other local roads.
 - e) Volume of traffic along Hazledene Road as the main access to the hotel, especially if vehicles are parked. Concern is expressed that in the longer term this would lead to the removal of trees to widen the road.
 - f) That there are natural springs on the site and development could disrupt the flow of water resulting in flooding. Any approval should be conditional upon a hydrological survey.
 - g) Implications for natural environment. This is Scotland's only climate change park. The two concepts seem incompatible.
 - h) Demand for a high quality hotel, there would be a positive impact for tourism. It would be likely to be advantageous for the economy, in terms of employment and business for the supply chain.
 - i) The size of facility is queried, based on the proposal at the time of the hearing.
 - j) The site is well suited to the proposal, s it is well screened and would have minimal visual impact., due to its proximity to the park, golf courses, paths and gardens. It is not clear how tee times would be arranged.
 - k) There would be a positive impact in terms of the image of the city.
 - l) Positive comments on the 'modern baronial' style of architecture.

- m) In conclusion, concerns relate to infrastructure and changing of the natural ambiance of the park. The positive aspects would be the social benefits of the proposed uses and the economic and tourism advantage.
- n) It was acknowledged that parents of Airyhall Primary (outside boundary of) had commented on safety of children crossing Countesswells Road.

Two local residents addressed the hearing and made the following comments:

- i. Although not against the idea of a five star hotel, this is the wrong site, as it would upset the balance of nature and result in detrimental impact on plants and wildlife.
- ii. Proposal could result in introduction of residential use, if not rigorously controlled.
- iii. Use of the park for informal and recreational purposes should be preserved.
- iv. Increases in volume of traffic and size of vehicles on the roads, in particular Hazledene Road.
- v. Possibility for traffic being displaced into the neighbouring areas with consequence safety concerns.
- vi. There is a Tree Preservation Order in the area, road widening could be required which could result in tree loss.

Comments from Project Officer from Saving Scotland's Red Squirrels:

- 1. Increase in traffic would lead to squirrel deaths on the roads
- 2. Loss of trees would result in tree canopy loss
- 3. Concern that road signs and rope bridges would not be effective as mitigation measures.
- 4. Expresses wish to work with developers if the proposal is approved.

PROPOSAL

The application is for Planning Permission in Principle and the proposals have been amended since the public hearing. The main changes were that all holiday lodges are removed from the application, the golf club house has been removed and the hotel and conference facility have been reduced in size. The application consists of the following:

Site A (the fields to the east):

- a hotel containing 200 bedrooms, restaurant and banqueting / function / conference facilities to seat a maximum of 800 people, spa and swimming pool

Parking would be provided as below:

300 car spaces (including 16 disabled)
57 cycle parking spaces
22 motorcycle

A large proportion of the parking would be provided underground.

Site B (existing Hayfield site):

- Equestrian centre, indicative plans show the retention of the existing stone stables, and dwellings. An indoor arena, stables and ancillary staff facilities would be provided. In terms of outdoor facilities, there would be training areas, a larger external arena, cross country course / field and polo field.

These would be located broadly in the south / central area of the site, approximately where the existing buildings are located.

The Planning Supporting Statement by Knight Frank, dated June 2014, states that improvements would be provided to the core path and cycle network within the Hazlehead Area

The application includes plans that are indicative only and the details of the proposal, including design and massing of the buildings, would be dealt with under further applications for Matters Specified in Conditions.

To provide a rough idea of the size of hotel building, the indicative plans show a building with main block and two wings at right angles (ie forming three sides of a square). The building of three and a half / four storeys, is indicated as being approximately 15m in height on the wings and a maximum of 18m in height at the central feature on the main block. The maximum extent of the footprint is indicated as extending across an area approximately 110m by 95m.

On Site A, the trees to the north are shown as being approximately between 21 and 25m in height, whilst the trees to the east are indicated as being approximately 16m in height. The height and massing of the building is indicative only, with the highest element being the central portion of the main block. This element is shown as being closer to the east site boundary and is slightly higher than the tree canopy at the closest point.

Landscape proposals:

Indicative landscape proposals have been submitted as part of the indicative plans. These are not detailed and show proposals for:

Site A: Proposals indicate the planting of extra heavy standard trees planted largely within grassland. There are also areas indicated as wildflower planting, shrubs planting, paths and repaired dry stone walls as well as new stone walls at the entrance. The central area enclosed by the wings of the hotel is indicated as a formal garden.

Site B: Proposed woodland planting within the site boundaries around the southern end of the site and the eastern edge, alongside existing. It is also proposed to plant a number of extra heavy standard trees.

The planning statement states that the hotel would be of a 5 star standard and would fill a gap in the market, following the possible closure of the Marcliffe Hotel.

The planning statement contains an analysis of alternative sites where a facility of this might be located, this is in the form of a sequential test and includes opportunity sites within the Local Development Plan.

Access:

The revised Transportation Assessment contains three options for access:

Option 1: Access via Hazlehead Avenue and Groats Road one way, two way access along Hazledene Road and one way egress only via Countesswells Road.

Option 2: Access via Hazlehead Road and Groats Road one way. Two way access along Hazledene Road and two way access via Countesswells Road, the latter to site A only

Option 3: Access via Hazledene Road to site B and access to site A via Countesswells Road

The applicant has stated that a shuttle bus to the city centre would be provided for staff and guests and that this would run hourly between 7am and midnight.

The applicant has submitted a Socio Economic Assessment, which describes the following socio-economic benefits:

- Visitor spending suggested at £3.8 - £4.8m per annum, supporting 30 – 40 jobs. This is cited as a cautious estimate based on available information about the proposed development and tourism expenditure in Aberdeen.
- Up to 250 Full time equivalent (FTE) jobs in the hotel
- Up to 60 jobs supported by hotel's activity and expenditure
- Up to 7 FTEs supported by the riding school
- Potential to boost revenue to local golf course by up to £25,000 per year
- Up to 400 jobs in peak construction period supported during a two year build period, based on construction investment of £50 million

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=141026>

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

The supporting documents include:

- Indicative Design Concept, Additional Supporting Information dated February 2015
- Transportation Assessment (revised)

- Ecological Report
- Plans and indicative drawings
- Supporting Planning Statement dated February 2015
- Report on the Pre-application Consultation
- Socio-Economic Assessment
- Letter from VisitAberdeen

PRE-APPLICATION CONSULTATION

The proposed development was the subject to pre-application consultation earlier this year 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 one public meeting and a meeting with the Craigiebuckler and Seafield Community Council.

CONSULTATIONS

Roads Development Management – A revised Transport Assessment (TA) has been submitted. Site B (Hayfield site) is now exempt from travel impact and Strategic Transport Fund (STF) contribution.

Matters are considered in line with Scottish Government policy 'Designing Streets' which advocates greater permeability of new developments by street users on hierarchical basis, giving highest priority to pedestrians and lowest to private cars.

Pedestrian access between the development sites and the adopted road network would be poor and the distances would be restrictive to people choosing to walk.

Similarly cycle provision is poor.

Public transport: even when the no.15 bus has been extended into Pinewood, the distance require to walk to the nearest bus stop would be restrictive.

There would be a shuttle bus provided by the developer, this would offer an hourly service (between 7am and midnight) to Union Street for staff and guests.

Access for service vehicles would be via Countesswells Road, to remove the need for these larger vehicles to travel through the park. It is debatable how access by delivery vehicles would be restricted to Countesswells Road and in order to do this, very detailed consideration would need to be given to the barrier system.

Deployment of the barrier system to prevent rat-running through the development by private cars would be essential.

The impact of traffic generated by the development would not have a significant impact on the surrounding adopted road network, however, there would be an adverse impact on the park roads, with increased traffic causing inconvenience and safety concerns to pedestrians and cyclists.

In terms of LDP policy T2 – 'Managing the Transport Impact of Development' indicates that to take a reasoned decision, account must be taken of the availability and quality of types of transport that are currently available and proposed measures to ensure a reasonable choice of modes will be available.

It also states that planning conditions and legal agreement may be used to bind the targets in the Travel Plan and to set out arrangements for monitoring, enforcement and review.

The following conditions would be required to be attached to any approval:

- I. Signing strategy to direct visitors to the hotel
- II. To retain all existing access arrangements within the park and provide emergency access to the development (which would need to be approved by emergency services).
- III. Barrier system would need to be installed to ensure there is no potential rat-run between Hazledene Road and Countesswells Road (it is also proposed that service / delivery vehicles only take access / egress from Countesswells Road so the barrier control would need to be set up to prevent alternative access / egress by service / delivery vehicles)
- IV. Swept path assessments would be required for coaches, service vehicles and emergency vehicles (road widening and passing places and bend improvements may be required as a result)
- V. Improvement of roads through the park, including the existing bridge, and suitable drainage provision, would be required (need to debate whether a Maintenance Agreement with ACC Environment would be required; whether park roads should be illuminated; whether advisory speed limit of 15mph should be retained; whether to remove or alter the current Prohibition of Driving Order)
- VI. Improvement of off-road paths through the park would be required (need to debate issues of maintenance and lighting)
- VII. Travel Plan required to encourage alternative modes of transport to the private car (this should include a Parking Management Plan and commitment to providing courtesy shuttle bus service)
- VIII. Strategic Transport Fund contribution would be required

Economic Development

- The Aberdeen City and Shire Tourism Partnerships' "Strategy for Growth" 2013-2020 aims to grow tourism expenditure to £410m-£510m by 2020 from a 2013 base of £340m.
- A number of actions are prioritised including the improvement and expansion of accommodation provision and reducing seasonality. Golf and business tourism activities are specifically highlighted to capitalise and link to the Trump International Golf Links and the conference economy respectively.
- The Strategy also highlights capacity for large, high quality hotels and an objective to grow the accommodation sector, highlighting the need to grow weekend city occupancy. Encouraging the development of a 4*+ destination

hotel within the city centre, and encouraging new product/ asset development are identified as gaps in the existing offer.

- The proposal supports the overall priorities and Vision for the Aberdeen City & Shire Tourism Strategy.
- The estimate of impacts are not discounted to reflect the effects of deadweight (economic benefit that could happen regardless of the development) and displacement (those estimated benefits that are accounted for by reduced benefits elsewhere in the city, for example, jobs), or leakage (where the outputs benefit those outside the city centre economy).
- **Construction impacts** are temporary and should not be considered in the context of the overall development. Reflecting this, construction benefits could be counted in 'job years', for example, a construction job for a period of 12 months is counted as a 'job year'.
- **Direct impacts** up to 250 direct full time equivalents (FTEs) , these figures are gross. Fifty of these are restaurant, spa and function jobs.
- **Indirect/ Induced Impacts** – the multipliers used are reasonable. Up to 60 FTE jobs through hotel spending, 30-40 FTE supported by visitor spending in Aberdeen City and Shire, 7 FTE supported by riding school
- Golf course/ equestrian/ other impacts, these are not tested but seem reasonable. Comparator/ competitor analysis not undertaken. However, there is only one 5* hotel in the city and this development would increase the overall offer/ competition
- Conference – there is no analysis of the conference market and demand for this type of space in Aberdeen. Anecdotal evidence suggests that the scale being proposed here (approximately 800 delegates) is needed.
- Gross Value Added (GVA) based on reasonable estimate of GVA/ job. We would expect the net additional GVA to be lower on the assumption the calculation is based on the gross job figure.

In conclusion, the net economic impact of the development is not articulated. Depending on what assumptions are made for deadweight and displacement (assuming no leakage), the net impact will be lower than the estimates here. Based on the information reviewed, the proposal directly supports the overall aims of the Area Tourism Partnership's Strategy.

Environmental Health – Request attachment of condition relating to a noise assessment.

Developer Contributions Team – Contributions have been agreed in relation to priority projects from the park plan including core paths, footpaths, hacking routes, signage. It is noted that the contribution also includes for wildlife mitigation measures.

Communities, Housing & Infrastructure (Flooding) – The requirement for Drainage Impact Assessment could be dealt with by condition.

Education, Culture & Sport (Archaeology) – Requests attachment of condition requiring an archaeological dig prior to development.

Scottish Environment Protection Agency – Require attachment of conditions any consent granted, relating to: a Sustainable Urban Drainage System (SUDS) for surface water drainage, the submission of a site specific Construction and

Scottish Natural Heritage (SNH) – no comments.

Saving Scotland's Red Squirrels (SSRS) - SSRS raises concern about the development proposal as Den Wood is a key site for red squirrels in Aberdeen.

The SSRS has been working in the park since 2009, prior to that, trapping was carried out by SNH from around 2005.

Evidence exists that the red squirrel population has undergone a remarkable recovery – Hazlehead Park constitutes a reservoir of red squirrels of major importance for their successful recolonisation of wider Aberdeen.

Concern is expressed that the proposed development would impact negatively on red squirrels. This is due to the need to upgrade roads, thus reducing habitat, increasing fragmentation of habitat and increasing the risk of traffic related mortality.

At present the road is narrow enough for red squirrels are able to cross the canopy. Road sign and rope bridges are considered to be ineffective.

It is considered that the proposed work would be contrary to objectives of the Aberdeen City Council Nature Conservation Strategy, in relation to preserving and sustainably managing natural heritage, increasing the value of wildlife corridors and considering nature conservation in all Council projects.

It is requested that roads are placed within the landscape so as to avoid bisecting woodland blocks.

Craigiebuckler and Seafeld Community Council (CSCC) – Refer to the consultation on the Main Issues Report for the emerging Aberdeen local Development Plan 2016 (emerging LDP), whereby the Community Council in their response supported the Council's preferred approach, not to allocate further sites. This was for the reason that the allocations already provide a generous supply of housing and employment sites and that increasing the supply of land for development would result in exacerbating the traffic congestion. The Community Council therefore states that it is bound to concur with all decisions by the Council to refuse planning permission in principle to applicant who propose to build on land which is not designated for development in the emerging LDP.

CSCC is aware that a luxury hotel to the west of the city is about to close leaving a gap in the market. It is considered that there would be advantages to the economy if this gap was filled with a new high quality luxury hotel and leisure complex.

The sites are well suited to the purpose because of the visual appeal of their surroundings, proximity to the golf course, paths and gardens.

The location is well screened and development should have minimal visual impact.

REPRESENTATIONS

19 no. number of letters of representation have been received. The objections raised relate to the following matters –

- Impact on Park: Hazlehead Park is a valuable facility that has been enjoyed for generations. It is well used by walkers, joggers, cyclists and horse riders and golfers. It is also one of few unspoilt areas through largely undeveloped land and a haven for wildlife – birds, wild animals and deer. The park has already been affected by the Dandara development at Countesswells Road and adjoining pathways through fields have been lost. The development would detract considerably from the park, due to:
 - o Development in the heart of the Park detracting from amenity;
 - o volume of traffic – would change character of park and be hazardous to walkers, cyclists and horse riders.
- Green Belt: This is green belt land where development is wholly inappropriate. Even if there were some justification for the Hotel and Country Club, there is no justification for serviced chalets/ holiday homes / second homes / timeshare properties which may result in residential development. This may set a precedent for further development.
- Development would fragment the green belt.
- Scale of development is inappropriate;
- Roads would not cope with the additional traffic – widening would impact upon trees and drystone dykes;
- Development would be out of keeping with the surrounding area
- Negative impact on wildlife habitat, in particular:
 - o The woods are red squirrel habitat, disruption would impact on red squirrels which have thrived due to efforts in recent years.
 - o Buzzards – nest on site A
 - o Bats forage over the fields
 - o Owls feed on field mice from the fields
- Noise disturbance to residential areas due to increase in traffic in streets used for access, including those leaving functions at night.
- Alternative sites: that it has not been adequately demonstrated that suitable alternative sites have been considered objectively, especially in peripheral areas and Aberdeenshire. Including comments on the following:
 - o Grove nursery, the remaining area, could be considered;
 - o The Marcliffe site could be used

- It is stated that access through a housing estate is not acceptable for a quality hotel operator – the appropriateness of Hazledene Road is questioned.
- Queries as to whether transport assessment (TA) takes into account PrimeFour.
- The possibility of creating a rat run through the area has not been modelled and this would not be acceptable.
- Hazledene Road is crossed by those attending Hazlehead Primary and Academy and increased traffic is a safety risk.
- The TA is based on a 200 bed hotel, whereas the application is for 250 bedrooms – Note: the TA has been updated to reflect this.
- That the Queens Road / Hazledene Road junction is not fit for purpose to accommodate this development.
- Drainage is a problem in the area and has been exacerbated by recent development.
- That the park is being revitalised as the first Climate Change Park in Scotland. The proposed development's large carbon footprint would be the antithesis to sustainability.
- The proposal would result in undesirable light pollution in an area that is currently dark.
- That the proposal could risk the future existence of the golf course and the area be developed for housing.
- The Country Club would be very expensive and not affordable to most.
- The Hazlehead Complex belongs to the citizens of Aberdeen and should be kept as such.
- That the Council wish to sell the Hazlehead Golf complex to the private sector.

Letter from VisitAberdeen

This states that the proposal could address various gaps. That the quality of hotel proposed is needed within the city, that the size of conference facility proposed in combination with hotel would fill a gap in the market.

That the opportunity to secure upscale restaurants and spa facilities should be taken with alacrity and sully supports the proposal.

Once the Marcliffe closes there would be a total of 46no. 5* rooms in the city, which is wholly inadequate. No 5* hotels are planned that VisitAberdeen are aware of.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP)

SPP reiterates the Scottish Government's central purpose is to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.

The SPP introduces a presumption in favour of development that contributes to sustainable development.

Paragraph 28 states that: The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.

Decision should be guided by various principles including:

- giving due weight to net economic benefit; and
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment.

The SPP contains a strong emphasis on creating high quality places by taking a design-led approach, at every level.

One of the core principles of the SPP is the plan-led approach to planning.

Paragraph 49 of SPP identifies the purpose of the green belt as:

- directing development to the most appropriate locations and supporting regeneration;
- protecting and enhancing the character, landscape setting and identity of the settlement; and
- protecting and providing access to open space

Paragraph 50 of SPP describes the types of uses which may be included within green belt policy as acceptable within the green belt. In addition to those included within the Aberdeen Local Development Plan 2012, these also include:

- development meeting a national requirement or established need, if no other suitable site is available.

SPP lists key documents, including: Tourism Development Framework for Scotland (see below).

Aberdeen City and Shire Strategic Development Plan (SDP)

The overall vision of the SDP is:

Aberdeen City and Shire will be an even more attractive, prosperous and sustainable European city region and an excellent place to live, visit and do business.

We will be recognised for :

- Our enterprise and inventiveness, particularly in the knowledge economy and in high-value markets;
- The unique qualities of our environment; and,
- Our high quality of life.

The vision looks to further develop a robust and resilient economy, whilst development being sustainable, dealing with climate change and creating a more inclusive society.

To contribute towards the Scottish Government's central purpose of increasing sustainable economic growth, the aims of the SDP include diversifying the regional economy. To support this and other aims, the SDP plans, amongst other things, to make sure the area has enough jobs to support the level of services and facilities needed to maintain and improve quality of life, protect the natural environment, to meet high standards of design and make the most efficient use of the transport network

All areas of the City, including this site, lie within a strategic growth area. The strategy focuses development on places where there are clear opportunities to encourage people to use public transport, planning for significant growth in a limited number places.

The structure plan contains objectives that relate to providing opportunities for economic development, protecting the natural environment and sustainability.

The Economic Growth objective states that a strong service sector is important and in particular all forms of tourism, will have a role to play

Green belt: Paragraph 4.31 describes the continuing vital role of the green belt around Aberdeen in protecting the character and landscape setting of the City. The SDP recognises that the green belt will need to change to meet the growth sought within the plan. The green belt must guide development to appropriate places while protecting the most important areas.

Accessibility objective: to make sure all new development contributes towards reducing the need to travel and encouraging people to walk, cycle, or use public transport.

Reference is made to the Regional Transport Strategy.

Aberdeen Local Development Plan

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 sites are zoned within the green belt and Green Space Network.

Policy NE2 'Green Belt'

No development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal. There are exceptions to the policies, including the following:

- Proposals for development associated with existing activities in the green belt;
- Essential infrastructure;

- Conversion of buildings of historic or architectural interest that contribute to the character of the green belt;
- Proposals for extensions of existing buildings as part of a conversion or rehabilitation scheme.

Policy NE1 'Green Space Network'

The wildlife, recreational, landscape and access value of the network will be protected and enhanced. Proposals that destroy or erode this will be resisted. Where development crosses this, it shall take into account the coherence of the network, including measures to allow access across roads for wildlife and for access and outdoor recreation. Development that has an impact on existing wildlife habitats must be mitigated through enhancement of the network.

Policy D1 'Architecture and placemaking'

To ensure high standards of design, new development must be designed with due consideration for its context.

Policy D3 'Sustainable and Active Travel'

New development will be designed to minimise travel by private car, improve access to services and encourage active travel

Policy D4 'Aberdeen's Granite Heritage'

Retention of granite buildings will be encouraged, even where are not listed or within conservation areas.

Policy D6 'Landscape'

Development must avoid, inter alia:

- Significantly adversely affecting landscape character;
- Disturbance or loss to important recreation, wildlife or woodland resources or to the physical links between them;
- Sprawling onto important green spaces or buffers between communities or places with distinct identities

This policy highlights consideration of impact on existing landscape elements, linear and boundary features or other components that contribute to local amenity, and development should provide opportunities for conserving or restoring them.

Policy NE5 'Trees and Woodlands'

Presumption against all activities that will result in loss or damage to established trees and woodlands.

Policy NE6 'Flooding and Drainage'

Development will not be permitted where it would increase the risk of flooding, be at risk of flooding itself.

Policy NE8 'Natural Heritage'

Development that has an adverse effect (even taking into account mitigation measures) on protected species or areas, will only be acceptable where it take into account Scottish Planning Policy (SPP)

Policy NE9 'Access and informal recreation'

New development must not compromise the integrity of existing or potential recreational opportunities including access rights, core paths, other paths and rights of way. Where possible development should include new or improved provision for public access and links to green space for recreation and active travel.

Policy T2 'Managing the Transport Impact of Development'

Measure must be taken to minimise traffic generated and maximise opportunities for sustainable and active travel.

Transport Assessments and Travel Plans will be required.

Policy D3 'Sustainable and Active Travel'

New development will be designed in order to minimise travel by private car, improve access to services and encourage active travel. Development will maintain and enhance permeability. Access will prioritise transport modes in the the order – walking, cycling, public transport, car.

Supplementary Guidance (SG)

Transport and Accessibility

Bats and Development

Other Relevant Material Considerations

Regional Transport Strategy and Local Transport Strategy

These are translated through into LDP policy in Policy T2 and T3 (see above) as well as in the Supplementary Guidance 'Transport and Accessibility'

Tourism Strategy for Scotland

This document is referred to in SPP.

Paragraph 2.65 reports on analysis of a VisitScotland Visitor Survey that identifies requirements, including:

- Investing in new accommodation from budget to high end luxury resorts which can attract visitors to Scotland.

Paragraph 2.67: cites a requirement including in Aberdeen to provide further 4 and 5 star accommodation to support business tourism, in particular close to major conferences, and provide for short break international and affluent mature domestic market.

Paragraph 2.72: States that the country house hotel, for so long a generator of short break tourism in Scotland is under pressure. It is stated that this type of hotel needs to evolve the experience to meet the changing needs of customers.

There is an associated action, that includes:

In partnership with local and national stakeholders, VisitScotland encourages development planning authorities to consider further accommodation requirements at locations where there is evidence of market demand. Other priorities include:

Identifying locations for investment in new hotel accommodation in towns and rural areas, including the country house hotel product.

Theme 5 – Nature Heritage and Activities, encourages the provision of tourism development opportunities along the designated path network (that includes core paths) to enhance their tourism potential and take advantage of the basic asset of our natural environment.

Aberdeen City and Shire Tourism Partnerships’ “Strategy for Growth” 2013 – 2020.

In order to achieve desired outcomes one of the actions is to improve and expand accommodation provision. The strategy states that the area has capacity for large, high quality hotels.

Climate Change Park Report 2013

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.

Green Belt and Landscape

Site B: The proposal on site B is for a replacement of the equestrian centre that currently exists on the site. The proposal is for the re-use of the existing traditional buildings on the site and the erection of replacement buildings on the area of the site where there are existing modern buildings in a poor state of repair. The use exists and is related to the natural setting and recreational use of the green belt. Subject to suitable conditions, including to conditions to ensure that the design of the buildings is appropriate to the context, the proposal would comply with Policy NE2 ‘Green Belt’ and policy relating to green belt in the SDP and SPP. The replacement of existing buildings of poor appearance on the site would have a positive impact on visual amenity within the green belt.

Site A (hotel): Green belt policy contains a presumption against development except in very limited circumstances. The proposals for Site A do not fit within any of the categories of development cited in the LDP that may be acceptable within the green belt.

The hotel is described by the applicant as a country club hotel. This is defined by the UK tourist authorities (VisitBritain, VisitScotland and VisitWales) as: ‘A hotel with ample grounds or gardens set in a rural or semi-rural situation; the property has an emphasis on peace and quiet.’

The proposed hotel would be set within a relatively large site. This would be especially so, taking into account the surrounding woodlands and park, although these would not be in the ownership of the hotel, guests would be able to access these areas with ease and they would contribute to the setting of the hotel.

Given the nature of a country house hotel, a countryside setting, or at least natural setting of considerable size is a key factor. This requirement rules out many vacant and allocated sites around Aberdeen city.

It should also be noted that a country house hotel would relate well to recreational uses that are themselves compatible with a natural setting and appropriate within the green belt.

The purpose of the green belt, as defined in the LDP is to maintain the identity of Aberdeen and the communities within and around the city by defining their physical boundaries clearly, avoiding coalescence and urban sprawl, maintaining the landscape setting and providing access to open space. The green belt directs planned growth to the most appropriate locations and supports regeneration.

Breaking this purpose down into its component, it is possible to analyse the impact of the proposed hotel and its associated activity, on the purpose of the green belt.

The proposal would be located on a site that is well screened on all sides from surrounding areas, other than the immediate site boundaries. Due to topography the site is not visible within long range views and there would be no loss of wooded landscape structure. Conditions could be attached to any permission, limiting the size of the hotel in terms of number of bedrooms, floorspace, footprint size and height. The precise size of the hotel within these parameters would then be agreed at the time of the further formal application that would be required for Matters Specified in Conditions. Taking the foregoing into account and relating it to the purpose of the green belt, it is considered that the proposal would not impact adversely on the identity of the city or its communities and it would not create coalescence or urban sprawl.

Concerns have been raised regarding the setting of an undesirable precedent and whether the consequent approval of similar proposals may result in a cumulative effect that would result in an adverse impact upon the factors mentioned in the previous sentence, With this in mind the following should be noted:

- There is a limited market for high quality country house hotels such as that proposed;
- This particular site is very well screened and is unusual in its relationship with an area of outstanding recreational value;
- In terms of accessibility (discussed further below), this particular site is relatively close to the urban area, so that although it does not have direct public transport links, they are available. The distance to the city centre also means that provision of such a link by the hotel, for its guests and staff is a viable, convenient and worthwhile option.

Taking into account the particular attributes of the proposed use and the site, it is clear that alternative uses on this site, for example, housing or offices, would not have the same specific locational requirements, synergy with the surroundings

and surrounding uses, nor benefits for the city (discussed further below) in terms of economic development or the social benefits of the proposed facilities.

Considering the other element of the purpose of the green belt, namely, to direct development to the most appropriate location and to support regeneration, it should be noted that this proposal relates to a very particular type of use that would not be appropriate in the urban area and is most appropriately located in a rural or semi-rural location. It is acknowledged that it is not a use listed within the criteria in the green belt policy and the application is being dealt with as a departure to the development plan.

Representations have raised the point that the applicant should have followed the procedure for having the site assessed and, depending upon the outcome, possibly allocated within the local plan. In this regard it should be pointed out that there was no developer bid submitted for this site at the time of the commencement of the process for the emerging LDP. The site therefore did not undergo this form assessment. However, officers considered that carrying out this assessment would be beneficial to inform the consideration of the application. The overall outcome was the site was considered as 'desirable', with accessibility coming out as the main constraint:

"The two separate but related sites sit within Hazlehead Park and occupy a well concealed and secluded position within the woodland that would complement the existing recreational activities within Hazlehead. The Site A hotel proposal is not in accordance with Local Development Plan Greenbelt policy. However, it would not conflict with the overall aims of the policy in that the topography, woodland and nature of the proposal would ensure that neither visual nor physical coalescence would occur between the development and the surrounding area. The site is also on the edge of the built-up area of Aberdeen, and would not contribute to a 'sprawling' pattern of development into the countryside.

Both sites have a good aspect, good drainage, no risk of flooding and are well connected to walking and cycling routes. The proposals would provide an employment, tourism and leisure opportunity that will enhance the area as an attractive tourist destination.

The key constraint is access. The current approach along Hazledene Road has a very peaceful and rural nature, fitting with the setting of Hazlehead Park, which could easily be lost through increased traffic volumes, road widening, tree loss or street lighting. If this could be resolved, the two sites would represent a good development opportunity."

As described above, the physical form of the development would have limited impact on the character of the green belt, other than in the immediate locality. Conditions would be attached requiring further consideration of design matters and this would require further application. The other aspect of potential impact on the character of the green belt is the comings and goings to the hotel, a significant number of which would be by private car or taxi. It is accepted that these trips would be minimised as far as possible by measures agreed in terms

of the condition that requires a traffic management plan, and also by the provision of a bus service to the city centre. The traffic management plan would also include measures for conferences and other special events.

The following should also be noted:

- The applicant has stated that the hotel would be a 5 star establishment. The extent to which this could be ensured is discussed below, however, it is considered that a limited number of guests coming to stay at such an establishment would be likely to arrive and depart by public transport even if it were more readily available.
- Access routes are discussed further below, however, the preferred option, that would be subject of condition, is for most larger vehicles to use the Countesswells Road access, whilst other vehicles would have the choice of Hazlehead Road, Hazledene Road and Groats Road, this would spread and disperse the traffic impact and result in considerably less impact on any single access route to the hotel.
- Countesswells Road is a busy commuter route, despite its rural nature as it heads westwards.
- Until a few years ago, when the barriers were erected on the Hazledene Road through Den Wood, this was also used as a rat run by significant numbers of private cars.
- As noted below, although the surface of the road requires upgrading, it would remain a country road in nature. Urbanising aspects such as pavements, kerbs and street lighting columns would not be part of the requirement for the upgrade. Widening would be minimised as the intention would be that road widths would act as a form of traffic calming.

Taking all of the above into account it is considered that the changes to the nature of the park roads and character of the green belt, due to traffic from the development, would be capable of being minimised.

Green Space Network (GSN)

Site A: The proposal would not cause a break in the network of green space that provides for recreation, wildlife, access and has value for in terms of landscape. The hotel site would not impact on the woodlands that surround site and substantial areas of open landscaped grounds would be created further enhanced by new habitats and additional tree planting on what is currently open fields – resulting in enhancement rather than degradation of the the GSN

Site B: There would be insignificant change to the GSN as the built up areas of the riding school site which is already substantially developed in the same areas.

Taking into account the foregoing the proposals comply with LDP Policy NE1.

Transport and Accessibility

Three options for access have been proposed by the applicant. The Roads Development Management Team have stated in their consultation response, that Option 2 is preferable, as it aligns with the aims of Designing Streets. This is the option with all routes, ie, one way access into the sites from Groats Road and Hazlehead Road, two way access along Hazledene Road and two way access via Countesswells Road. A barrier system would prevent 'rat running'. This would be the subject of condition.

The Transport Assessment is based on a worse case and covers various scenarios:

Weekday, day to day hotel operations:

24 arrivals, 29 departures during peak hour (0800 – 0900)

43 arrivals, 61 departures during peak hour (1700 – 1800)

Weekday conference (in addition to day to day hotel):

98 arrivals, 19 departures during peak hour (0900 – 1000)

130 arrivals, 22 departures during peak hour (1700 – 1800)

Saturday scenario with two weddings (total 500 guests):

28 arrivals during Saturday dinner peak hour (1400 – 1500)

47 arrivals during Saturday reception peak hour (1800 – 1900)

The size of the proposed hotel has been reduced (from 250 bedrooms to 200, the conference facility from maximum 1000 to 800 and lodges and golf club house removed) since the hearing and the volumes of traffic would not result in the requirement for works to the adopted road network. The traffic impact on the wider road network would be taken into account by the payment of Strategic Transport Fund contribution to which the applicant has agreed.

In terms of the park roads to be used for access, these would not be adopted roads, however, the applicant would be required to pay for the upgrade of the surface of the roads, lighting, (likely to be in the form of bollards) and drainage of the roads. Although road widening would be required in some areas, the Roads Projects Team has confirmed that this is capable of being managed around the results of detailed tree surveys and this would be required by condition. Passing places would be an acceptable solution and there are existing car parking areas at regular intervals along the Hazledene Road.

It is proposed to restrict service deliveries to the Countesswells access in order to minimise the number of larger vehicles passing through the park. Refuse lorries would still use all routes, as well as emergency vehicles. A condition would be attached requiring erection of barriers within the hotel site in order to prevent rat running, this would also involve careful layout of the internal access roads within the hotel site.

In terms of pedestrian access, the core path leading from the south eastern corner of the site to the Pinewood / Hazledene housing development would be upgraded and there is to be a bus stop for the no. 15 bus within that development. This is at a walking distance of 500m from the hotel and through woodland. Upgrade, including bollard lighting, of this path would be required by condition, however, it is acknowledged that this pedestrian access is poor.

Design, scale and massing

The proposals show an indicative design that is based on a 'modern Scottish baronial' style, with a footprint and massing that bears some resemblance to a 'main house' with subservient wings. The style of architecture is questioned as

the submission fails to demonstrate that the architectural approach indicated would be successful or of sufficiently high quality. The applicant has indicated that this is a style prevalent in many 'country house hotels' within Scotland and that as was the reasoning behind the approach to the indicative design. It is considered that to reproduce Scottish Baronial style in modern materials is extremely challenging. The submission is helpful, however, as an indication of how a building of the size required to accommodate the number of rooms and floorspace applied for, would sit within the site. The size of hotel has been reduced since the hearing, and the lodges omitted. It should be reiterated that design, massing and scale would be the subject of further application for Matters Specified in Conditions (MSC). It is considered that considerable improvement and refinement of the design of the hotel will be required at the matters Specified by Condition stage but this matter can legitimately be reserved for agreement at that time. Approval of this planning permission in principle would relate to the principle of the use and would not be approval of the design shown within the submitted documents. The purpose of these drawings is, in this context, to indicate how a building of the size required to accommodate 200 bedrooms and the various additional facilities, would fit within the site.

The indicative proposals show a building with formal floorplan – three sides of a square. The approach is that the central building would form the more dominant building and would be a storey higher. This would contain the entrance to the hotel. The two wings would be subservient, at three storeys in height.

The indicative plans show a building that is generally lower than the tree canopy. The highest and central part of the building would be slightly higher than the tree canopy to the east.

Any permission granted would be subject to conditions providing for a maximum height above ordnance datum and a maximum floorspace and number of rooms.

The result would be that the proposed building would only be visible from the boundaries of the site and would be well contained within its landscaped setting. There would be no longer range views of the hotel and consequently no wider adverse visual impacts that would erode the landscape setting of the City. With suitable conditions as explained above, it is considered that the broad principles relating to the size of the building are acceptable in their visual impact on the surrounding area.

In terms of Site B, there are indicative layout plans only for the proposed replacement riding school, with the indication of the retention of the traditional buildings. Given the nature of the buildings proposed and footprint size similar to the existing buildings, it is considered that with conditions requiring full details to be submitted, the proposals for Site B are acceptable in terms of design. Indeed, there are benefits to the removal of poorer quality buildings and their replacement by buildings of higher quality design.

With appropriate attachment of conditions as outlined above, it is considered that the proposals on Sites A and B would be acceptable, as far as they go, in terms of LDP policies D1 and D4.

Trees

Although the trees in the areas surrounding the sites are not subject to Tree Preservation Order, these are within the Local Nature Conservation Site and LDP Policy NE5 presumes against loss of trees that contribute significantly to nature conservation, landscape character or local amenity, including ancient and semi-natural woodland that is irreplaceable.

Trees that would be lost as part of the development include two mature trees within the centre of Site A, a row of small mature trees along Countesswells Road would be required to be removed for visibility. Trees at the corner of the Hayfield access junction may be required to be removed subject to the swept path analysis. Trees along the site boundary of the hotel, where the access road would enter the site would also be lost. These were highlighted at the site visit at the time of the public hearing. Any permission granted would be conditional upon a detailed tree survey being submitted and any trees lost would be required to be replaced on a two for one basis. It should be noted that a large number of replacement trees are indicated on the indicative landscape plans for the site. Any permission would be subject to condition requiring a detailed landscaped plan for the site. This would require native species that help to bed the site within its woodland surroundings and provide habitat for the wildlife that exists around the site, some of which forages on the site.

With regard to the park roads, these would not become adopted roads, as such there is much greater flexibility to allow road widths to vary and passing places to be utilised all to ensure the retention of mature trees. There are already a number of parking areas that could also function as passing places. The benefits of this approach are that road widths would act as traffic calming, impact on wildlife would be minimised and the impact on the character of the park would be minimised.

Conditions would be attached to any proposal requiring that a detailed tree survey be submitted and that detailed road layout design take into account the need to protect trees.

Within Site B there would be no tree loss envisaged as the proposal occupies similar footprints to those existing buildings. Tree planting is proposed to the edges of the site and details of these trees would be required to be submitted by condition. There would be a positive impact on the treed setting of the city. It is considered that with the attachment of conditions the proposals would comply with LDP Policy NE5.

Wildlife

An Ecology Report was submitted and surveys were carried out for badger, bats, birds and red squirrel. The report also notes that no impacts are predicted for any other notable species.

Badgers: there are setts within the vicinity and badgers would forage on the site.. Mitigation measures proposed are for the planting of native hedges and / or scrub around and through the sites.

Bats: Non-breeding bat roosts were found on Site B within two existing buildings, work that would disturb these would require a licence from SNH. One of the buildings is a dilapidated portacabin and would be removed under the proposals. Mitigation measures that would be subject of condition are the installation of bat boxes, further surveys prior to removal of any tree with bat roost potential, pre-construction surveys and the implementation of mitigation measures included with the Ecology Report.

SG on bats and development advises that where licences would be required, the planning authority should satisfy itself that these licences would be granted. SNH will only grant a licence if the proposal satisfies all three tests:

1. That there is a licensable purpose for which licenses can be granted. For example, a licence may be granted 'to preserve public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'.

If this is satisfied, 2 further tests must be satisfied: -

2. That there is no satisfactory alternative to the granting of a licence; and
3. That the action authorised will not be detrimental to the maintenance of the population of the EPS concerned at a favourable conservation status in their natural range.

The planning authority is satisfied that these licences would be granted.

Red Squirrels – These are present in areas around the sites. Mitigation measures are the limiting of tree removal and tree planting / habitat management., speed restrictions, rope bridges and appropriate signage.

Other species: It is recommended that native aquatic planting in proposed water features would help increase invertebrate diversity with benefits for amphibians and bats.

Conditions would be attached to any permission, requiring pre-construction surveys, to specify that trees are taken down outside the bird nesting season and the mitigation measures noted above. In addition, landscape proposals to be submitted would require to take cognisance of the need to enhance wildlife habitats.

Tourism and Economic Development

The benefits for tourism and economic development have been set out above in the consultation response from the Head of Economic Development and the letter from VisitAberdeen. The proposals would clearly align with the aims of the Scotland wide and Aberdeen tourism strategies.

The main benefits of the proposal relate to its high quality and country house hotel nature, as well as the predicted visitor spending in the local economy. There would also be jobs created. The provision of the bus service into the city centre would also have to benefits shops and restaurants in the centre.

There would also be social benefits for locals and other users of Hazlehead Park due to the increased range of facilities available and that these complement the recreational use.

In planning terms, permission is granted for hotel and a change in the star rating, or level of luxury of the hotel would not normally be something that would be sought to be controlled through planning. In this instance, it is considered that the quality of the hotel is important to justifying its impact on economic development and its particular niche in terms of tourism. It is considered that control by condition could ensure that the facilities such as the spa, swimming pool, banqueting facilities and restaurants are provided at the outset. This would go some way towards ensuring that the hotel is at the upper end of the quality range. It is acknowledged that in the longer run it would be very difficult to ensure, through planning controls that the hotel remained at that level although this is highly likely given the location of the hotel and the facilities to be provided

The SDP aims include the diversification of the regional economy to contribute towards the Scottish Governments purpose to increase economic growth. The attachments of conditions to agree appropriate proposals in terms of landscaping and design the proposal would help ensure the protection of the natural environment.

The SDP states that a strong service sector is important and in particular all forms of tourism are highlighted as having a role to play. Similarly SPP states that net economic benefit of proposals should be given due weight, as well as protection of natural heritage. As mentioned above, measures would be put in place via conditions to ensure that the natural environment is protected and it has been demonstrated that the site could be developed for the particular use proposed, without significant wider landscape impact or compromising the wider purpose of the green belt.

The proposal does not comply with green belt policy in the LDP, however, as has been described it does not compromise the wider purpose of the green belt, nor would the proposal, subject to conditions, impact significantly on the character of the green belt in the general Hazlehead area, other than in the immediate vicinity of the hotel. The most significant impact would be the increase in vehicular traffic, however, traffic levels have previously been heavier than is currently the case, without significant impact on the character of the park.

Issues raised in representations and questions at the public hearing.

The following are responses to questions raised by Members:

- Access from Countesswells Road has been included and all deliveries would be made this way.
- Confirmation as to whether Hayfield falls within the Hazlehead policies will be made at Council, though it is not a planning matter
- There would be no need to define special events as access would be permitted via Countesswells Road. Barriers would be erected within the site to prevent rat running.
- Maintenance costs would be a matter for consideration in any land deal between a developer and the Council as land owner. However, future

maintenance has been taken into account in the specification for the upgrade of the road.

- The Transport Assessment has been revised and data indicated that 3 existing junctions needed to be modelled (further details in the Roads Development Management Team response attached to this report). The junctions are:

- 1) Hazledene Road / Queen's Road
- 2) Countesswells Road / Den Wood
- 3) Countesswells Road / Springfield Roads signalised junction

It is accepted that the Queen's Road / Hazlehead Avenue / King's Gate roundabout which is heavily congested at peak times, does not need to be modelled because the uplift in traffic due to the development would be less than 5%.

- Landscaping on both sites is indicated and the landscape scheme details would be the subject of MSC;
- A revised Ecology Report has been submitted and the measures recommended would be the subject of condition. Further pre-construction surveys would also be required.
- Further traffic assessment has been carried out as described above.
- That traffic calming would be considered as part of a traffic management plan, it is proposed that this be done through the nature of the road rather than physical measures being introduced.
- Tree thinning is being carried out as part of the Tree Maintenance Plan for Den Wood.
- Following the hearing the further discussions took place with the developer that resulted in the scale of the proposals being reduced, as noted above.
- It is assumed that the junction in question is the Springfield Road / Countesswells junction which would be improved by the developer of the housing at Pinewood / Hazledene. There would be no significant impact on the Seafield Road / Countesswells junction.
- Rat running has been covered above.
- Stone walls would be the subject of MSC applications
- Construction Traffic – the route for this would be agreed by conditions in relation to a detailed tree survey.
- Use of the golf course would be within the control of the Council and the hotel would need to arrange tee times.
- The ability for the facilities in the hotel to be available to the public would be the subject of legal agreement.
- The roads that would be used for access within the park would be upgraded.
-

The remaining points in relation to Members questions raise issues that are covered above.

In relation to the points made by the Community Council, these have largely been covered in the report above. The following should be noted in response to outstanding points:

c) Safety of pupils going to Hazlehead Academy – this will be less of an issue now that large service vehicles and buses would use Countesswells. Other

vehicles would be divided between several routes in accordance with 'Designing Streets' government policy.

d) The issue of driver diversion onto minor roads was considered and it is concluded that many of the drivers accessing the hotel would not be particularly familiar with local roads. It is considered unlikely that this would happen to any significant degree.

e) Hydrological survey and drainage impact assessment would be required by condition.

f) Contributions towards priority projects within the Park, would be used in accordance with the climate change paradigm that exists in the Park management. Projects include improvements to paths and tree planting. The action points from the Climate Change Report also include the introduction of some commercial uses to some areas.

n) Given the numbers of service vehicles, buses and peak numbers of drivers and also the existing use of Countesswells by commuters, it is considered that there would be an insignificant impact on safety of children crossing to Airyhall Primary.

Other comments and issues have been discussed above.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014 . It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application the following policies are relevant:

Policy D2 – Landscape

Policy D3 – Big Buildings *

Policy D5 – Our Granite Heritage

Policy I1 – Infrastructure Delivery and Planning Obligations

Policy T2 – Managing the Transport Impact of Development

Policy T3 – Sustainable and Active Travel

Policy T5 – Noise *

Policy NE1 – Green Space Network

Policy NE2 – Green Belt

Policy NE5 – Trees and Woodlands

Policy NE6 – Flooding, Drainage and Water Quality

Policy NE8 – Natural Heritage

Policy NE9 – Access and Informal Recreation

Policy R7 – Low and Zero Carbon Buildings and Water Efficiency

In relation to this application, most of the policies are similar in effect to those within the extant LDP. Those that are new or different are asterixed above.

Environmental Health have requested the attachment of a condition relating to noise. This would ensure compliance with Policy T5 above.

This is a big building given the context, however, it would be largely screened by the surrounding woodland. For the reasons explained above, this particular use is considered to be acceptable within this location. Design and massing would be subject to MSC and there would be conditions limiting the size of the hotel due to the consideration of the impact on the green belt.

RECOMMENDATION:

Willingness to approve conditionally, subject to referral to Scottish Ministers and permission to be withheld pending the securing of developer contributions, including towards upgrading of access roads and paths, enhancements to Hazlehead Park including for wildlife, bus services and Strategic Transport Fund. This would also ensure the provision of facilities including the swimming pool, spa, restaurants, banqueting / conference facilities and equestrian centre and that these facilities are open to the public as well as hotel guests.

REASONS FOR RECOMMENDATION

Site A: The proposal for the hotel does not comply with Green Belt policy NE2 in the adopted Aberdeen Local Development Plan (LDP) as it does not consist of one of the categories of development listed as acceptable, however, it complements recreational uses that are appropriate within the Green Belt and does respond to an acknowledged need identified in the Tourism Strategy for Scotland and the Aberdeen Tourism Strategy. There would be a minor and localised impact on the character of the Green Belt in the immediate vicinity, but not on the wider Green Belt, nor on its purpose as described in Scottish Planning Policy and the LDP. There would be an insignificant impact on the green space network and the proposal complies with Policy NE1 in the adopted Local Development Plan (LDP). Detailed design and landscaping proposals would be the subject of Matters Specified in Conditions applications (MSCs), indicative proposals lead to the conclusion that subject to the details there would not be an adverse impact on the character of the green belt or the park. Tree loss would be minimised and replacement planting would take place subject to details approved under MSC applications, in accordance with LDP Policy NE5. Impact upon protected species is capable of mitigation and these measures would be controlled by condition, the proposal accords with Policy NE8. There would be no change to the transport impact of the development. It is considered that the proposal complies with Scottish Government Policy in Scottish Planning Policy (SPP). There would be benefits to the proposal in terms of economic development – visitor spending and jobs, as well as

benefits for tourism, including in terms of enhancement of recreational facilities particularly the path network, habitat creation and by providing a high quality hotel within a country location that has a clear synergy with the surrounding Hazlehead Park. The proposal complies overall with policy in SPP and in tourism and economic development objectives in the Strategic Development Plan.

With the foregoing in mind it is concluded that, whilst there would be localised impacts on landscape and traffic, the development of the site specifically for a high quality country house hotel of the size proposed, set in spacious unobstructed landscaped grounds laid out to complement the wildlife and landscape of the adjoining wooded parkland would not unacceptably erode landscaped setting of the Green Belt when set against other material considerations in favour of the development. These specific material considerations constitute; the positive synergy of the hotel development with the recreational uses Hazlehead Park and the wider economic and tourism benefits of this specific proposal to the Aberdeen City and the north east region. Accordingly, on balance and for this specific proposal, the material considerations in favour of the development are considered to outweigh the provisions of the Green Belt Policy of the adopted Development Plan. It is important to note that approval of the application in no way establishes the principle of development of the site for any other use whatsoever.

Site B: The proposal for the equestrian centre complies with green belt policy NE2 and green space network policy NE1 in the adopted Local Development Plan (LDP) as it is a replacement of an existing use. Detailed design and landscaping proposals would be the subject of Matters Specified in Conditions applications (MSCs), indicative proposals lead to the conclusion that subject to the details there would not be an adverse impact on the character of the green belt or the park. Existing granite buildings are indicted as being retained and refurbished in accordance with LDP Policy D4 and higher quality buildings would replace existing poorer quality modern buildings. There would be no tree loss, in accordance with LDP Policy NE5. Impact upon protected species is capable of mitigation and these measures would be controlled by condition, the proposal accords with Policy NE8. There would be no change to the transport impact of the development. It is considered that the proposal complies with Scottish Government Policy in Scottish Planning Policy (SPP).

CONDITIONS

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

(1) that no development on either Site A or Site B pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application or applications has/have been made to the planning authority for approval of the matters specified in the conditions attached to this planning

approval relating to that site that require the further agreement of the planning authority prior to the commencement of development and such approval has been granted;

- 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.

(2) that this planning permission in principle shall lapse unless all further application(s) for approval of the matters specified in conditions attached to this grant of planning permission in principle have been made before whichever is the latest of the following;

(i) the expiration of 3 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;

- 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) 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.

(4) that no development pursuant to the planning permission in principle hereby approved shall be carried out for either site A or B until such time as further applications have been made relating to that site to the planning authority for approval of the matters specified in the conditions relating to

(i) means of access,

(ii) siting,

(iii) design and external appearance of the building(s) and

(iv) the landscaping of the site

- 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

(5) The development shall not take place unless a traffic management plan for access to the development at site A and B has been submitted to, and approved in writing by, the planning authority by way of a formal application for approval of matters specified by condition. The development on any one site shall not be brought into use unless all measures in the approved plan have been implemented on site that relate to the site in question unless the planning authority has given written approval for a variation.

Access to the development shall be in accordance with Option 2 within the Hyder Transportation Assessment dated 5 February 2015, or other subsequently approved.

The details to be included in the traffic management plan shall include:

- a) signing strategy to direct visitors to the hotel development;
- b) routes for emergency vehicles and retention of all existing access arrangements within the Park;
- c) details of a barrier system and road layout within the site that would prevent 'rat running' through the Park.
- d) Swept path assessments shall be required for coaches, service vehicles and emergency vehicles.

Unless the planning authority has given written approval for a variation

- in the interests of road safety

(6) Service / delivery vehicles shall take access to the hotel via Countesswells Road only, unless otherwise agreed in writing with the planning authority – in the interests of reducing the level of larger vehicles on the park roads.

(7) that no development shall take place unless there has been submitted to and approved in writing by the planning authority by way of an application for approval of matters specified by condition, a detailed layout and specification for the upgrade of the park roads between the adopted section of Hazledene Road, Countesswells Road and Hayfield site. The proposals shall include details of road drainage and lighting.

Such proposals shall take into account the findings of tree surveys submitted in accordance with conditions on this permission and shall propose road widening and / or passing places as appropriate.

No development shall be brought into use unless the upgrade works as so agreed have been fully implemented unless the planning authority has given written approval for a variation

– in the interests of providing usable and safe access to the development.

(8) That no development shall take place unless there has been submitted to and approved in writing by the planning authority by way of an application for approval of matters specified by condition,, a detailed layout and specification for the upgrade of the core path between the site and the path link into the Pinewood

/ Hazledene site . The proposals shall include details of lighting, taking into account any possible impact on wildlife.

Such proposals shall take into account the findings of tree surveys submitted in accordance with conditions on this permission.

The development on site B shall not be brought into use unless the upgrade of this stretch of core path within the park has taken place in accordance with the details as submitted unless the planning authority has given written approval for a variation – in the interests of providing usable and safe access to the development and encouraging the use of public transport.

(9) That no development shall take place unless there has been submitted to and approved in writing by way of an application for approval of matters specified by condition a detailed Green Transport Plan, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets. The plan shall include the provision of bus service to be made available for the use of guests and staff and operating hourly between at least 7 am and midnight, seven days per week. The hotel shall not be brought into use unless the measures, including the bus, have been implemented and are available for use, unless other agreed in writing by the planning authority - in order to encourage more sustainable forms of travel to the development.

(10) That development on sites A and B hereby granted planning permission in principle shall not be occupied unless a scheme detailing cycle storage provision has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme for that site unless the planning authority has given written approval for a variation - in the interests of encouraging more sustainable modes of travel.

(11) That the uses hereby granted planning permission shall not take place on sites A or B unless provision has been made within the site in question for refuse storage and disposal in accordance with a scheme(s) which has been submitted to and approved in writing by the planning authority – in order to preserve the amenity of the neighbourhood and in the interests of public health.

(12) that no development shall take place on any particular site 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 that site during construction works has been submitted to, and approved in writing by, the Planning Authority by way of an application for approval of matters specified by condition and any such scheme as may have been approved has been implemented on that site. Such a plan shall consist of a full tree survey including details of the location, height, canopy spread, species and quality assessment -in order to ensure adequate protection for the trees on site during the construction of the development.

(13) that no part of the development hereby approved on any particular site 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) on that site 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.

(14) that any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the Planning Authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied - in order to preserve the character and visual amenity of the area.

(15) that no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks - in order to ensure adequate protection for the trees on site during the construction of the development.

(16) That no development shall take place on Site A unless there has been submitted to, and agreed in writing by, the planning authority by way of an application for approval of matters specified by condition a design statement for the proposal and the following:

- a) a rationale for the architectural approach to the development taking into the account the context;
- b) a visual assessment of the development from public viewpoints as agreed with the planning authority;
- c) a survey of tree canopy heights in the surrounding area;
- d) a plan showing the existing levels and proposed levels across the site;
- e) heights of the buildings to be no higher than the tree canopy nearest to that part of the building, unless otherwise agreed with the planning authority;
- f) details of all external finishing materials;
- g) a minimum of three cross sections north-south and a minimum of three cross sections east-west showing the proposed building, ground level and adjacent woodland.
- h) scaled layout plans, elevations and cross sections showing all proposed buildings and boundary enclosures on the site
- i) layout plan showing the existing dry stone walls on the site, and proposals for their retention and repair. All dry stone walls shall remain, with the exception of the wall that runs across the site. The wall along the western site boundary may be relocated only in accordance with details to be submitted and approved in compliance with this condition.

The development shall be carried out in complete accordance with the details as so agreed unless the planning authority has given written consent for a variation – in the interests of preserving the character of the green belt and visual amenity.

(17) That no development shall take place on Site B (Hayfield) unless there has been submitted to, and agreed in writing by, the planning authority by way of an application for approval of matters specified by condition a design statement for the proposal. This shall include the following:

- a) a rationale for the architectural approach to the development taking into the account the context;
- b) a visual assessment of the development from public viewpoints as agreed with the planning authority.;
- c) a survey of tree canopy heights in the surrounding area;
- d) a plan showing the existing levels and proposed levels across the site;
- e) details of all external finishing materials;
- f) cross sections, as agreed with the planning authority, showing the proposed building, ground level and adjacent woodland.
- g) details of the refurbishment / renovation of existing detached house, stables and semi-detached houses. The equestrian centre shall not be brought into use unless these existing buildings have been renovated in accordance with such details, unless otherwise agreed in writing with the planning authority.
- h) scaled layout plans, elevations and cross sections showing all buildings as existing and as proposed on the site (including existing and proposed walls and boundary enclosures). All dry stone walls to remain, other than as otherwise agreed in writing with the planning authority.

The development shall be carried out in complete accordance with the details as so agreed unless the planning authority has given written consent for a variation – in the interests of preserving the character of the green belt and visual amenity.

(18) That the development at Site A shall not take place unless there has been submitted to and approved in writing by, the planning authority by way of an application for approval of matters specified by condition details of car parking. No more than 75 spaces shall be provided above ground, with the remainder being underground. The development shall not be brought into use unless the parking as so agreed has been laid out on site all in accordance with such details. Thereafter the car parking area shall not be used for any purpose other than car parking All unless otherwise agreed in writing with the planning authority. – in the interests of visual amenity and road safety.

(19) The development at Site B shall not take place unless there has laid out on site car parking in accordance with a plan to be agreed in writing with the planning authority by way of an application for approval of matters specified by condition. Thereafter the car parking area shall not be used for any purpose other than car parking – in the interests of road safety.

(20) Site A: that no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning

Authority in consultation with SEPA by way of an application for approval of matters specified by condition, and thereafter no part of the development 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. To ensure adequate protection of the water environment from surface water run-off.

(21) Site B: that no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority, in consultation with SEPA, by way of an application for approval of matters specified by condition and thereafter no part of the development 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. To ensure adequate protection of the water environment from surface water run-off.

(22) Site A: that the development hereby granted planning permission in principle shall not take place unless there has been submitted a full Drainage Impact Assessment by way of an application for approval of matters specified by condition, and the development shall not be occupied unless all drainage works as be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan - in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.

(23) Site B: that the development hereby granted planning permission in principle shall not take place unless there has been submitted a full Drainage Impact Assessment by way of an application for approval of matters specified by condition, and the development shall not be occupied unless all drainage works as be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan - in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.

(24) That the proposed hotel development on Site B shall provide no more than 200 bedrooms, nor shall there be provided more than a total of 27,000m² gross floorspace (external measurements) (including the lower ground floor car parking),– in the interests of visual amenity and the character of the green belt.

(25) Site A: that no part of this development shall take place unless a detailed assessment of the likely sources and levels of noise arising within, and those audible outwith, the premises (including any externally mounted equipment) has been submitted to, and approved in writing by, the planning authority by way of an application for approval of matters specified by condition,.

The noise assessment shall be carried out by a suitably qualified independent noise consultant. All noise attenuation measures identified by the noise assessment which are required in order to prevent any adverse impacts on the amenity of users in the surrounding area shall be installed prior to commencement of the use hereby approved, unless the planning authority has given prior written approval for a variation - in the interests of amenity within the park.

(26) 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 by way of an application for approval of matters specified by condition,. The programme of archaeological work will include all necessary post-excavation and publication work.- in the interests of preserving archaeology

(27) That water features indicated the plans shall not be installed unless detailed plans have been submitted to, and approved in writing by the planning authority in consultation with SEPA by way of an application for approval of matters specified by condition, include detailed information on the size and design of the features, where the water to fill them would be sourced and how much would be required, whether the features would be online or offline and if it is proposed to stock the ponds with fish – in the interests of the water environment.

(28) No development shall commence on site A or on site B unless a site specific Construction and Environmental Management Plan (CEMP) for that site has been submitted to, and approved in writing by, the Planning Authority in consultation with SEPA [and SNH or other agencies as appropriate] by way of an application for approval of matters specified by condition. All works on site must be undertaken in accordance with the approved CEMP(s) unless otherwise agreed in writing with the Planning Authority. The CEMP shall also include:

- a) Measures identified in the Updated Ecology Report (Including 2014 Unpdated Bat Survey) by Direct Ecology, 29.01.15 (version 2.1), or other such report as may be approved in accordance with these conditions;
- b) Route of construction vehicles, taking into account results of the tree survey

- In order to minimise the impacts of necessary demolition/construction works on the environment.

(29) That no development shall take place on site A or site B unless there has been submitted to, and approved in writing by the planning authority by way of an application for approval of matters specified by condition, pre-construction surveys for that site. These shall survey for the same species that are included in the Updated Ecology Report (Including 2014 Unpdated Bat Survey) by Direct Ecology, 29.01.15 (version 2.1), shall be carried out by suitably qualified persons and recommend mitigation measures. No development shall take place on the sites unless all mitigation measures recommended for that site within the aforementioned report, or subsequent survey report if different, have been fully

implemented on site, with the exceptions of tree planting and landscaping that may take place in accordance with the relevant conditions on this permission. All unless otherwise agreed in writing with the planning authority. – in the interests of wildlife.

(30) That no removal of vegetation or trees (including turf stripping) shall take place during the bird nesting season (March to September) – in order to protect nesting birds.

(31) That no development shall take place unless there has been submitted to and approved in writing by the planning authority, by way of MSC application, a layout plan showing proposed path network within the sites and including plans showing the path network within the surrounding area.

Development on the sites shall not be brought into use unless the paths on that site, as so agreed, have been laid out and are available for use, fully in accordance with the details as so approved – in the interests of encouraging walking and providing safe access for pedestrians

(32) That no scheme for external lighting shall be implemented unless it has been submitted to and approved in writing by the planning authority. Lighting shall take into account the impact on wildlife and shall be of the bollard type, unless otherwise agreed in writing with the planning authority – in the interests of wildlife and the character of the green belt.

(33) that no development pursuant to the planning permission in principle hereby approved shall be carried out on any particular site unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for that site, which scheme shall include proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting. Such plans shall take into account the need to blend landscaping in with the surrounding area and measures identified in the the Updated Ecology Report (Including 2014 Updated Bat Survey) by Direct Ecology, 29.01.15 (version 2.1 - in the interests of the amenity of the area.

(34) that all planting, seeding and turfing comprised in the approved scheme(s) of landscaping shall be carried out in the first planting season following the completion of the development on that site and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

Informatives

Informative 1: The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C697) and should incorporate source control.

Informative 2: That notwithstanding the indicative drawings, the granting of planning permission in principle does not imply that the design approach indicated would be considered acceptable. Design would be a matter to be fully considered in future MSC applications.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

MEMO



ABERDEEN
CITY COUNCIL

To	Lucy Greene Planning & Infrastructure	Date	27/4/2015
		Your Ref.	P141026 (ZLF)
		Our Ref.	TR/MW/1/51/2
From	Roads Projects		
Email	mwilkie@aberdeencity.gov.uk		
Dial	01224 523482		
Fax			

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

Planning application no. P141026
Hazledene Road (Land at), West of, former Dobbies Garden Centre
Hotel development with circa 250 bedrooms and country club incorporating spa and swimming pool, function and conference facilities and restaurants including holiday chalets, equestrian centre and country clubhouse with associated car parking and alterations to access roads

A revised Transport Assessment (TA) has been prepared by Hyder, the applicant's transport consultants, in support of the above planning application, to investigate various access options, in greater detail than in the preliminary TA. Note that the development content has also been altered from the preliminary TA, and now comprises the following in the location referred to as "Site A":

- 200-bed hotel including Spa, Gym, Swimming Pool & Restaurant
- Banquet / Function facilities for up to 800 guests
- Wedding Ceremony / Dinner / Reception facilities for two weddings of 300 guests each

There is no longer considered to be a travel impact associated with "Site B", which would now simply be a replacement of the existing Hayfield Equestrian Centre, with a new and improved equestrian facility. Site B would also be exempt from consideration for a Strategic Transport Fund contribution, to address the cumulative impact of developments on the strategic transport network.

I have considered matters in the order outlined in Scottish Government policy "Designing Streets" (2010) which advocates greater permeability of new developments by street users on a hierarchical basis, giving highest priority to pedestrians and lowest priority to private motor cars.

1. Pedestrian Access

The revised TA outlines the current footpath network in the vicinity of both development sites, A and B. It states at par. 3.2 that, due to the low level of traffic using the roads within the park, on-road walking is common and deemed to be safe.

Gordon McIntosh
Corporate Director

Bus stops, local residential areas and local shops are considerable distances from development sites A and B. Appendix B to the revised TA indicates that there would be a high standard of pedestrian facilities within the development (sites) but it would remain the case that pedestrian linkage to the development would be second rate in terms of excessive distance from local residential areas and local shops, lack of segregation from traffic and poor standard of surface, both on road and off road.

2. Cyclist Access

Cyclists can currently gain access to the development (sites) via the existing network of roads and shared use paths through Hazlehead Park. Obviously, cycling is quicker than walking so the considerable distances from local residential areas and local shops are less prohibitive to choosing cycling as an effective mode of travel to the development sites.

Appendix B to the revised TA indicates that there would be a high standard of cyclist facilities within the development (sites) but it would remain the case that cyclist linkage to the development would not be good enough, due to lack of segregation from traffic and poor standard of surface, both on road and off road.

3. Access by Public Transport

The nearest bus route is First Group service No. 15 which operates between Airyhall and Beach Retail Park, via Union Street, at a 30-minute frequency on weekdays. The revised TA states at 3.3.2 that this service will be extended into the committed residential development at Pinewood, to the east of the proposed development site. This would provide the opportunity for staff and visitors to access the hotel development by bus, via the core path network. The approximate distance between the nearest proposed bus stop in Pinewood and the hotel development is 800m. There is no road or footpath lighting within Hazlehead Park at present.

Other public services listed in the revised TA operate via Skene Road and Queen's Road, but the bus stops are further away from the proposed hotel development than the stop proposed in Pinewood. Talks have been held between the developers and First Group, who seem keen to extend or re-route existing services into the development, provided that "pump-priming" funding was provided by the developer until any such service addition became self-sufficient.

However, this would require the development access to be upgraded to an adoptable standard in order to become a bus route; that would present a direct conflict to the objective of keeping the park roads low speed and safer for pedestrians and cyclists to share with vehicles.

4. Access by Coach / Taxi

A courtesy shuttle bus service would be provided for hotel staff and guests. This would operate on an hourly basis between 7am and midnight and run between the hotel and Union Street. A coach parking bay is proposed within the hotel development to support this proposal.

A taxi drop-off / collection zone is also proposed within the hotel development.

5. Access by Service Vehicles / Emergency Vehicles

Space has been set aside for servicing and delivery vehicles within the hotel development. It is proposed that service vehicles access the site from Countesswells Road, to remove the need for larger vehicles travelling through the park.

However, emergency vehicles should be able to access both development sites, from Countesswells Road, Hazledene Road, Hazlehead Avenue, and Groats Road.

6. Private Car Access

Regarding the three access options which were investigated in the revised TA, the second option offers more than the first in terms of providing an additional entrance route to the development from the adopted road network, at Countesswells Road. The third option would be unacceptable, since it provides a sole access to Site A from Countesswells Road, and a sole access to Site B from Hazledene Road.

National trip generation forecast software, TRICS, has been used by Hyder to estimate the traffic impact for each of the three access options. Traffic from committed developments was factored in, and three development scenarios were tested, viz. day-to-day operation; weekday conferences (10.00am starts); and weekend weddings.

The modelling for the revised TA was conducted in accordance with Transport Assessment Guidance published by Transport Scotland, and the results indicated that 3 existing junctions needed to be modelled:

- 1) Hazledene Road / Queen's Road priority junction
- 2) Countesswells Road / Den Wood priority junction
- 3) Countesswells Road / Springfield Road signalised junction

It is accepted that the Queen's Road / Hazlehead Avenue / King's Gate roundabout – which is heavily congested at peak times – does not need to be modelled because the uplift in traffic caused by development related traffic would be less than 5%.

The modelling output demonstrates that the junctions numbered 1 and 2, above, would continue to operate well within capacity during peak periods with development traffic added.

The junction numbered 3 will be upgraded as part of the Pinewood / Hazledene committed development requirements, so the upgraded layout was modelled in the predicted Hazlehead Hotel development opening year (2017) and compared with the scenarios of development traffic added for each of the 3 proposed access options.

The modelling output demonstrates that the access option 3 would have a significant adverse impact on the PM peak period, however access options 1 and 2 would not have a significant adverse impact on the degree of saturation of the junction. This compounds our view that option 3 should be discounted because it fails to provide sufficient entrances and egresses to spread the impact of the development traffic across the road network.

Note that for the 3 development scenarios, the junction would operate over capacity in the PM peak period (17.00 – 18.00) and the degree of saturation would increase slightly with the addition of the proposed development traffic. The revised TA has also indicated that changing of staging and timing of signals could improve the above results, plus the pedestrian crossing stage is not called every cycle, although it is modelled this way as a “worst case”. The practicality of altering the signalised junction in this manner would need to be assessed fully before we agreed to its implementation.

An alternative option is to physically modify the signalised junction. The merit of such “No Net Detriment” solutions is debatable and their implementation can cause annoying queues and delays to road users.

The hotel development would be eligible to make a contribution to the Strategic Transport Fund, which has been established to help ameliorate the cumulative impact of new development on the strategic transport network. The provisional sum – based on a Use Class 7 development area of 5.48Ha in Site “A” – is £306,000.

To help minimise the impact of development traffic on the local road network, a Travel Plan would be required to promote sustainable forms of transport as an alternative to travel by private car to and from the development.

Also, a signing strategy would need to be developed so that visitors to the hotel could use the most appropriate routes. In section 4.8 of the revised TA, the potential rat-running issue through Craigiebuckler Avenue (by motorists with local knowledge) is set in perspective and I agree that this should not become a problem.

7. Other Considerations

7.1 Park Roads

The revised TA indicates that it is not intended that any internal roads within Hazlehead Park will be adopted by the roads authority, so any works which would be carried out at the developer’s expense, would need to be agreed with Steven Shaw, Environment Manager.

It is assumed in the revised TA that the shuttle buses would only use the Den Wood access to enter and leave the hotel development, and it has been deemed acceptable that a 5.0m width would be sufficient to allow the proposed shuttle bus to pass other vehicles between the site and Countesswells Road.

Internal roads to the north of the hotel development have a proposed width of 5.0m on 2-way links, and swept path assessments for emergency vehicles would be required to check that this provision would be sufficient at bends / junctions.

One-way links are proposed, comprising 3.5m wide sections plus 2.0m wide passing places, which should be inter-visible and spaced no more than 100m apart. The design of the road construction of any consequent road widenings will depend on the underlying ground conditions and consideration of the likely volume of traffic using each section of road.

Suitable drainage of the park roads shall be a requirement of any detailed planning application or matters specified by condition application.

7.2 Development Parking

The revised TA indicates suitable levels of parking for the proposed development content. In addition to the total permanent spaces which would be provided (284 car, 16 mobility, 57 bicycle and 22 motorcycle) a robust parking management strategy would be deployed to deal with parking demand for large, infrequent events.

7.3 Construction Traffic

Construction traffic routing could not be imposed as a planning condition or a Road Construction Consent condition, however the developer could devise a regime whereby the construction workforce and delivery vehicles arrive and leave the development sites on agreed routes and during agreed periods. The revised TA proposes that construction traffic only access / egress the site via the Countesswells Road access.

8. Conclusions

The highest priority in terms of street user hierarchy is pedestrian movement, but between the development sites and the adopted road network, existing provision is poor and the distances would be restrictive to people choosing walking as the travel mode to gain access to the developments.

The next highest priority in terms of street user hierarchy is cyclist movement, but between the development sites and the adopted road network, existing provision is poor and it is not expected that a significant number of people would choose cycling as the travel mode to gain access to the developments.

Next in terms of street user hierarchy is public transport, but even when the First No. 15 bus service has been extended into Pinewood, the distance required to walk to and from the nearest bus stop would be restrictive to people choosing public transport as the travel mode to gain access to the developments.

Alternative provision is proposed via a courtesy shuttle bus, running an hourly service to and from Union Street, which would potentially capture a significant proportion of non-car mode share.

Regarding access for service vehicles and emergency vehicles, it is debatable how access by delivery vehicles would be restricted to Countesswells Road, especially given the requirement for emergency vehicles to have access from all routes. The barrier system would require some detailed consideration to help prevent service vehicles taking access via Groats Road, Hazlehead Avenue and Hazledene Road.

The deployment of the barrier system to prevent rat-running through the development by private cars is essential. The impact of the traffic generated by the development would not have a significant impact on the surrounding adopted road network, however there would be an adverse impact on the park roads, with increased traffic causing inconvenience and safety concerns for pedestrians and cyclists.

Local Development Plan Policy T2 – Managing the Transport Impact of Development – indicates that to take a reasoned decision in assessing the transport impact of new development, account must be taken of the availability and quality of types of transport that are currently available; and proposed measures to ensure that a reasonable choice of transport modes will be available.

It also states that 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.

9. Recommendations

I would recommend that this application be supported with various transport-related conditions, to help provide adequate sustainable means of transport and reduce the adverse impact of development generated traffic on the roads through Hazlehead Park, as follows:-

- Signing strategy to be agreed to direct visitors to the hotel development
- Need to retain all existing access arrangements within the park and provide emergency vehicle access to the development (which would need to be approved by emergency services)
- Barrier system would need to be installed to ensure there is no potential rat-run between Hazledene Road and Countesswells Road (it is also proposed that service / delivery vehicles only take access / egress from Countesswells Road so the barrier control would need to be set up to prevent alternative access / egress by service / delivery vehicles)
- Swept path assessments would be required for coaches, service vehicles and emergency vehicles (road widening and passing places and bend improvements may be required as a result)
- Improvement of roads through the park, including the existing bridge, and suitable drainage provision, would be required (need to debate whether a Maintenance Agreement with ACC Environment would be required; whether park roads should be illuminated; whether advisory speed limit of 15mph should be retained; whether to remove or alter the current Prohibition of Driving Order)
- Improvement of off-road paths through the park would be required (need to debate issues of maintenance and lighting)
- Travel Plan required to encourage alternative modes of transport to the private car (this should include a Parking Management Plan and commitment to providing courtesy shuttle bus service)
- Strategic Transport Fund contribution would be required

Mark Wilkie
Senior Engineer

Application	141026
Proposal	Development of a 200-bed country house hotel, conference facility and equestrian centre
Policy Fit	<ul style="list-style-type: none"> - The Aberdeen City and Shire Tourism Partnerships' "Strategy for Growth" 2013-2020 aims to grow tourism expenditure to £410m-£510m by 2020 from a 2013 base of £340m. - A number of actions are prioritised including the improvement and expansion of accommodation provision and reducing seasonality. Golf and business tourism activities are specifically highlighted to capitalise and link to the Trump International Golf Links and the conference economy respectively. - The Strategy also highlights capacity for large, high quality hotels and an objective to grow the accommodation sector, highlighting the need to grow weekend city occupancy. Encouraging the development of a 4*+ destination hotel within the city centre, and encouraging new product/ asset development are identified as gaps in the existing offer. - The proposal supports the overall priorities and Vision for the Aberdeen City & Shire Tourism Strategy.
Economic Appraisal	<ul style="list-style-type: none"> - The estimate of impacts are not discounted to reflect the effects of deadweight (economic benefit that could happen regardless of the development) and displacement (those estimated benefits that are accounted for by reduced benefits elsewhere in the city eg jobs), or leakage (where the outputs benefit those outside the city centre economy). - Construction impacts are temporary and should not be considered in the context of the overall development. Reflecting this, construction benefits could be counted in 'job years', for example, a construction job for a period of 12 months is counted as a 'job year'. - Direct impacts up to 250 direct FTEs – gross. 50 of these are restaurant, spa and function jobs. - Indirect/ Induced Impacts – multipliers ok. Up to 60 FTE jobs through hotel spending, 30-40 FTE supported by visitor spending in Aberdeen City and Shire, 7 FTE supported by riding school - Golf course/ equestrian/ other impacts etc not tested – seem reasonable
Other	<ul style="list-style-type: none"> - Comparator/ competitor analysis not undertaken. However, there is only one 5* hotel in the city and this development would increase the overall offer/ competition - Conference – there is no analysis of the conference market and demand for this type of space in Aberdeen. Anecdotal evidence suggests that the scale being proposed here (c800 delegates) is needed. - Gross Value Added (GVA) based on reasonable estimate of GVA/ job. We would expect the net additional GVA to be lower on the assumption the calculation is based on the gross job figure.
Conclusion	The net economic impact of the development is not articulated. Depending on what assumptions are made for deadweight and displacement (assuming no leakage), the net impact will be lower than the estimates here. Based on the information reviewed, the proposal directly supports the overall aims of the Area Tourism Partnership's Strategy.

Response by:

Richard Sweetnam, Head of Economic Development; Morag McCorkindale

This page is intentionally left blank

PI

From: webmaster@aberdeencity.gov.uk
Sent: 10 August 2014 18:10
To: PI
Subject: Planning Comment for 141026

Comment for Planning Application 141026

Name : Stephen Clark
Address : 15 Hazledene Road
Aberdeen
AB158LB

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Given the scale and likely traffic volume, there is inadequate road access to the proposed site. One end of the existing access road is already closed by a barrier presumably to control traffic levels. As a result all traffic will access the site via the residential end of Hazledene Road resulting in increased traffic noise, pollution and reduced road safety in a street that has a crossing point for children accessing Hazlehead Primary and Secondary Schools. The street is already subject to 20MPH speed bumps and at it's Western end is narrow and unlikely to cope safely with the likely traffic volumes. I therefore wish to object to this proposed development.

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34 Woodburn Crescent,
Aberdeen AB15 8JX.

14 August 2014

Development Management, Enterprise, Planning and Infrastructure,
Aberdeen City Council,
BUSINESS HUB 4,
Marischal College,
Broad Street,
Aberdeen AB10 1AB.

Dear Sirs,,

Planning Application Reference 141026

I wish to make the following comments on the above Application.

The Development site is zoned green belt.

This site has been cherished as an unspoilt natural area used as a haven of peace easily accessible to residents of Aberdeen for many years.

Site A is located immediately adjacent to woods where red squirrel has been introduced.

Much effort and expense in recent years has gone into the successful introduction of the red squirrels and eradication of the grey. Disruption of the natural environment which would ensue from the proposed development can only result in the curtailment of this.

Erecting road signs in an attempt to reduce speed and warn drivers of red squirrel presence would be no deterrent. Drivers ignore signs erected to prohibit through access from this area to Countesswells Road.

Buzzards nest on site A.

The current roads are not suitable for any increase in traffic. Substantial road widening would be required to service the development. This would be extremely difficult with the trees (some of which are protected) and traditionally constructed drystone dykes which line them.

Increased traffic would result in hazard to the walkers, horse riders and family cyclists who use the roads to access the paths and thereafter to cross them to follow the path network.

The application presented is for "circa 250 bedroom" hotel and country club whereas the Hyder Transport Assessment refers to 200 bed Hotel complex

Vehicle trip surveys did not include **the inevitable noise disturbance to the residential area proposed for access. This would be particularly relevant in the antisocial hours when revellers would be leaving functions at night.**

Drainage in the area is very poor.

The neighbouring buildings of the former garden centre frequently flood.

The Dandara development nearby is encountering considerable difficulty with drainage

On these grounds I consider this proposal to be completely inappropriate and should be rejected..

Yours faithfully,

A solid black rectangular box redacting the signature of Sheila M Campbell.

Sheila M Campbell

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

36 Woodburn Crescent,
Aberdeen,
AB15 8JX

31st July 2014

Dear Sirs,

Ref: Planning Application No. 141131, Countesswells Woods and Hazledene.

I am writing to table an objection to the above planning application for an hotel and country club within the purview of Hazlehead policies.

With respect to Site A – the projected hotel – one has to ask whether this falls within the guidelines for the Development Plan for the area. If it does not, will this establish a dangerous and potentially regrettable breach of the guidelines which have been set for the whole of the Plan area? In addition, one has to examine the suitability of access to the proposed development. The access to the site is unsuitable and inadequate for the extent of the proposal.

With respect to Site B- the country club and its ancillary developments - the area involved lies within established woodland with a great deal of wildlife. The red squirrel project has been remarkably successful in reviving the population of these animals, there are roe deer, badgers, foxes and birds of many species, not to mention the large numbers of bats which can be seen in the area in the evening. Hazlehead has always been a haven for wildlife and its ecology is long established. The current location of the riding school does not impinge on the wildlife, but should such a facility be surrounded by a multiplicity of holiday houses and increased vehicular traffic, it cannot but have a detrimental effect on the ecosystem.

I would ask that the Planning Committee pay particular attention to these facts when the matter comes up for consideration.

Yours faithfully,


Prudence A. King

PI

From: Prue King [REDACTED]
Sent: 25 August 2014 19:31
To: [REDACTED]
Subject: Planning ref: 141026

Dear Sirs,

I am writing to protest again at the violation of the Development Plan by the proposal for a hotel, country club and other associated facilities as delineated in your advertisement in The Aberdeen Citizen of Wednesday, 20th August 2014. It is rightly described as "not in accord with the Development Plan (The Town and Country Planning – Development Management Procedure (Scotland) Regulations 2008- Regulation 20- Aberdeen Local development Plan 2012..

The ecological system of Hazlehead Woods is only returning to the former glories of which it was bereft by the gale and storms of January 1953. A great deal of effort has gone into maintenance of paths suitable for walkers and equestrians. Enormous effort has gone into the control of grey squirrels and the restoration of the habitat of the endangered native red squirrels in the woodland adjacent to the proposed development. The policies were always designated as recreational and not commercial. The imposition of a 250 bedroom hotel with associated car parking, restaurants etc. can be described as nothing other than blatant commercialism. Development is taking space on what was arboricultural land nearby and more is proposed beyond the site in question. Slowly all the green lungs are being eroded and increased traffic will add to the pollution of a sensitive area. Traffic noise will disturb the wildlife which has been nurtured in the policies and pollution will blight the cleanliness of the air which has always been a feature of the Hazlehead policies, which will shrink to a comparatively small park and a two and a half golf courses, with if the populace is lucky may retain a small area for walkers, runners and cyclists.

Yours faithfully,
Prudence King

34 Woodburn Crescent
Aberdeen
AB15 8JX
August 16, 2014

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

Dear Sirs

Planning Application : Ref : 141026

I wish to lodge an objection to this application for a proposed development adjacent to Hazlehead Park. If such a major development of this type is needed in or near Aberdeen, it is difficult to believe that a more appropriate site less damaging to the environment cannot be found.

My fundamental objection is that it will lead to further degradation of Hazlehead Park, a priceless heritage of treasured green space gifted for recreation and sporting activities for the citizens of Aberdeen and beyond. Our Council should be determined to protect this valuable resource at all costs. Unfortunately the opposite seems to be happening - a process begun with the recent siting of a waste re-cycling centre at its entrance and continuing with the excessively large housing development currently taking place immediately to the south.

Many families and persons of all ages use the park and its immediate surroundings as a peaceful and relatively safe environment for walking, horse riding and cycling. What is envisaged in this grandiose plan will destroy that or, at the very least, make it much less enjoyable or safe. The inevitable increase in through traffic, already a concern with the removal of the traffic barrier towards Countesswells Road and its replacement with notices that are ignored, raises further questions about safety. Even if through traffic was prohibited, traffic into and out of the area to service a large hotel and associated developments will make matters much worse.

Drainage from the area is a continuing problem, exacerbated by the Dandara housing development in the neighbouring fields. Pollution of the natural burns and their outlets to Walker Dam and Johnston Gardens has already occurred and has been investigated by SEPA.

To cope with the considerable increase in traffic, major re-construction of the roads and tracks into and within this area will be necessary. It is difficult to see how this can be accomplished without the removal of protected trees and the re-alignment of ancient stone dykes and other boundaries. To allow the destruction involved would display a total lack of sensitivity to a beautiful and peaceful resource which we have inherited. It could never be replaced.

Yours faithfully



Professor AGM Campbell

PI

From: webmaster@aberdeencity.gov.uk
Sent: 11 August 2014 20:14
To: PI
Subject: Planning Comment for 141026

Comment for Planning Application 141026

Name : Mr R R Jeffrey
Address : 44 Hazledene Road
Aberdeen
AB15 8LD

Telephone [REDACTED]

Email [REDACTED]

type :

Comment : I wish to object to the above development on the following grounds:

1. There has been a consistent and steady erosion of the green belt in this area with little benefit to the local residents accompanied by significant neglect of the infrastructure and amenities provided around Hazelhead park and golf courses. Will the developer be responsible for the improvement and subsequent maintenance of any access roads around this area?
2. Hazledene road is currently a quiet residential street with ineffective traffic calming. With the closure of the road through the Den Wood, it is no longer a convenient "rat run". The hotel development would again seem to make this short cut available. Pupils, some with parents, cross the road on their route to the primary and secondary schools at Hazelhead and any increase in traffic volume on this poorly maintained road with neglected crossing facilities is clearly undesirable. Countesswells road which is being upgraded in view of other developments would seem to be a better choice for access to the proposed hotel.
3. What will be the environmental and ecological consequences of this development. e.g. Red squirrels have recently been seen in the area.
4. What steps will be taken to ensure minimal noise disruption in this quiet residential area? Will extended licensing hours be granted for functions?

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I

rom: webmaster@aberdeencity.gov.uk
ent: 18 August 2014 22:20
o: PI
ubject: Planning Comment for 141026

omment for Planning Application 141026

ame : Liz Adams
ddress : 38 hazledene road
berdeen
b15 8ld

elephone :

mail [REDACTED]

ype :

omment : I have serious concerns over the amount of traffic that will be going through hazledene road, which is already in a serious state of disrepair.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 01 August 2014 10:33
To: PI
Subject: Planning Comment for 141026

Comment for Planning Application 141026

Name : Laura Pike
Address : 23 Albury Gardens
Aberdeen
AB11 6FL

Telephone :

Email [REDACTED]

type :

Comment : I wish to object to this planning application. As a regular user of the woods and park I do not support the proposed country club development.

The infrastructure surrounding Hazlehead would not and could not support the level of traffic that this new development would generate.

I do not believe that an additional Hotel and Conference facility is required at this location.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 19 August 2014 14:12
To: PI
Subject: Planning Comment for 141026

Comment for Planning Application 141026

Name : john d mackenzie
Address : 43 hazledene road,
Aberdeen AB15 8LB

Telephone :

Email : [REDACTED]

type :

Comment : The T junction at the end of hazledene road with queens road is not fit for purpose, if this access route to the proposed site is used. The increased volume of traffic resulting from the proposed development would lead to frustration and an increase in risk to all users - especially cyclists and pedestrians.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 18 August 2014 22:21
To: PI
Subject: Planning Comment for 141026

Comment for Planning Application 141026

Name : Jean adams

Address : 42 hazledene road
aberdeen
ab15 8ld

Telephone :

Email : [REDACTED]

type :

Comment : I have serious concerns over the amount of traffic that will be going through hazledene road, which is already in a serious state of disrepair.

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GRANT AND DIANA MACKENZIE

40 Woodburn Avenue
Aberdeen
AB15 8JQ

13th August 2014

Development Management
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen

Dear Sirs,

**Proposed Hotel and Country Club Development Hazlehead Riding Centre
Application 141026**

I refer to the above application which has been submitted to the Council for Planning Permission in principle and wish to register my objection to the grant of the application.

Having reviewed the plans it appears that there is a proposal for a 2 Site Development comprising a Hotel, function suites and restaurants on an area of ground west to the former Dobbies Garden Centre and a Country Club and ancillary facilities on the site of the existing Hayfield Riding Centre.

Hazlehead is a wonderful facility which has been enjoyed by generations of Aberdonians. I know from my very regular visits to the Park that it is very well used by walkers, joggers, cyclists and horse riders as well as those enjoying the facilities of the Golf Club. It is one of the few areas within the confines of the City where you can enjoy safe and unspoiled walks through largely undeveloped land. It also a haven for wild life and gives the opportunity to see a variety of birds and wild animals in their natural habitat and Deer are often to be seen on the site of the proposed Hotel. It is perhaps the only area of true countryside within the City boundaries

The eastern extent of Hazlehead Park has already been affected by the Dandara Housing Development at Countesswells Road which resulted in the loss of a number of pathways through former fields. It is understood, of course, that these fields did not comprise part of the Hazlehead Park, but the fact that the houses are to be built up to the edge of the Park inevitably detracts from the adjoining pathways within the Park.

The 2 Site Development that is proposed in connection with the above application are both situated within the heart of Hazlehead Park and would, in my opinion, detract considerably from the amenity of the Park. Judging by the number of car parking spaces that seem to have been allocated to the Developments there would also be a considerable increase in the volume of traffic through Hazlehead, on roads

which are already inadequate.

It is clear that the area upon which the Developments are proposed is Green Belt land and in my opinion it would be wholly inappropriate to allow such large scale development in this area. Even if it could be argued that there were some justification for the construction of a Hotel and Country Club, which I would dispute, there can be no justification for the "Serviced Chalets Holiday Homes, Second Homes or Time Share Properties" which seems to be simply a back door means to secure consent for a Residential Development. If this were to be approved, I would have real concerns that this may prove to be the thin end of the wedge.

I firmly believe that in planning terms the application is indefensible, lying as it does within the Green Belt area. I think there are a variety of other reasons why the application should not be granted, not least:

- The loss of important and scarce green space and countryside in a location close to the City.
- A large Hotel and Country Club is inappropriate in the area, as is the scale of the proposed development, and it should not be permitted in this locality.
- The roadways are not adequate to cope with the additional traffic that would be generated.
- The development would be totally out of keeping with the rural character of the area
- The negative impact on the habitat for the indigenous wild life in the park
- It would be hugely detrimental to the amenity of the many paths and tracks that pass through the area and to the enjoyment of the persons using these.

Hazlehead is in my opinion a priceless facility which has been enjoyed by generations of Aberdonians and it is vitally important that it be preserved for generations to come. If this application were to be approved it would greatly detract from the enjoyment of the many people who use it on a regular basis. I would urge the Committee, therefore, to reject this application.

Yours faithfully


Grant MacKenzie

51 Hazledene Road
Aberdeen
AB15 8LB

13 August 2014

Development Management
Enterprise, Planning and Infrastructure
Aberdeen City Council

Dear Sir/Madam,

Re: Planning Application 141026 Hazlehead Hotel and Country Club

I strongly object to the proposed planning development. I attended the viewing of the plans at 'Somebody Cares' on 31 March, and expressed my objections to the developers at that stage and am doing so again now.

My main objection is that **the development would be totally incompatible with the surrounding area, and its current uses.** Hazlehead Park and environs is an area of peace and beauty. There is an extensive network of paths through the woods which are used by walkers, runners, cyclists, horse riders, wheelchair users etc. The Hazlehead golf courses, and the Park itself are places where residents and tourist alike wish to relax in a peaceful environment. **The impact on all these local amenities by such a large and overwhelming development, with the associated high volume of traffic and noise, would be most undesirable.**

Hazlehead Park has for many years been a premier Park in Aberdeen, and is now being revitalised as the first Climate Change Park in Scotland. The proposed development's large carbon footprint (energy use, traffic etc) would be the antithesis of the sustainability aims of Hazlehead Park.

I am also concerned about **the impact on road safety due to the increased traffic along the two main access roads, Hazledene Road and Hazlehead Avenue.** Both of these roads have to be crossed by the many children who go to Hazlehead Primary and Hazlehead Academy from the Craigiebuckler area. Their safety should not be compromised. Similarly the many local people and tourists who visit Hazlehead Park, the sports fields and the golf course would also be put at increased risk. The numbers are particularly high at weekends and during holiday times – just the times when there would be the most traffic due to the development.

In 2009 there was the prospect of Hazlehead Golf Course, Park and environs being privatised. This was turned down. The Hazlehead area is a priceless heritage for the City of Aberdeen, and should continue to be treasured for the peace and beauty that it offers so many different people – citizens and visitors, old and young, able and disabled. It should not be despoiled by a large and unnecessary commercial development. I do hope that you will reject the application for this development.

Yours sincerely,
Elizabeth Lindsey

webmaster@aberdeencity.gov.uk

19 August 2014 14:30

PI

Planning Comment for 141026

Subject:

Comment for Planning Application 141026

Name : Mrs Elizabeth Hamilton

Address : 33 Hazledene Road,

Aberdeen.

AB15 8LB

Telephone [REDACTED]

Email [REDACTED]

type :

Comment : I wish to object to this application for the following reasons, 1. This location is on land subject to the Council's Green Belt Policy and a large commercial development of this nature should not be permitted. In addition it would be a departure from the adopted Development Plan.

2. The area is a haven for wild-life and such a development would have an undesirable effect on the habitat, feeding and general security of the animals and birds.

3. The access road network is totally inadequate to cope with the traffic generated by such a development and would adversely affect road safety.

4. The development would result in undesirable light pollution arising from floodlighting, car park lighting and more extensive street lighting. The area at present is substantially dark.

5. In my view this would be a gross over development within the Hazlehead Park area which is presently used for purely recreational purposes by walkers, cyclists and horse-riders.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 07 August 2014 11:03
To: PI
Subject: Planning Comment for 141026

Comment for Planning Application 141026

Name : Diarmid Macalister Hall
Address : 25 Hazledene Road
Aberdeen
AB15 8lb

Telephone [REDACTED]

Email [REDACTED]

Type : [REDACTED]

Comment : The proposal to build a hotel and country club in Hazlehead woods should be rejected however I have no objection to the proposed redevelopment of Hayfield equestrian centre.

This rejection should be based on the clear contravention of the green belt policy. For the applicant to say that there is no other suitable site in Aberdeen for a similar development is both spurious and not a justification for this development.

Anyone who has been lucky enough to walk, run, cycle or horse-ride through Hazlehead Woods will value the tranquillity and natural surroundings of the area – you can even hear the birds! I accept that the woods are neither classic nor particularly well managed, however this proposed development would effectively bring an end to the environmental balance of the area.

Primary access to the hotel is proposed via Hazledene Road and the junction onto Queens Road. Hazledene Road is a residential area with a school crossing and numerous path crossings onto the playing fields and wooded areas. Peak traffic flows associated with start and finish of events and conferences are easy to predict and it is unreasonable to introduce this additional traffic to a residential area for the marginal benefit of building a hotel.

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Planning Application 141026

Hotel, Spa, Conference Centre, Function Suite, Country Club, Equestrian Centre and Holiday Homes

I object to the proposed development on Application Site A

It is contrary to Green Belt Designation

The hotel, spa and conference centre do not provide recreational facilities compatible with a rural setting.

The development leads to fragmentation of the Green Belt (when taking into account other developments in the area such as Pinefield and Counteswells housing) which destroys its character.

The intensity of activity in the area would be significantly increased as a result of the development

The development provides no increase in public access to Hazlehead Park as claimed in section 3.3 of the Supporting Statement

Cannot see any example of the positive impacts on the Green Space network claimed in section 3.13 of the Supporting Statement.

Not adequately demonstrated that all suitable alternative sites been identified or considered, or considered objectively, particularly in Aberdeen City peripheral areas and in the adjoining areas of Aberdeenshire

3.14 Incorrect statement regarding the recycling centre at the Grove Nursery. This site was not Green Belt at the time of planning award. It was zoned for recreational / sports use, so there was a change in use associated with the planning approval but not approval to develop Green Belt. The remaining area of the Grove Nursery site could be considered for the hotel, spa and country club?

5.24 It is not assured that the Marcliffe site will be developed as offices. It would provide an alternative for the hotel and spa.

5.19 It is stated that access through a housing estate not acceptable for a quality hotel operator. So why is access along Hazledene Road acceptable?

Transport Assessment

This was based on traffic surveys in May 2014 and does not take into account the approved and under development offices hotel etc. at the Prime Four site. The currently completed developments have already contributed to significant additional traffic and congestion on Queen's Road and these further approved developments will add further traffic which should have been taken into account in

the study. Neither does the study take into account potential development of sports and leisure facilities at the remaining Grove Nursery site which designated for this use.

Option 1 is stated as preferred (access via Hazledene Road) but in section 4.5 it further states that service vehicle access is provided via Countesswells Road in this option. The report does not then proceed to assume that this will create a through route from Countesswells Road via Hazledene Road and onto Queen's Road and this will become a "rat-run" for commuter and other traffic which has not been modelled. Any development, if approved, must prevent this becoming a through route.

The report assumes that traffic related to the conference centre and function suite will arrive during the working day and depart by early evening. This is a wrong assumption and it can be reasonably assumed that functions, particularly at the weekend, will occur in the late evening and that vehicle departures will be around midnight, or later, to the disturbance of residents in Hazledene Road (which is a residential street).

The study has proceeded on the basis that the capacity of the hotel is 200 beds whereas all other documentation in the application refers to the hotel being 250 beds.

The basis and underlying assumptions of this study are seriously flawed and it cannot be used reliably in support of the application.

I have no objection to the plans for Application Site B

David Wolfe
34 Hazledene Road
Aberdeen
AB15 8ID

P&SD Letters of Representation		
Application Number: 141020		
RECEIVED 20 AUG 2014		
Nor	Sou	Map
Case Officer Initials: ICG		
Date Acknowledged: 20/8/14		

PI

From: webmaster@aberdeencity.gov.uk
Sent: 15 August 2014 15:25
To: PI
Subject: Planning Comment for 141026

Comment for Planning Application 141026

Name : Mr Alan Hamilton
Address : 33 Hazledene Road,
Aberdeen.
AB15 8LB

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I object to this application. The grounds for my objection are as follows :

- 1 The proposals if implemented will be detrimental to the amenity of Hazlehead Park and its environs.
- 2 The proposals will constitute a departure from the adopted Development Plan and will not be compliant with the Green Belt Policy.
- 3 The existing road layouts and condition are totally inadequate to serve a development of this nature.
- 4 The proposed access via Hazledene Road with the increased traffic flow will compromise road safety, particularly at the crossing used by children accessing Hazlehead Primary School.
- 5 The proposals will adversely affect wildlife in the area. There are large numbers of bats in the area surrounding the hotel site, they can be seen in the summer evenings feeding over the grass fields. There are also large numbers of field mice which provide food for the population of brown owls in the vicinity. There are also roe deer, badgers and red squirrels in the immediate area which will be adversely affected.
- 6 This scale of development is wholly inappropriate for the Hazlehead Policies and if approved would create an undesirable precedent.

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64 Ashley Rd.

Aberdeen.

AB10.6RT.

21/8/14.

With reference to Planning.

Application Ref No. 141026.

How can anyone approve this application - at the moment access is one pot holed single lane track across the 4" fairway of the 9 hole golf course.

But I do not believe this is the total picture.

I think the Town Council want to sell the Hazlehead Golf course complex to private enterprise.

Mr Macrie would seem to be the buyer. Hazlehead Golf Course as such will disappear and hundreds of expensive houses will be built -

The Hazlehead Golf Course left will not resemble what we know it is as to-day.

It will be a very expensive

Country Club which only a few will be able to afford, not many of the present members.

Please remember the Hazlehead Complex belongs to the citizens of Aberdeen and should be kept as such.

y 

P&SO Letters of Request Form	
Application Number: 141026	
RECEIVED 25 AUG 2014	
Not	MAP
Case Officer: [Signature]	
Date Received: 28-8-14	

3 Summerhill Terrace
Aberdeen AB15 6HE

15 August 2014

Planning and Sustainable Development
Planning Reception
Marischal College
Broad Street
Aberdeen AB10 1AB

Proposed Development, Hayfield Riding Centre
Ref No. 141026

Dear Sir

I object to the proposed development of a hotel and country club, with associated buildings, at Hazlehead Park.

I note that the proposal does not accord with the Local Development Plan.

In a time of expanding building in nearby areas, it is vital that greenfield spaces be preserved as such for the benefit of this and future generations.

Only today, it is reported that council officials have recommended for approval, a proposed 3,000 homes development, together with schools, shops and leisure facilities. The implications for traffic congestion, with this on top of the proposed Hayfield development are horrendous.

Yours

Mr R.



Anna Wisniewska

From: Lucy Greene
Sent: 23 September 2014 15:15
To: Anna Wisniewska
Subject: FW: Proposed Hazlehead developments

Hi Anna

Please could this one be entered into APP as an objection and included in the list to Martin Allan

Thanks
Lucy

From: Stephen Willis [REDACTED]
Sent: 12 September 2014 16:05
To: Lucy Greene
Subject: Proposed Hazlehead developments

Hi Lucy, I have been mulling things over re. the proposal for extensive developments in land adjacent to the woodlands at Hazlehead.

I would like to add that in the entire history of Saving Scotland's Red Squirrels' work in the northeast (we started in 2009) there is no single site where we have put in more effort for more positive results than the woods around Hazlehead. All that time and money will have been for nothing if the woods are bisected by busy roads and the fast recovering red squirrel population is threatened by a massively increased chance of road mortality.

I have no idea what mitigation is proposed but neither road signs or rope bridges will make much difference. Tests by Perth & Kinross Council (unpublished) showed that traffic speeds were unchanged by the presence of official council road signage specifically highlighting red squirrels. Rope bridges over roads have not, to my knowledge, been scientifically proven to work. The only study I am aware of was carried out in Argyll, and was put up over a forest road. This was an MSc. project (not published). Squirrels were quick to use the rope bridge, but did not habitually use it and still often crossed on the ground. There are rope bridges currently up at Gight Wood, in Ellon, and in Banchory. All are used by squirrels, but at the latter two there are almost always dead red squirrels in the vicinity. It merely demonstrates that the bridges have been well placed in areas where squirrels are regularly crossing, whether by the rope or by the road.

Rope bridges and signage are an obvious, and relatively cheap, means of being seen to mitigate for potential road casualties. We are yet to see any convincing evidence that either make any difference for red squirrels.

I am happy for the above to be made public, alongside my previous document.

I'm off on leave as of this afternoon but back on Monday 22nd.

Regards,

Steve

Project Officer, Northeast Scotland
Saving Scotland's Red Squirrels
Inverdee House
Torry
Aberdeen
AB11 9QA

CRAIGIEBUCKLER AND SEAFIELD COMMUNITY COUNCIL

Ms Lucy Greene, Case Officer
Planning and Sustainable Development
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

10 Craigiebuckler Drive
Aberdeen
AB15 8ND

Email: [REDACTED]

8th October 2014

Dear Ms Greene,

Application Number: P141026. Site Location: Hazledene Road (Land at), West of Former Dobbies Garden Centre.

Proposal:

Hotel development incorporating function suites with associated restaurant and car parking. Residential development in association with the hotel including one, or a combination of: serviced chalets, holiday homes, second homes, or timeshare properties. On site spa, country club and swimming pool, gym, retail shop, cafe, golf practice and indoor putting areas with coaching facility, garden centre redevelopment and refurbishment of existing Hayfield Riding School. Alterations to access roads. The development is to include both sites lying between Hazledene Road and Countesswells Road.

Applicant: Carlton Rock Limited.

We refer to "Issue 1: Greenfield Housing and Employment Allocations" pertaining to Aberdeen City Council's Main Issues Report Consultation Document (Page 11) for the Aberdeen Local Development Plan, 2016. Here the initial question reads: 'Do we need to add to the greenfield housing and /or employment land supply by allocating more sites?'

The Council's preferred approach was to "carry over existing Local Development Plan allocations and not to release further land from greenfield sites" because " this approach would make the Local Development Plan consistent with the Proposed Strategic Development Plan; these allocations already provide a generous supply of housing and employment sites; continues to support the development of brownfield sites and protects existing green belt and green spaces".

We agreed with ACC's preferred approach which reads:-

"Even with the advent of the WPR, increasing the supply of land for development would result in exacerbating the traffic congestion on the City's roads infrastructure.

The present allocations already provide a generous supply of housing and employment sites".

Therefore we are bound to concur with all decisions by Aberdeen City Council to refuse planning permission in principle to applicants who propose to build on land which is not designated for development in the Local Development Plan.

However, we are aware that a popular luxury hotel in the west of the city is about to close, leaving a gap in the sector of the hospitality industry that accommodates important commercial and domestic events as well as catering for visiting celebrities. We contend that it will be advantageous to the economy and prestige of the city if this vacuum is filled by the construction of a new high quality luxury hotel and leisure centre to replace the establishment which is about to close.

In our opinion the sites of the proposed developments, although not zoned in the Local Development Plan for building construction, are well suited for this purpose because of the visual appeal of their surroundings and their proximity to Hazlehead Park with its golf courses, bridal paths and gardens.

The location of the proposed hotel is in a well screened site and therefore should have a minimal visual impact on the surrounding area.

We are of the opinion that there is an economic advantage for the city if the hotel and associated developments are completed, both in terms of employment provision and the resultant increase in revenue for the businesses which supply and service Aberdeen's hospitality industry.

Yours sincerely
William Sell
Chair



9 December 2014

Elaine Farquharson-Black
Partner
Burness Paull LLP
Union Plaza
1, Union Wynd
Aberdeen
AB10 1DQ

Dear Elaine

Carlton Rock, Hazelhead Development

I am writing to express my strong support for your client's proposed development of a 5* hotel and supporting amenities in Hazelhead.

The opportunities for Aberdeen to secure 5* hotel accommodation and mid-scale conference facilities are very rare.

VisitAberdeen believes that the opportunity to secure both, along with upscale restaurants and spa facilities should be taken with alacrity and fully supports the Carlton Rock proposal.

These plans fill a gap in the market and will make a significant contribution to the city as a destination.

I will address the gaps that this proposal can address in turn.

Once the Marcliffe finally closes there will be a total of 46 5* rooms in the city. For a city as successful as Aberdeen, this is a wholly inadequate amount. Belatedly, it appears that a number of new hotels will be built in and around the city. However, the economics of hotel building means that they will, in the main, be 3* and no further 5* are planned that we are currently aware of.

When people pay 5* prices for 3* hotels they see just poor value and 250 5* rooms can ease that pressure considerably.

The conference facility that is proposed neatly fills the gap between the largest, existing hotel and the AECC, new or existing.

The largest hotel based conference facilities serving the city (actually from

Aberdeenshire) has a capacity for 500 delegates and just 119 rooms. Whilst the AECC can cater for between 1,400 and 8,500, depending on the event, and more if it builds space outside. The new AECC will roughly double that capacity, which will bring massive

2nd Floor
32 Upperkirkgate
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E info@visitaberdeen.com



opportunity to the city but also make it unattractive to conferences numbering a few hundred.

The Marcliffe and other hotels throughout the city have demonstrated the potential for golf tourism in the area. Since the opening of Trump International, Aberdeen has increasingly been seen as a leading golf destination, surrounded by fine and high profile courses. The golf tourist tends to be a valuable one and they are attracted by quality accommodation and dining facilities. The potential for the Hazelhead golf course, as well as many others, from this development must be significant.

The proposal also seeks to include up to three, quality restaurants. There is no doubt that the restaurant offering in the city is improving but, in the main, it has been up scale chains that have arrived rather than signature restaurants.

The recently published Good Food Guide 2015 lists just one city restaurant (The Isle of Sky has four and even Fort William has two!) and there isn't a Michelin Star within sight. Again, for a city as successful as this, it is a major gap.

This proposal presents a great opportunity for the city and has my strong support.

Yours sincerely



Steve Harris
Chief Executive

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32 Upperkirkgate
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E info@visitaberdeen.com

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 14 November 2014. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Corall, Cormie, Dickson, Donnelly, Greig, Lawrence, Jean Morrison MBE, Noble, Jennifer Stewart and Thomson.

Also present:- Councillors Donnelly and Noble.

The agenda and reports associated with this minute can be found at:-

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=3539&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.

SITE VISIT

1. The Members present conducted a site visit prior to the Hearing. The Members were addressed by the Senior Planner (Ms Greene) who advised them of the proposal for the overall site. Ms Greene also advised the Members of the exact boundaries for the proposal and pointed these out to those present. There being no detailed questions from the Members the Convener explained to those present that the Members would return to the Town House to commence the Hearing.

HEARING

PROPOSED DEVELOPMENT OF A HOTEL AND COUNTRY CLUB ON LAND IN THE VICINITY OF HAYFIELD RIDING SCHOOL - 141026

2. The Committee heard from the Convener who opened up the Hearing by welcoming those present. He explained that the final running order for the Hearing had been circulated and that the first person to address the Hearing would be Ms Greene.

The Committee heard from **Lucy Greene, Senior Planner, Aberdeen City Council** who addressed the Committee in the following terms:-

Ms Greene explained that the proposal was split across 2 sites (site A-5.48 hectares and site B-3.72 hectares). She explained that the area was predominantly a mixture of woodland types, including pine woodland, other coniferous woodland, mixed woodland, lowland birch woodland, and other broadleaved woodland. She advised that there were also areas of bracken, scrub woodland, neutral grassland and improved grassland. She said that the site supported a number of breeding birds and mammals (red

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squirrels) and Wych elm had been reported in the area. She advised that the good network of paths throughout the site meant that it is well used by local people.

Ms Greene outlined the proposals for the application with plans and maps which included elevation plans. She explained that consultations had been carried out with the following Teams within the Council/agencies/organisations:

- Roads
- Environmental Health
- Flooding
- Archaeological dig condition
- Scottish Environment Protection Agency – SUDS and construction method conditions
- Scottish Natural Heritage
- Saving Scotland's Red Squirrels
- Local Community Council

Ms Greene explained that in terms of representations the following points had been raised regarding the development:

- The impact on users of Hazlehead Park
- Impact on the Green Belt
- The scale of development
- The adequacy of the roads in the area
- The character of the development
- The impact on wildlife in the area
- The noise impact on local residents
- Alternative sites for the development
- Traffic and drainage issues
- Light pollution arising from the development
- Risk to future of Hazlehead Golf Club
- Hazlehead area belongs to the public

Ms Greene explained the main planning policies that the development would be assessed against, these included:

- Scottish Planning Policy:
 - Increasing sustainable economic growth
 - Economic benefits
 - Protecting natural environment
 - Strong plan led approach
- Structure Plan:
 - Vision
 - Strategy
 - Objectives
- Green Belt

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- Green Space Network

Others:

- Architecture and Placemaking
- Sustainable and Active Travel
- Aberdeen's Granite Heritage
- Landscape
- Flooding and drainage
- Natural Heritage
- Access and informal recreation

Ms Greene concluded her presentation by reminding Members that all Council Members would determine the application in the future.

The Committee then heard from **Mark Wilkie, Senior Engineer, Aberdeen City Council**, who outlined the main roads considerations relating to the development. Mr Wilkie explained that a Transport Assessment (TA) had been prepared by Hyder, the applicant's transport consultants, in support of the planning application, to investigate various access options and that the adopted road network extended along Hazledene Road as far west as Craigiebuckler Avenue. He explained that Hazlehead Avenue was adopted to the east of Groats Road, which was an adopted road, and that the roads within Hazlehead Park were on the City Council's Environment account, and they were not as well maintained as adopted roads. The developer had been advised to contact the relevant Council officer about any proposed alterations or improvements.

He advised that the separate Pinewood / Hazledene development will require to bring a section of Hazledene Road to the west of Craigiebuckler Avenue, up to adoptable standard and that there would be no through route for general traffic, between Hazledene Road and Countesswells Road; there would however be an emergency access.

He explained that there were four access options which were investigated for this development proposal; the second option offered more than the first option in terms of providing an additional entrance route to the development from the adopted road network. He explained that whilst neither option 3 nor 4 could be considered fully as they would reintroduce a rat-run through to Countesswells Road, there was merit in considering Countesswells Road as an exit route for special events when the proposed car parks were full and an event finished. He explained that the developer had been discussing this proposal with Traffic Management staff in the Council, who were of the view that a "rat run" must not be reinstated because up to 400 cars per hour used to use it during peak periods.

He advised that the TA now needed to be extended to address any issues arising from potential additional traffic which would be generated by this mixed use development. He explained that a capacity assessment of the Queen's Road / Hazlehead Avenue /

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King's Gate roundabout would be required in addition to a revised capacity assessment of the Hazledene Road / Queen's Road priority junction.

He advised that he had questioned why a weekend assessment was selected by Hyder who had outlined that their interrogation of national trip generation forecast software - TRICS - had indicated that there would be 60 arrivals and 157 departures from the proposed development, which was the maximum number of trips forecast in any hour, either weekday or weekend. He explained that peak periods to be assessed would have committed development traffic added, e.g. further office development at Prime Four and the residential development at Countesswells.

He advised that in order to minimise the impact on the local road network, a Travel Plan would be required to promote sustainable forms of transport as an alternative to travel by private car to and from the development. He explained that so far, the developer had indicated that a shuttle bus service would be provided for hotel staff and guests and this would operate on an hourly basis between 7am and midnight and run between the hotel and Union Street.

In summary, Mr Wilkie explained that there were outstanding issues, some of which could be addressed for any detailed application, as follows:-

- the potential to make the one-way road two-way to enable Groats Road/Skene Road to become an egress route if roundabout capacity was shown to be an issue
- permanent access from the hotel car park to Countesswells Road – only to be provided if there was no potential rat-run
- swept path assessments for coaches and service vehicles (road widening and passing places and bend improvements might be required as a result)
- the need to retain all existing access arrangements within the park
- car parking numbers to be agreed – possible overspill area for special events (Parking Management Plan)
- a Travel Plan would be required to encourage alternative modes of transport to the private car
- a Strategic Transport Fund contribution

Members then asked questions of Ms Greene and Mr Wilkie, and the following information was noted:

- that officers would look at the possibility of access to the site via Countesswells Road
- that officers would confirm (with all members) if the Hayfield Riding School was contained within the Hazlehead Park Policy documents
- that the exact definition of "special events" could be determined and conditioned if required
- that agreed "maintenance" costs could be negotiated

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- that other junctions/roads in the vicinity would be assessed for the impact the development may have on them
- that there would be landscaping on both sites of the development
- that an ecology report was undertaken on the site
- that further traffic assessments would be undertaken
- that traffic calming on site would be considered at the next stage of the process
- that tree thinning was to be undertaken on site in the near future
- that the officers and the developer would receive important information from the Hearing which would give them a steer as to the main issues that required to be addressed.

The Committee then heard from **Elaine Farquharson-Black, Partner and Head of the Planning Division at Burness Paull Solicitors**, who addressed members in the following terms:-

Convener, Members, thank you for the opportunity to outline Carlton Rock's proposals for the construction of a 5 star hotel, including leisure and conference facilities and holiday lodges at Hazlehead, together with the redevelopment of Hayfield Stables to form an equestrian centre with Country Club and associated lodges.

I am Elaine Farquharson-Black, Partner and Head of the Planning Division at Burness Paull Solicitors. I am accompanied today by Alan Massie from Carlton Rock; Graham Stuart from BMJ Architects; John Robertson of Hyder Transport Consultants, Nigel Rudd of Nigel Rudd Ecology and Tomasz Stasikowski of TGR Landscape Architects.

This is an application for planning permission in principle and so the detailed design and layout of the development has still to be worked up. However, to try to capture the essence of the development, we have produced a brochure and in the time allowed today we will focus on what we believe to be the key issues relevant to the determination of the application and the matters raised by objectors.

Mr Stuart will take you through project including impacts on the surrounding area.

Mr Robertson will highlight the transportation considerations, including concerns from local residents.

And I will conclude with an overview of the Development Plan context for the application.

All the design team will be able to answer questions.

DEVELOPMENT PLAN

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

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Today's hearing has been convened because, as Lucy Greene has highlighted, the application is considered by Officers to be a significant departure from the Development Plan. With respect, I don't believe the proposals are a significant departure. Indeed there are many policies which support this exciting project.

Importantly, the process which is being followed, including the public consultation which Carlton Rock has carried out, today's hearing followed by determination by Full Council and a referral to Scottish Ministers should the Council decide to approve the application, means that the development will have been thoroughly scrutinised on a number of occasions.

I intend to look firstly at the strategic and national guidance as it is the most up to date policy guidance.

Strategic Vision

Overarching all planning decisions in the City is the Vision in the Strategic Development Plan. This states that:

"Aberdeen City and Shire will be an even more attractive, prosperous and sustainable European city region and an excellent place to live, visit and do business".

It warns, however, that *"The scale of the changes needed and the challenges set by the vision, should not be underestimated"*.

Turning to Scottish Government Guidance:-

SPP

SPP advocates a positive approach to enabling high quality development and advises that the planning system should facilitate positive change while maintaining and enhancing distinctive landscape characters.

The SPP requires planning authorities to give due weight to the economic benefit of a development.

Tourism and the food and drink sectors are areas which SPP and the SDP identify as opportunities for growth.

This Council has approved a number of hotel developments over recent years, but this development will deliver a number of key features which are lacking in the City:

1. With the closure of the Marcliffe at Pitfodels, there will be no 5 star hotels in Aberdeen. There is no hotel which offers the high quality facilities which are proposed by my clients and have been outlined today;
2. There is no hotel in Aberdeen which can accommodate more than 300 delegates at a conference. The AECC can hold larger conferences, but cannot provide accommodation and is no longer hosting weekend concerts/leisure events which bring in weekend tourists. My clients' development will fill that gap in the market;

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3. Aberdeen lacks top end restaurants. This hotel will have a number of restaurants and as you may have read in the papers yesterday, my clients are delighted that Mr Stewart Spence has expressed a wish to open The Marcliffe Restaurant within the hotel.

When you also consider that the development will create over 350 full time and part-time jobs, the economic arguments in favour of this type of development are very strong.

It is perhaps little wonder, then, that Steve Harris, the Chief Executive of Visit Aberdeen has endorsed the development. He has said, "My clients fully accept, however, that this strong economic support must be weighed against the policies applying to the application site itself."

The site

The site is zoned as Green Belt and Green Space Network in the Local Development Plan which was adopted by the Council in February 2012. The adoption of the Plan was the culmination of a process which began in October 2009. It is, of course, impossible for the Plan to predict all the changes which will occur in the Aberdeen area over the Plan period. It could not, for example, anticipate the announcement in November 2013 of the closure of the Marcliffe at Pitfodels. Without seeking to denigrate the Plan, it must, therefore, be considered to be a snapshot. The Plan has to be amended to conform to the SDP which was approved in 2014. The SDP advises that: *"The Green Belt around Aberdeen will continue to play a vital role in protecting the character and landscape setting of the City. However, it will need to change to meet the growth this Plan seeks to achieve."*

Not only do I believe that the scale of change which would be required to the Green Belt to accommodate the development is minimal, but also there are many aspects of the development which accord with the aims and objectives for the Park itself.

Green Belt- Policy NE2

The aim of the Green Belt is to maintain the identity of Aberdeen and the communities by defining their physical boundaries, avoiding coalescence, maintaining the landscape setting and providing access to open space. The Green Belt policy allows the redevelopment of existing Green Belt uses and this aerial shot shows quite clearly that the proposed equestrian centre, clubhouse and lodges are within the existing Hayfield site. The current site is rundown and the tenant has plans to relocate.

In terms of the proposed hotel, it is located within open fields, but Mr Stuart has explained that only around 35% of the fields will be built upon. You can see that both sites are enclosed within the surrounding woodland and the buildings will be designed to complement the area and sit within the existing landscape.

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Given the limited extent of the built development; the redevelopment of existing leisure uses and the visual enclosure, I do not believe that there will be a significant impact on the aims of the Green Belt were this development to proceed.

The final aim of the Green Belt, which is to provide access to open space, is particularly relevant to the application, given that it sits within Hazlehead Park. Hazlehead should be the jewel in the City's open space network. Growing up, I visited the zoo, I went trampolining, got lost in the maze and was a regular as you might imagine on the pitch and putt and 9 hole course, but sadly the Park is no longer considered the attraction it once was.

To try to address the decline, the Park has been designated a Climate Change Park and the Council in conjunction with the community, has identified actions for improvement to secure its long term future.

The action points include:-

- Promotion of Hazlehead Park as an important destination within Aberdeen and to the local communities.
- Ensure existing features are maintained and usable.
- Encourage use of the Park for events.
- Create more positive evening use of the Park.
- Improve the access network, condition of the paths and direction signage.
- Create meadow, wetland and woodland areas.
- Encourage bus companies to improve services to the Park.
- Introduce commercial uses to some areas.

When you consider that list, I believe that my clients' development is fully in line with the plans for the Park. This isn't a hotel which can be built on Union Street or in a business park. It needs a countryside setting, but I think the Park also needs a development like this.

This 5 star development, if approved, will, in my submission, help to promote Hazlehead Park and Aberdeen City, not just locally, but worldwide. Having a 5 star hotel and leisure facility in the heart of Hazlehead Park would open up many opportunities to secure the Park's future.

My clients propose a number of improvements as part of their own development, such as the upgrading of the equestrian centre and providing paths and meadows and wetlands, all of which will be used by the public. The bus service to the hotel will serve the wider community. Signage within the Park will be improved.

Although the application does not include any changes to the golf courses, my clients are in discussions with Hazlehead Golf Club about opportunities to link the hotel to the course and perhaps provide a dual use clubhouse.

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14 November 2014

When you consider the improvements to the Park which will flow from the development, I believe that the development falls within the aims of Policy NE 1 – Green Space Network which seeks to protect, promote and enhance the Park area.

Conclusion

I said at the outset that I don't think this proposal is a significant departure from the Development Plan when it is considered in the round. I hope that today's presentation has highlighted many of the benefits which will flow from this development and has also explained why the allocation of the land in the LDP should not be considered to be a barrier to the development.

The SDP charges you with making confident and courageous decisions in delivering the Vision for the City. I believe that this is the type of development which Aberdeen desperately needs if we are serious about delivering the Vision for the area, and Hazlehead Park in particular.

On behalf of the applicants, I hope that in due course this Council will decide to support this development and we can look forward to an exciting future for Hazlehead.

The Committee heard from **Mr John Robertson of Hyder** in relation to transportation. Mr Robertson advised that the proposed sites were surrounded by an extensive network of existing core paths, tracks and footpaths and bridle ways. A network of new paths would be provided within both sites to enhance site permeability and the connection with the surrounding path network. The proposals would actively promote the increased leisure use of the existing and new footpaths as a feature of staying at the site. Mr Robertson explained that extensive consideration had been given to site access and egress, as well as traffic issues, with dialogue being undertaken between the designers and Aberdeen City Council's planning and roads officers. A comprehensive traffic management plan would also be produced as part of a future detailed planning application. Mr Robertson advised that a number of road enhancements would be introduced to facilitate accessibility and user safety, whilst maintaining the character of the existing woodland canopy. The roads design would focus on the safety of all site users.

In response to some of the earlier questions asked by Members, Mr Robertson explained that a number of different scenarios had been tested in terms of the traffic levels on Hazledene and Queens Road, including a.m. peak time, p.m. peak time and Saturday peak time, and this work had shown that additional trips could be accommodated at the junctions. Mr Robertson advised that the road design would discourage rat-running through Hazlehead Park. He noted that there were a number of bus services which ran to Queens Road, and highlighted that a shuttle bus was also proposed as part of the development. In terms of the earlier discussion on the roads network, Mr Robertson advised that the extent of the network to be assessed had already been agreed, but that the designers had spoken to Mr Wilkie about the possibility of extending this, although that would be undertaken at the detailed stage.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

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Mr Robertson concluded by advising that there would be traffic calming measures on all roads within the Park, as well as those roads near Hazlehead Academy.

Members then asked questions of Mr Robertson, and the following information was noted:-

- It was suggested that if Countesswells Road was to serve as both entrance and exit to the site, then some improvements might be required at the junction of Springfield Road and Countesswells Road. The Committee heard that the Springfield junction was to be upgraded as part of another development, but that threshold assessments would be undertaken.
- In relation to concerns about access from Countesswells Road being used as a rat-run, Mr Robertson explained that the access from Countesswells would solely lead to the hotel, and therefore there would be no through route for traffic.
- In response to a query about the low grade walls in the area, Mr Stuart explained that part of these would need to be repaired, but that they would not be removed.
- It was noted that the design of the equestrian centre was of a differing style to the hotel, and Mr Stuart explained that this was to provide a contrast.
- In response to a suggestion that the construction traffic did not use Hazledene Road to access the site, Mr Robertson advised that the developer was willing to look at the best option.
- In response to a query about whether there would be an impact on public usage of the golf course, Mrs Farquharson-Black advised that the application would not affect usage of the golf course by the public.
- In response to a query about how the general public would make use of facilities if the hotel was busy with guests, Mr Stuart advised that the developer was in discussion with service providers and that there would be a proviso from the developer that the public would have suitable access to hotel facilities.
- There was a query in relation to potholes on the surrounding roads and whether any resurfacing would be undertaken. Mr Robertson explained that the road would be upgraded to an appropriate standard for the amount of traffic using the access.
- There was further discussion about whether work would be undertaken in the Denwood area to improve the tree coverage, and Mr Stuart advised that the developer would want to work on a woodland management plan with the Council.
- In relation to a query about whether the methods proposed for the protection of the red squirrels were effective, Mr Rudd advised that the methods had been employed elsewhere. He noted that it might be the case that the rope bridges

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were found to be unnecessary, depending on the amount of tree canopy coverage.

- In relation to a query about whether the organisation was comfortable with the development being built on a network of unadopted roads, Mrs Farquharson-Black advised that access and maintenance arrangements would be covered as part of the legal and maintenance agreements. Mr Stuart also noted that in order for the roads to be adopted, they would likely need to be widened. The developer was keen to retain a 'park' feel to the site, and widening the roads would change this. Mr Stuart added that increasing the width of the roads would also probably lead to an increase in traffic speed.
- In response to a query about the landscaping at the front of the hotel, Mr Stuart advised that while the initial planting might look sparse, there would be significant tree input to the site from the beginning of the development. The trees would be at least 4.5 metres in height. A formal garden style would be adopted at the front of the hotel. It was noted that there would be a detailed report on sustainability, but that the new buildings were designed to use as limited an amount of energy as possible. It was suggested that consideration could be given to using biomass.
- In response to a query about why the proposal had not been taken through the development plan process, Mrs Farquharson-Black advised that the development plan process had commenced before the development was proposed, but added that she felt that the process of early public consultation and the pre-determination hearing was very thorough.

The Committee then heard from **William Sell of the Craigiebuckler and Seafield Community Council** who addressed the Committee in the following terms:-

Convener and Councillors. On behalf of our Community Council, I begin this address by referring to Aberdeen City Council's Main Issues Report Consultation Document for the Aberdeen Local Development Plan, 2016, page 11, "Issue 1: Greenfield Housing and Employment Allocations". Here the initial question reads: "Do we need to add to the greenfield housing and /or employment land supply by allocating more sites?"

The Council's preferred approach was to "carry over existing Local Development Plan allocations and not to release further land from greenfield sites" because "this approach would make the Local Development Plan consistent with the Proposed Strategic Development Plan; these allocations already provide a generous supply of housing and employment sites; continues to support the development of brownfield sites and protects existing green belt and green spaces".

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We agreed with ACC's preferred approach which reasoned that:-

“Even with the advent of the WPR, increasing the supply of land for development would result in exacerbating the traffic congestion on the City's roads infrastructure. The present allocations already provide a generous supply of housing and employment sites”.

At the time of the agreement, we did not know about the proposed development, but times have changed. Although we are broadly supportive of the hotel, we do not want a precedent to be created which would lead to further development on the city's green spaces.

If the Council agree to grant the application we hope the following concerns of residents and our Community Council will be taken into account:-

The granting of this application would create a precedent for other developments on green fields.

During the construction phase, there will be a clearing of the area which will unavoidably reduce wildlife habitat: healthy trees will be removed. There will be noise caused by, for example, drilling for foundations and excavating the underground car park. We note that tree removal is stated to be minimal and the intended mitigation of effects on wildlife habitat.

Construction traffic should not go down Hazledene road and we, as their Community Council, are disappointed that the Council has directed the Applicant to use this residential street as the main access to the site during and after construction. During construction there will be heavy plant and machinery moving around the area on a roads infrastructure that is woefully unfit for this purpose. At a previous meeting the Applicant had stated his preference for accessing the site from Countesswells Road. We do not want the residents of Hazledene Road to be similarly disrupted by the heavy lorries and other site traffic as are the residents of Countesswells Avenue because of a neighbouring major building site. However we note that Countesswells is considered as a possible access. We note the possibility of Groats Road being one way for traffic from the West i.e. A944. We are concerned for the safety of the pupils of Hazlehead Academy.

The proposals for managing the traffic generated by the Hotel are centred on Hazledene Road, which has no right turn at its junction with Queens Road. This is a 250 bedroom hotel which, after it is opened, will generate a lot of traffic movements, for example delivery vehicles; the private cars of staff and guests; vehicles to empty and collect waste/laundry etc. The only occasion when the hotel traffic will be compelled to leave via Countesswells Road will be during the staging of special events when there are a lot of buses and other associated forms of transport. At other times, a barrier will be in place to prevent access to and from Countesswells Road.

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The currently proposed capacities of the developments will cause a significant increase in the traffic going up and down Hazledene Road. ACC planners propose that Hazledene Road will provide the main access to the building. Many more vehicles (probably 100s per day) will be going up and down Hazledene Road. The road, which is currently quite heavily potholed, does not have the width to safely cope with a car, parked at the kerb, being passed by cars travelling in opposite directions. More cars travelling up and down the road will therefore mean greater congestion. We contend that, ultimately, ACC will be forced to cut down trees and widen the road. I am concerned about the estimate of 60 vehicles arriving and 120 departing per hour on a Saturday at peak times.

Because the road does not have the capacity to cope with the increase in traffic that will result from the development, the safe conduct of road users and children who cross the road when going to and from school from the Craigiebuckler area must be a concern for the Council.

In the event of the Hazledene /Queens Road junction being busy, drivers may decide to divert along Craigiebuckler Avenue or Woodburn Gardens to access Queens Road. More traffic will be generated on Hazledene road after the proposed hotel will be opened. There are concerns that smaller roads will carry more traffic while Hazledene Road appears to be the main access. Due to the normal traffic congestion on Queens Road at peak times, drivers already divert on to neighbouring streets.

We hope that Councillors will take cognisance of residents' objections. It has been purported that there are a low number of objections because people tend to think that councillors won't listen to them or take their representations into account.

During our Community Council meetings, concerns have also been voiced about the site because there may be a number of natural springs active on it. This could mean a disruption of water courses, similar to that which has already occurred on a neighbouring site, where water that should have flowed away in the ancient natural burns has been confined to the immediate area of its source because of soil excavations, causing massive flooding of footpaths in the established residential area. If PPP is granted, then it should be conditional upon a hydrological survey being undertaken to avoid any risk of flooding the woodland pathways and the amenities of Hazlehead Park. I am not clear as to whether is being made available prior to PPP being granted.

We are also concerned about the implications for the natural environment and ambiance of the park -which is Scotland's only climate change park. There is a contradiction inherent in any consideration about the construction of a 250 bedroom hotel (with all the associated traffic movements) in the policies of a climate change park. The two concepts seem incompatible.

There is support for the development in principle. However, we are of the opinion that there may be a heavy price to pay in terms of damage to the natural environment of the

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park as well as an increase in traffic on a roads infrastructure that cannot even cope with the traffic of the present day.

The impact on the roads infrastructure cannot be underestimated - even with the possibility of Groats Road being made one way.

We are faced with what we consider to be the dismal prospect of the demolition of the Marcliffe at Pitfodells for housing, leaving a gap in the sector of the hospitality industry that accommodates important commercial and domestic events as well as catering for visiting celebrities. We contend that it will be advantageous to the economy and prestige of the city if this vacuum is filled by the construction of a new high quality luxury hotel and leisure centre to replace the establishment which is about to close. However, it has also been claimed that the closure of the 4 star, 42 bedroom hotel, with function facilities for 500, a limited spa, a lounge and bar, in no way should be seen as creating a gap for a 250 room hotel, with function facilities for 1000, full leisure complex & Spa. Aberdeen is well catered for, with all numbers catered for – AECC, Beach Ballroom, hotels, National Trust for Scotland & private houses. The reported shortage of hotel rooms has been addressed by the refurbishment of existing hotels and the building of new hotels: some completed, some in process and some yet to commence building. There are also additional projects being mooted such as the E&M building. It has been claimed that there is an oversupply of existing leisure facilities (these claims are being made by existing providers) with all parts of the city being provided for. Their sources of revenue are less generic than would be those of the proposed development.

Nevertheless, in our opinion, the sites of the proposed developments, although not zoned in the Local Development Plan for building construction, are well suited for this purpose because of the visual appeal of their surroundings and their proximity to Hazlehead Park with its golf courses, bridal paths and gardens. However, it is not clear to us how tee-off times on the golf course will be arranged to accommodate members of the golfing public.

The location of the proposed hotel is in a well screened site and therefore should have a minimal visual impact on the surrounding area, but the access route is unacceptable to us. We also submit that the width and surface condition of the unadopted section of Hazledene Road is wholly unsuitable for heavy transport and the ease of flow of the predicted, highly frequent, two way traffic movements.

We are of the opinion that there is an economic advantage for the city if the hotel and associated developments are completed, both in terms of employment provision and the resultant increase in revenue for the businesses which supply and service Aberdeen's hospitality industry. Furthermore we speculate that this development could be regarded as an asset to tourism by "Visit Scotland".

In conclusion, the benefits that this proposed development could bring to the tourist economy of Aberdeen are obvious because it would be a fabulous destination spot. It may raise the image of the city from its association with the "Carbuncle" award that has

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featured in a recent newspaper article. The modern baronial architecture makes a refreshing change from the functional glass and concrete buildings that already exist in Aberdeen or are proposed for the city centre. We speculate that the Hotel and Leisure complex will enhance the park because links to it will be central to its success as a business. However, we realise that we have to be careful what we wish for because the infrastructure linking the proposed site of the development to the park is tenuous at best and much construction work will be required to achieve the objective of making the hotel integral to the existing amenities of Hazlehead Park. Wildlife habitat will, in our opinion, be reduced in the process. Although the hotel and leisure complex may, by the very nature of such a large development, adversely affect the natural ambience of Hazlehead Park and radically change the neighbouring built and natural environments that are so familiar to us, the myriad of functions – hotel, country club, conference centre, golf club, equestrian centre – may also have the potential to benefit the social and economic life of the whole city, which is the bigger picture. The counter argument, again on a macro scale, is that the city does not need more rooms nor additional function facilities or a leisure complex. What is required is investment in the golf courses & equestrian facilities.

The Applicant has consulted extensively with our Community Council and has established good relations with our members. The objective of this address has been to provide a balanced presentation which proactively accounts for all the known issues that members of the public have expressed in relation to the proposed development as well as the merits which can be attributed to it.

Mr Sell responded to questions from Members, and the following information was noted:-

- Following a query about whether Airyhall Primary fell within the boundary of the Craigiebuckler and Seafield Community Council, Mr Sell advised that it was just beyond the boundary of his Community Council. He noted that some Members had received concerns from parents of children at Airyhall in relation to Countesswells Road being used as the access and egress from the site, and acknowledged that they would understandably have concerns, adding that he hoped that some resolution could be found if the proposal was to go ahead. In relation to a query on his thoughts about Countesswells being used as either a restricted or unrestricted exit / entrance from the site, Mr Sell stated that he felt other drivers would gravitate to this access if it was to be completely open in both directions at all times, but stressed that the Community Council also had grave reservations about confining all traffic to Hazledene.
- In relation to a query about whether a hydrology survey had been undertaken and would be before Council prior to a decision being taken on the application, Ms Greene advised that SEPA and the Council's flooding team had been consulted, and both were content for the matter to be covered under conditions if the application was approved, therefore there would be no survey before Members.

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- Mr Sell advised that he had tried to represent both sides of the community, by indicating the support which had been given for the proposal but highlighting the concerns raised by residents, particularly around the roads issues.
- In relation to a query on how the Community Council felt the impact of the construction traffic could be mitigated, Mr Sell acknowledged the option of restricting access for heavy vehicles during school hours, referring to the precedent which had been set in relation to the Hazlehead recycling centre, but added that the access from Countesswells would not be through such a populated area as Hazledene.

The Committee then heard from **Mrs Prudence King, a resident of the city**, who explained to Members that she had lived in the area for fifty years, and while she was not against the idea of a five star hotel development, the proposal was the right idea but in the wrong place. She highlighted that the proposal was not part of the development plan, and that siting facilities in an area where other major developments had already been approved (such as the Countesswells application) would upset the balance of nature and would mean that traffic was being directed through a country area. If approved, the proposal would also lead to the introduction of a residential element into areas where park policies applied. Mrs King suggested that this could result in park land being a convenient location for housing if it was not rigorously controlled.

She noted that the Hazlehead Park land had been repurchased for the city of Aberdeen in the 1920s, and added that the park was much appreciated by citizens. She stressed that the use of the land for informal and recreation purposes should be preserved, in line with park policies.

Mrs King advised that the Committee that Hazledene Road was very narrow in parts with dangerous corners, with several near misses in terms of accidents. She stated that she had mentioned the proposal to a health and safety professional who had been incredulous that Hazledene Road would be used for service access. Mrs King asked the Committee to consider what would happen if two buses were to meet on Hazledene Road, and noted that there would be an increased volume of traffic which would lead to complications at the Hazledene / Queens Road junction. She speculated that this would then force traffic into the Craigiebuckler area where there was already congestion – particularly when cars parked there for Craigiebuckler Church. Mrs King highlighted that there were poor sightlines for traffic leaving Craigiebuckler via Woodburn, and added that the additional traffic would cause congestion at the Queens Road / Hazlehead roundabout, where there was already significant traffic congestion, particularly from late afternoon onwards. Mrs King stated that there would be gridlock on Springfield Road as a result of service vehicles being directed along this route. She highlighted that special events such as the Highland Games already caused severe congestion in the area, and mentioned the safety concerns if traffic was directed past Hazlehead Academy.

Finally, Mrs King reminded the Committee that a tree preservation order existed, which would be an issue if any roads in the area required to be widened as a result of the

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proposed development. She expressed concern at the impact on the environment, particularly the wooded areas and the plant and animal life in the area, noting that any provision of utilities for the development would disturb the wildlife. She added that there would also be light and atmospheric pollution as a result.

Mrs King responded to questions from Members, and the following information was noted:-

- In relation to a query about the recently approved 3,000 house development at Countesswells and the impact of this development and the proposal for Hazlehead in relation to possible congestion on the roads, Mrs King stated that she had been puzzled over the possible routes which had been mooted for the development, and added that the Countesswells to A944 road would need some attention if the traffic was routed in this direction.
- In relation to a query around drainage of the site, Mr Stuart advised that there had been no detailed work done around this to date, but that initial investigations had been undertaken.

The Committee then heard from **Mr Diarmid Macalister Hall, a resident of the city**, who advised Members that he was pleased that they had undertaken a site visit as they would now be acquainted with the area if they had not been before. He stated that people did not recognise what was precious to them until it was too late; in this case, Hazlehead woods. He explained that currently, people could walk in the area and see roe deer and birds, and experience the smell of natural woodland; whereas if the development was approved, there would only be traffic, and the smell of food from kitchen ventilators. He expressed concern about the suitability of the roads infrastructure to cope with events and conferences which might be held, noting that up to 900 people could be accommodated at conferences. He added that although other events might be held at the weekend when there might not be such an impact on traffic, conferences could potentially be held on a daily basis. Mr Macalister Hall stated that people attending conferences would be unlikely to car share, and therefore there was the potential for hundreds of cars to vacate the site at the same time. He argued that the roads in the area were unsuited to this level of traffic, and this would cause an unacceptable disruption to residents.

Mr Macalister Hall concluded his presentation by highlighting how well-used the woods were, and that the land was zoned as green belt and therefore was not suitable for the proposed development. He stated that he hoped that the Planning Development Management Committee and full Council agreed that a development of the size proposed was totally inappropriate for the area.

Mr Macalister Hall responded to questions from Members, and the following information was noted:-

- Mr Macalister Hall advised that he was not speaking on behalf of anyone else and was representing his own views. He felt that it was important for the public

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to make their views known which was why he had opted to take part in the hearing.

- In relation to a query about whether the recycling centre at Hazlehead had led to a large influx of traffic, Mr Macalister Hall advised that the access to the centre was from Hazlehead, and therefore did not affect the Hazledene / Denwood area.
- Finally, in relation to a query about tree damage at Denwood, Mr Macalister Hall stated that he felt the trees were not thinned as often as they should be. The Committee heard that the Council was in the process of a whole scale review of wooded areas.

Finally, the Committee heard from **Mr Stephen Willis, North East Scotland Project Officer for Saving Scotland's Red Squirrels**. Mr Willis explained that the organisation's main concerns related to the increase in traffic and the fragmentation of the woodland area, which could lead to an increased chance of squirrel mortality. He added that there would be a loss of the tree canopy area if roads were widened.

Mr Willis explained that there had been a large increase in the number of red squirrels due to the work being undertaken to reduce the grey squirrel population, and added that Hazlehead Park best represented the work of the project. He stated that it was now virtually guaranteed for the public to see red squirrels in the area, which was a remarkable turnaround on the previous situation. Mr Willis highlighted the recognition of the project's work in Aberdeen, advising that the work was shortlisted for an award. He displayed slides which indicated the increase in the numbers of red squirrels in the area, and explained that any other sightings nearby were likely to be an overflow from the Hazlehead Park area.

Mr Willis added that it was difficult to see what mitigation could be undertaken to reduce squirrel mortality if the proposal went ahead. He advised that road signs had not been shown to make much difference, and although he noted that rope bridges had been suggested, he was not aware that these reduced road mortality. He concluded by highlighting the huge amount of progress the project had made to build up the number of red squirrels in the area, but added that if the proposal was to be approved, then he and his team would be keen to work with the developers as early as possible in relation to planting and safe crossings.

Mr Willis responded to questions from Members, and the following information was noted:-

- In response to a question about whether squirrels would make use of underpasses, and whether they would prefer to use old trees for example to cross roads, Mr Willis advised that they would probably be less inclined than other animals to use underpasses, and that they would prefer more solid structures than the rope bridges which were proposed.

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- In response to a query about the next stage of the Saving Scotland's Red Squirrels project activities in Denwood, Mr Willis explained that it would be ideal if the city's green spaces were better linked.
- Mr Willis advised the Committee that the mortality numbers were difficult to quantify, but that there had not been any road casualties in the Hazlehead Park area since he had been in post.
- Mr Willis explained that although the project had not made representations as part of the process on the Countesswells development, the amount of work which had been undertaken in relation to the red squirrel population in Hazlehead had prompted the organisation to speak at the hearing.
- In response to a question about the extent of the project's efforts in Hazlehead thus far, Mr Willis advised that the cost of the work undertaken would likely be in the tens of thousands.
- Finally, Mr Willis was asked about the map of red squirrel sightings and the suggestion was made that if they were emanating from Hazlehead, then the squirrels would at some point be crossing busy roads without difficulty. Members asked if figures were available for the number of squirrels killed elsewhere. Mr Willis explained that it would be difficult to determine whether the squirrels had come from Hazlehead or not, but added that the city was not a safe environment for the animals. He advised the Committee that his organisation was also approaching owners of the land nearby Hazlehead – such as around Woodend Hospital – to make them aware of the project.

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 the application report which officers would prepare for consideration at a future meeting of the Council.

- **RAMSAY MILNE, Convener**

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ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	13 th May 2015
LEAD OFFICER	Chief Executive
TITLE OF REPORT	5 th Reviews of Electoral Arrangements
REPORT NUMBER	OCE/15/016
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

This report brings to the Council the recommendation of the Electoral Boundaries Task Group in relation to the Local Government Boundary Commission for Scotland's proposals for wards in the Aberdeen City Council Area under the 5th Reviews of Electoral Arrangements.

2. RECOMMENDATION

That the Council resolves to agree the proposals for wards in the Aberdeen City Council area presented in March 2015 by the Local Government Boundary Commission for Scotland.

3. FINANCIAL IMPLICATIONS

There are no specific financial implications to this report.

4. OTHER IMPLICATIONS

The subject matter of the report concerns ward boundaries within the Aberdeen City Council Area and the allocation of elected member numbers to each ward.

5. BACKGROUND/MAIN ISSUES

The Council's Electoral Boundaries Task Group has met three times (11th December 2014, 31st March 2015 and 22nd April 2015) in relation to the Local Government Boundary Commission for Scotland's 5th Reviews of Electoral Arrangements.

In March 2014, the Council confirmed its acceptance of the Commission's proposal to increase the number of members of Aberdeen City Council to 45. In March 2015, the Council received the

Commission's proposals for wards in the City Council Area, attached is a copy of the summary booklet setting out these proposals.

The Commission seeks a response from the Council to the proposals by 19th May 2015. A 12-week public consultation on the proposals will be undertaken by the Commission between July and October 2015 with final recommendations being made to Scottish Ministers by May 2016.

The intention is to have the ward arrangements agreed in time for implementation for the local government elections in May 2017.

In essence through its recommendations for Aberdeen the Commission seeks to:

- improve overall forecast parity (i.e. the average number of electors per councillor);
- address forecast disparities in ward 8 (George Street/Harbour), ward 9 (lower Deeside) and ward 10 (Hazlehead/Ashley/Queens Cross);
- increase the number of councillors in ward 8 (George Street/Harbour) by 1;
- increase the number of councillors in ward 13 (Kincorth/Loirston) by 1;
- make changes to ward boundaries by Countesswells, Grandhome and Pittodrie;
- make no changes to the boundaries of wards
 - 3 (Kingswells/Sheddocksley)
 - 4 (Northfield)
 - 5 (Hilton/Stockethill)
 - 7 (Midstocket/Rosemount)
 - 11 (Airyhall/Broomhill/Garthdee)
 - 12 (Torry/Ferryhill)
 - 13 (Kincorth/Loirston)
- rename ward 10 (Hazlehead/Ashley/Queens Cross) to (Hazlehead/Queens Cross/Countesswells) but make no changes to other ward names.

The Electoral Boundaries Task Group considered the ward proposals from the Commission at its meetings on 31st March 2015 and 22nd April 2015.

The Task Group's recommendation to the Council is that the Local Government Boundary Commission for Scotland's proposals for wards in the Aberdeen City Council Area should be agreed.

6. IMPACT

The subject matter of the report will have an impact on the overall number of elected members and the ward boundaries of the Council. The report is likely to be of some public interest.

7. MANAGEMENT OF RISK

The Council is asked to consider and form a view on proposals made by an external organisation.

8. BACKGROUND PAPERS

None

9. REPORT AUTHOR DETAILS

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Fifth Reviews of Electoral Arrangements

Aberdeen City Council Area

Proposals for wards



March 2015

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Membership of the Commission

Chairman: Mr Ronnie Hinds

Deputy Chairman: Mr William Magee

Commissioners: Mr Roland Bean
Prof. Ailsa Henderson
Dr Susan Walker

Secretary to the Commission: Dr Hugh Buchanan (to October 2014)
Ms Isabel Drummond-Murray (from October 2014)

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Introduction

1. The Local Government Boundary Commission for Scotland is an independent, non-political body whose purpose is to make recommendations for local government administrative and electoral boundaries in Scotland.
2. We are tasked by the Local Government (Scotland) Act 1973 to undertake reviews of local government electoral arrangements in Scotland. These reviews are our fifth periodic reviews of local government electoral arrangements in Scotland since we were first established in 1973. We intend to submit a report containing our recommendations for electoral arrangements for each council area in Scotland to the Scottish Ministers by May 2016, in time for implementation for the next local government elections in May 2017.
3. This booklet contains a summary of our proposals for Scotland as a whole and our proposals for wards in Aberdeen City council area, and information on how to participate in our consultation with councils **from 19 March to 19 May 2015**.

The reviews

4. In 2011 we consulted the public on our methodology for determining councillor numbers. The results of that consultation can be found on our website www.lgbc-scotland.gov.uk
5. We formally began the current reviews on 21 February 2014. We consulted councils and the public on our proposals for councillor numbers for each council between February 2014 and August 2014. We have now considered all the submissions received during these consultations. We have reached a decision on councillor numbers and the associated ward designs and are now presenting our proposals for wards for further consultation. The meeting papers that informed our deliberations and the minutes of our meetings are referenced on page 4. Details of how to participate in the consultation are given below.
6. For each electoral ward, we make recommendations about its boundary, its name and the number of councillors to represent the ward (legislation restricts this to either 3 or 4 councillors).
7. When reviewing electoral arrangements the legislation requires us to take account of the following factors:
 - the interests of effective and convenient local government;
 - within each council, that each councillor should represent the same number of electors as nearly as may be;
 - local ties which would be broken by making a particular boundary;
 - the desirability of fixing boundaries that are easily identifiable; and
 - special geographical considerations.
8. For further information on the policies and procedures we have adopted to underpin these reviews and the legal requirements for ward design, please refer to our *Guidance Booklet*, which is available on our website http://www.lgbc-scotland.gov.uk/reviews/5th_electoral/resources.asp or on request.

Our proposals for wards in Scotland

9. We developed our proposals using electorate data from 1 September 2013. The number of electors registered in each council electoral ward on that date can be found on our website. In developing our proposals for wards, we have had regard to the likely changes in the number of electors by considering forecast electorate counts in 2019. The methodology we have used to forecast electorates can be found on our website. Whilst the dataset does not include 16 and 17 year olds, we have considered the impact their inclusion on the electoral register would have and are content that this would not affect our proposals.
10. Our proposals use population size to set councillor numbers. In keeping with past reviews we have created categories of similar councils to set ratios of councillors to electors. In doing so, we have used population distribution and levels of deprivation to group councils together. Population size, however, remains the biggest determinant of councillor numbers and the design of wards.
11. We consulted on proposals for councillor numbers in 2014. In 5 council areas, we have changed the number of councillors proposed for the area from our original proposals for councillor numbers because it allows us to take better account of the factors in the legislation during ward design. Overall, our proposals provide for 1,217 councillors representing 351 wards in Scotland: a decrease of 6 councillors and 2 wards from existing electoral arrangements.
12. Our proposals for wards include unchanged electoral arrangements in 2 council areas and minor changes in 2 other council areas.
13. Nationally, over 96% of proposed wards are forecast to be within 10% of parity for the council area. At present 17% of existing wards are 10% or more from parity. Only 2 proposed wards are forecast to be more than 15% from parity, compared to 19 existing wards.
14. Our proposals improve parity between councillors in terms of the number of electors they represent (the forecast average variation from a council area's parity per councillor improves from 6.0% for existing wards to 4.6% for proposed wards).
15. In general we have sought to construct wards from complete local sub-geographies such as community council areas. In our proposals for wards almost 80% of community council areas are wholly within wards. In a few council areas, we have adopted ward designs that recognise other locally-significant boundaries such as community planning areas, neighbourhoods or natural communities.

Consultation on our proposals for wards

16. The legislation provides that we must first of all consult on our proposals with councils. This consultation on our proposals for wards runs from 19 March 2015 until 19 May 2015. After consideration of responses to this consultation with councils, we intend to conduct a 12-week public consultation on our proposals for wards between July and October 2015. Depending on the outcome of the consultation, we may further develop and consult on our proposals later in 2015. We expect to submit our reports containing our final recommendations to the Scottish Ministers by May 2016.
17. Further copies of this booklet are available on request.

18. We welcome all comments on our proposals to help inform our deliberations.
Comments can be made in the following ways:

in writing to:	Local Government Boundary Commission for Scotland Thistle House 91 Haymarket Terrace Edinburgh EH12 5HD
by email to:	comments@scottishboundaries.gov.uk

19. All comments we receive in response to this consultation will be available to view on our website in due course. For further information, please visit our website.
20. Where comments contain objections to our proposals, it would be helpful if they could be accompanied by alternative proposals that take account of statutory requirements and consider the consequences on the council area as a whole.

Proposals for wards in Aberdeen City council area

21. The maps on the following pages illustrate our proposals for wards in Aberdeen City council area. We present an electoral arrangement for 45 councillors representing 7 3-member wards and 6 4-member wards, increasing councillor numbers in the area by 2.

22. Our proposals for the council area:

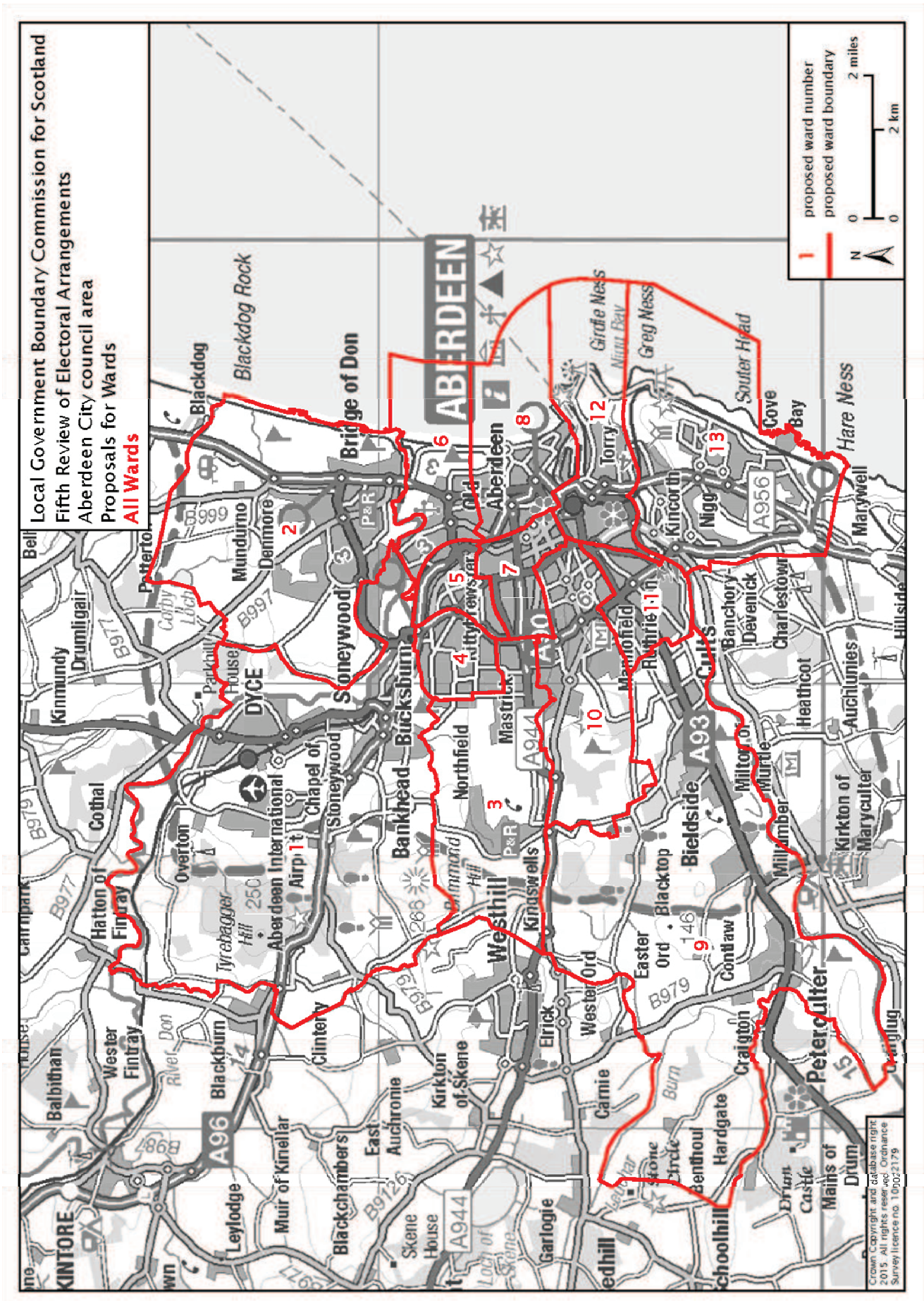
- improve overall forecast parity;
- address forecast disparities in ward 8 (George St/ Harbour), ward 9 (Lower Deeside) and ward 10 (Hazlehead / Ashley / Queens Cross);
- increase the number of councillors in ward 8 (George St/ Harbour) by 1 and increase the number of councillors in ward 13 (Kincorth/ Loirston) by 1;
- make changes to ward boundaries by Countesswells, Grandhome and Pittodrie;
- make no changes to wards 3 (Kingswells / Sheddocksley), 4 (Northfield), 5 (Hilton / Stockethill), 7 (Midstocket / Rosemount), 11 (Airyhall / Broomhill / Garthdee), 12 (Torry / Ferryhill) and 13 (Kincorth/ Loirston); and
- rename *Hazlehead / Ashley / Queens Cross* ward to *Hazlehead / Queens Cross / Countesswells* but make no changes to other ward names.

23. We discussed the proposals for Aberdeen City council area at our meeting of 7 October 2014 (see LGBCS Paper 2240/14). We decided on our proposals at our meetings of 3 February 2015 and 3 March 2015 (see LGBCS Paper 2276/15).

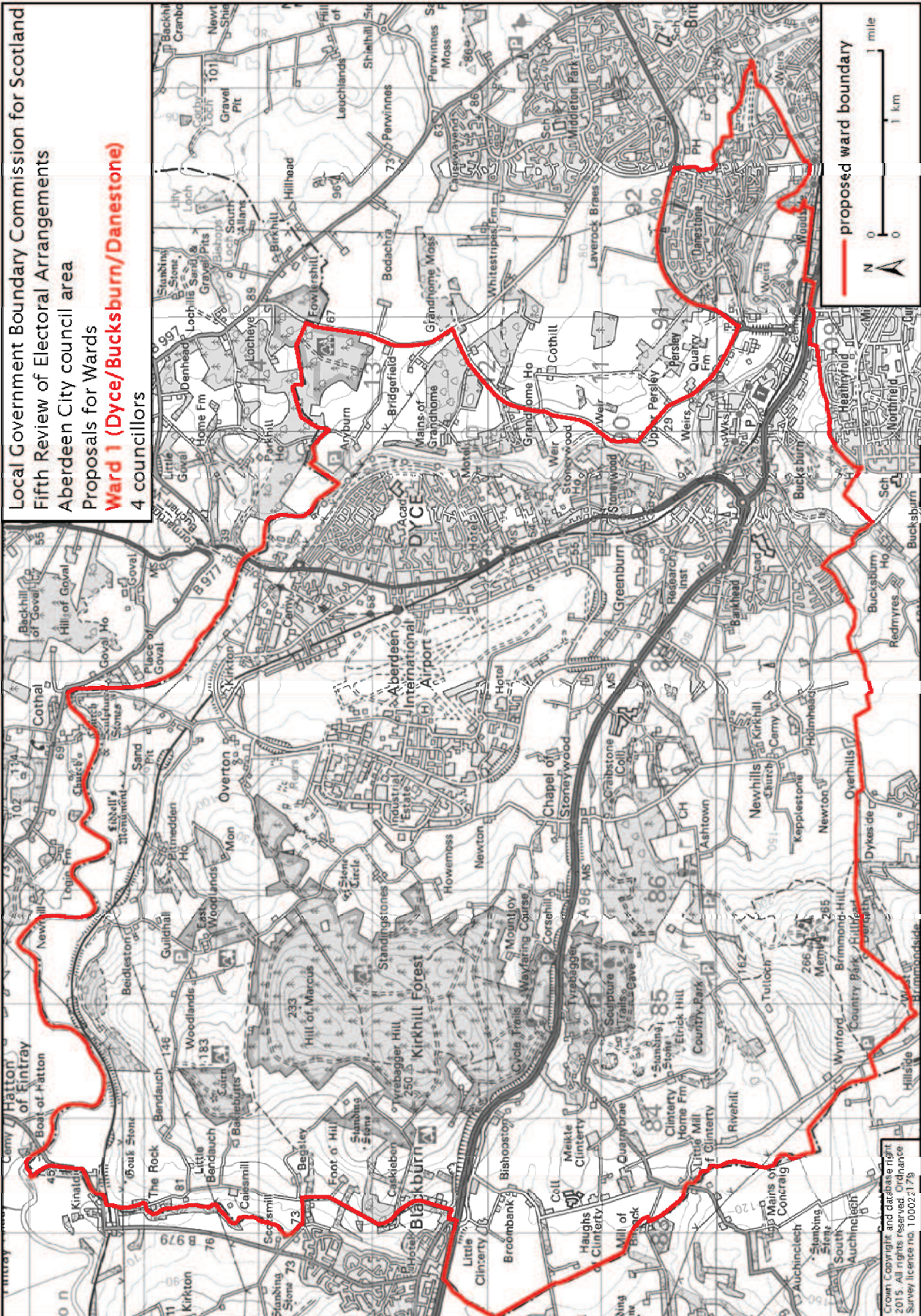
24. Table 1 below details the electorates and associated variation from parity of the proposed wards:

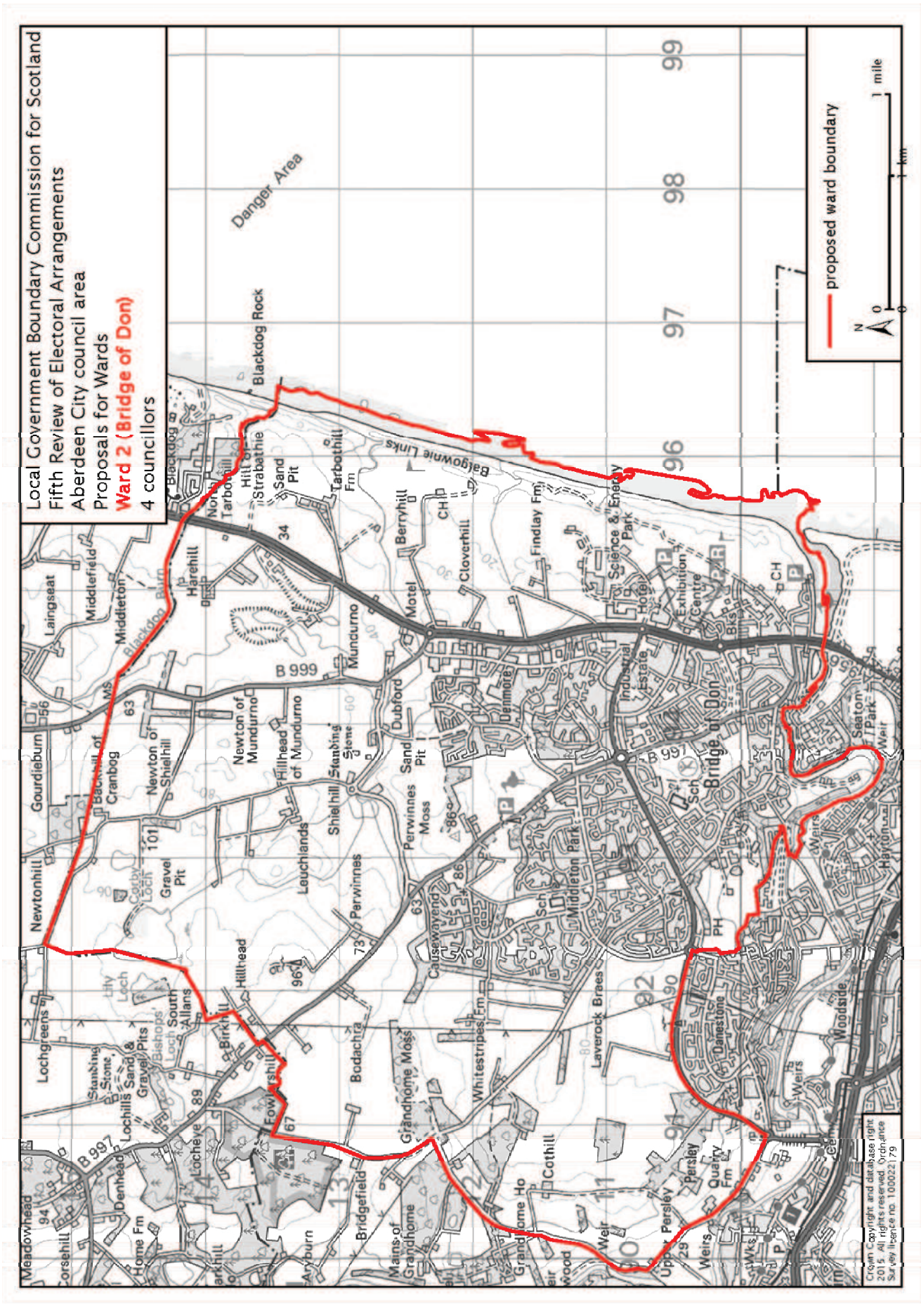
ward no.	ward name	cllrs	electorate Sept 13	actual variation from parity	forecast electorate 2019	forecast variation from parity
1	Dyce / Bucksburn / Danestone	4	14,689	-3%	16,603	4%
2	Bridge of Don	4	14,607	-3%	15,985	1%
3	Kingswells / Sheddocksley	3	11,131	-2%	11,503	-3%
4	Northfield	3	12,376	9%	12,289	3%
5	Hilton / Stockethill	3	11,753	4%	11,666	-2%
6	Tillydrone / Seaton / Old Aberdeen	3	12,036	6%	11,915	0%
7	Midstocket / Rosemount	3	11,857	5%	11,925	0%
8	George St / Harbour	4	15,610	3%	16,300	3%
9	Lower Deeside	3	11,551	2%	12,233	3%
10	Hazlehead / Queens Cross / Countesswells	4	14,034	-7%	16,004	1%
11	Airyhall / Broomhill / Garthdee	3	12,355	9%	12,341	4%
12	Torry / Ferryhill	4	15,671	4%	15,656	-1%
13	Kincorth / Loirston	4	12,350	-18%	14,364	-10%
Totals		45	170,020	6%	178,784	3%

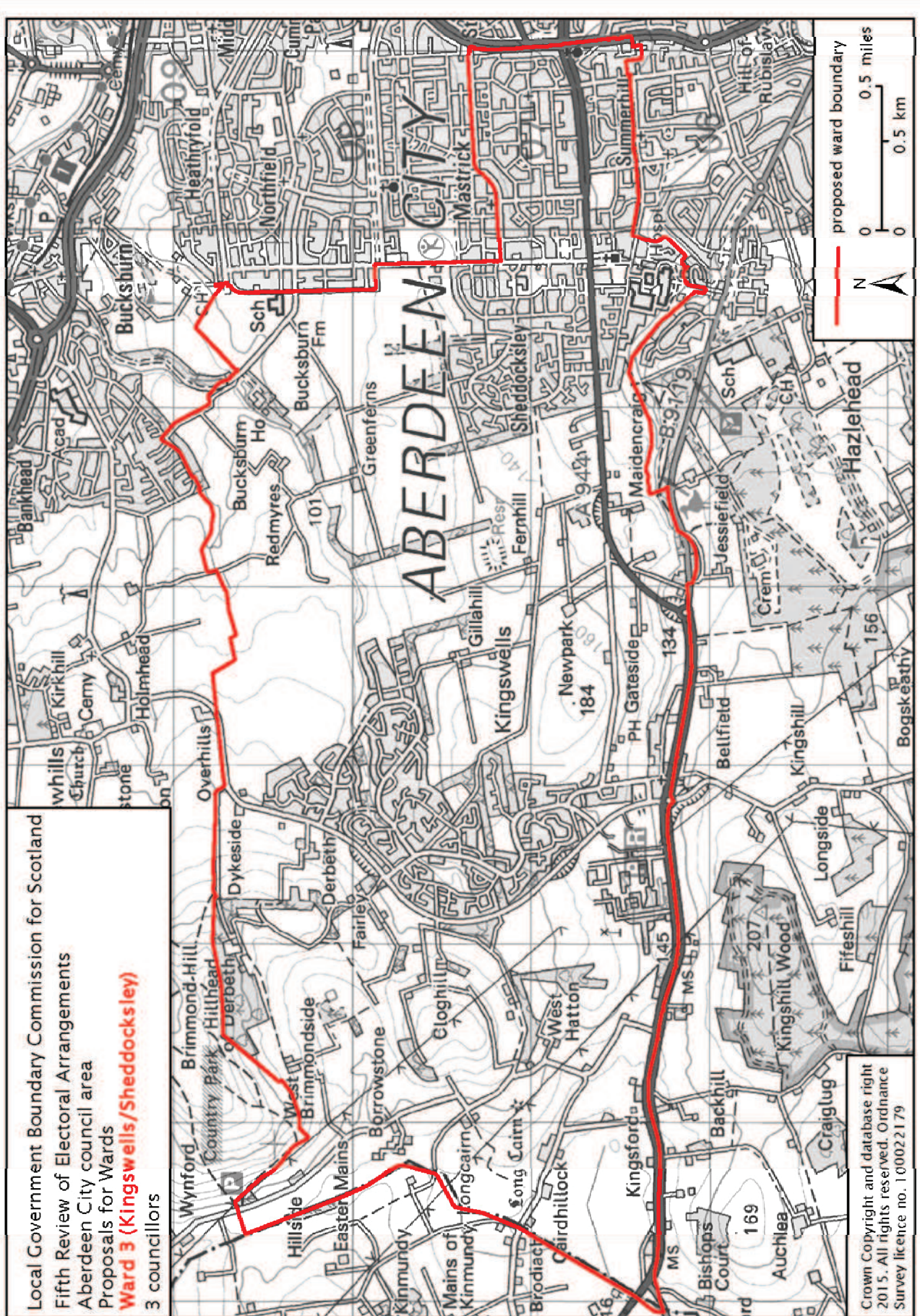
Table 1 – proposed wards’ electorate counts.

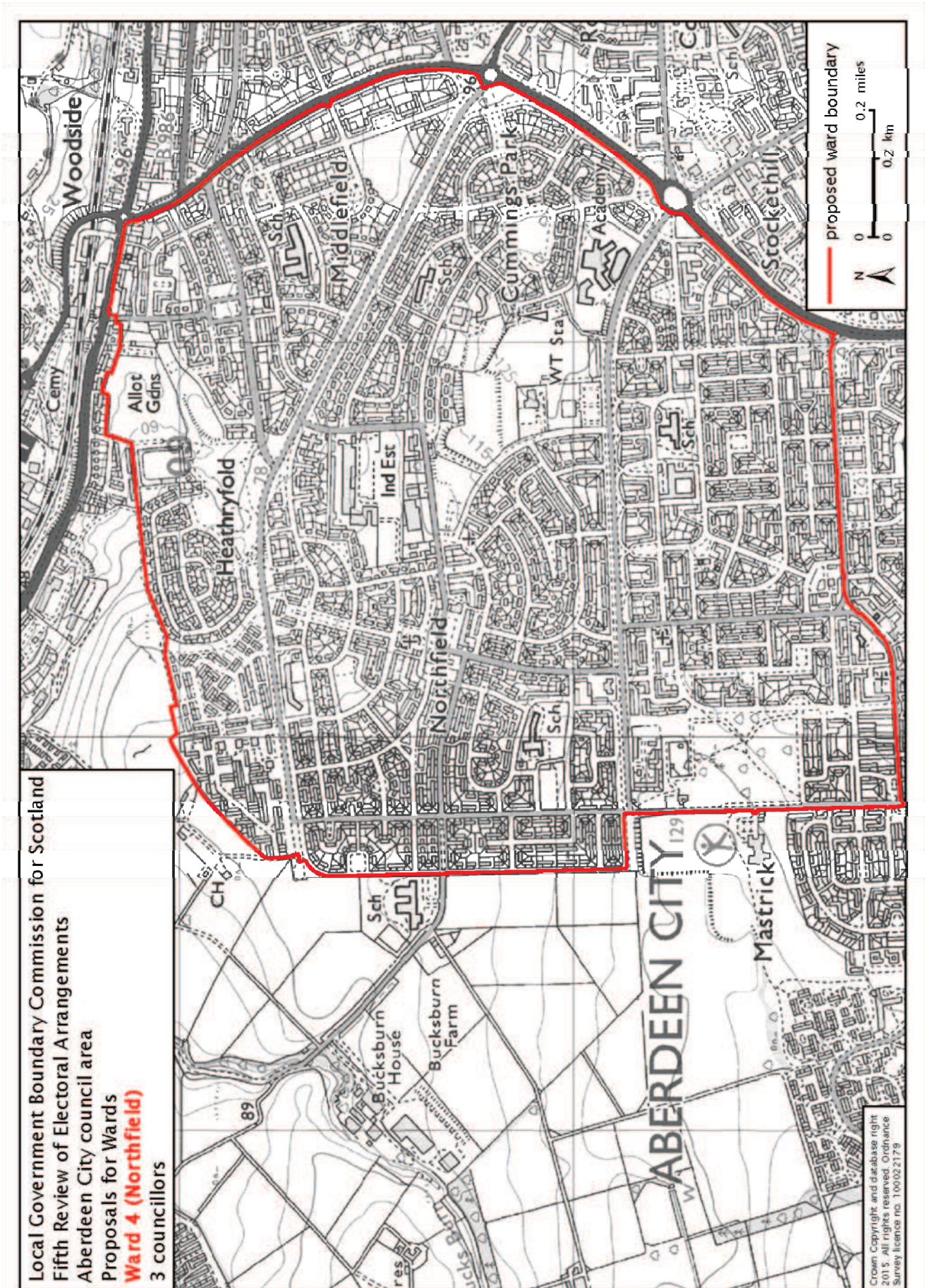


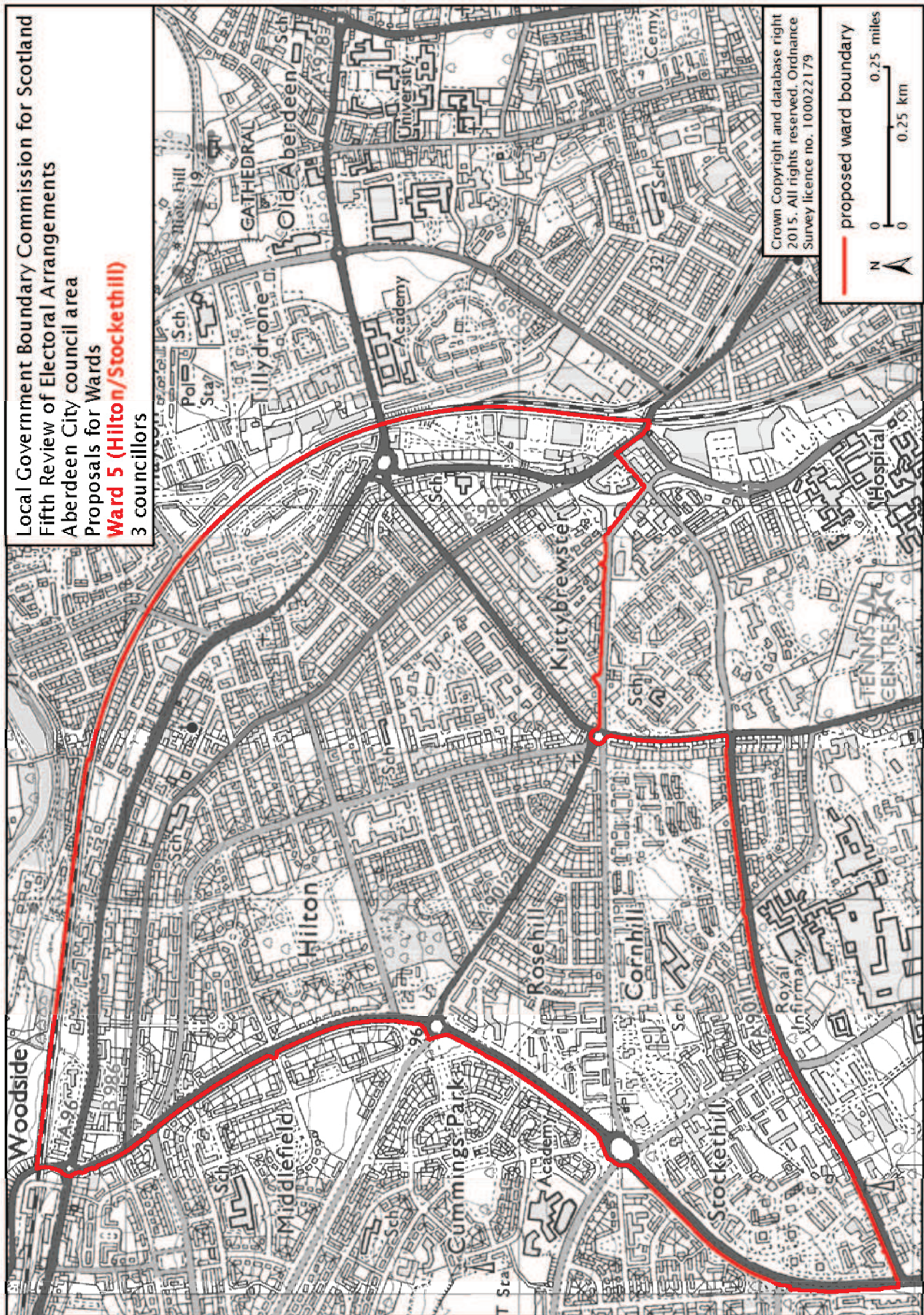
Local Government Boundary Commission for Scotland
Fifth Review of Electoral Arrangements
Aberdeen City council area
Proposals for Wards
Ward 1 (Dyce/Bucksburn/Danestone)
4 councillors

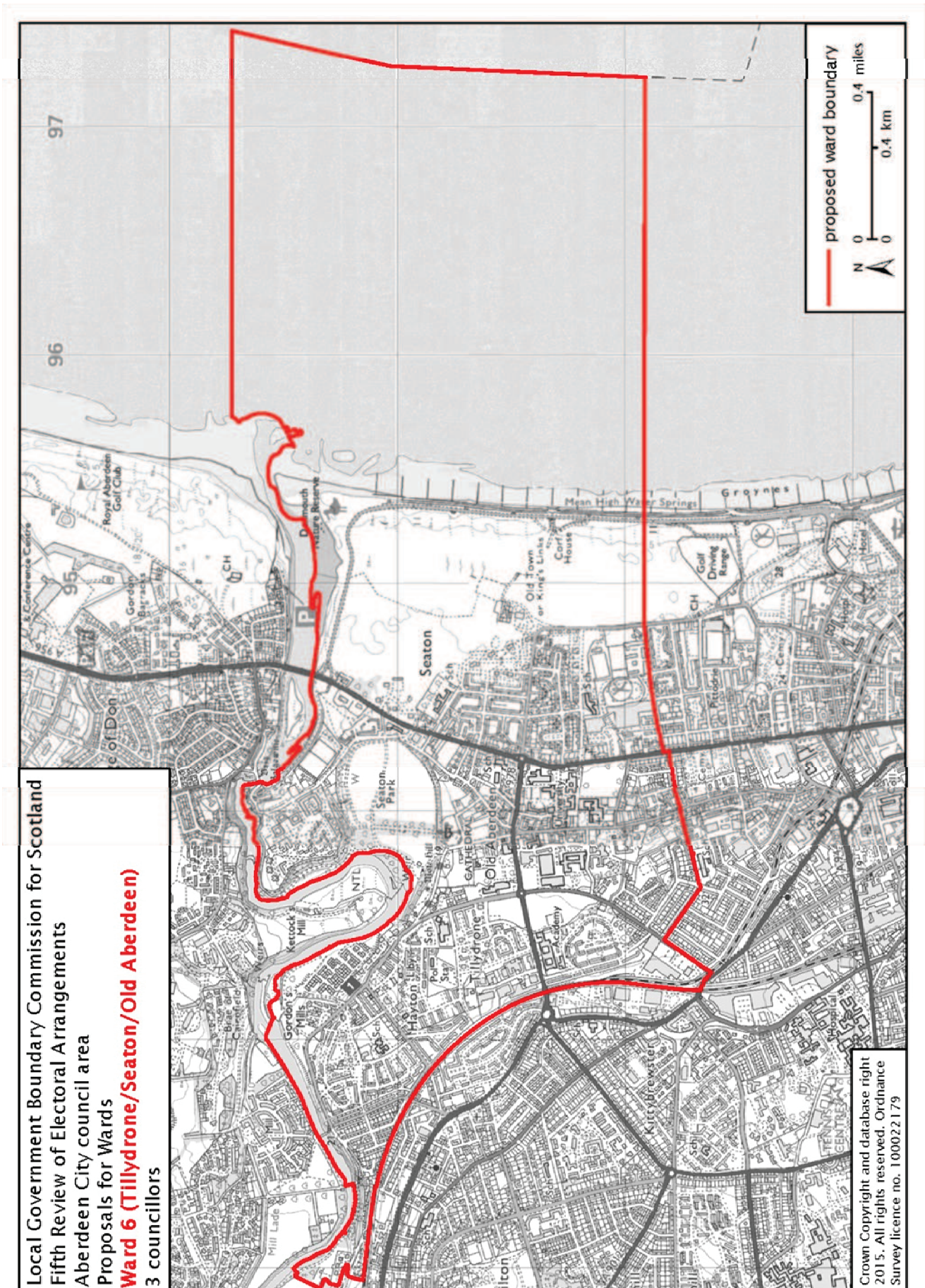


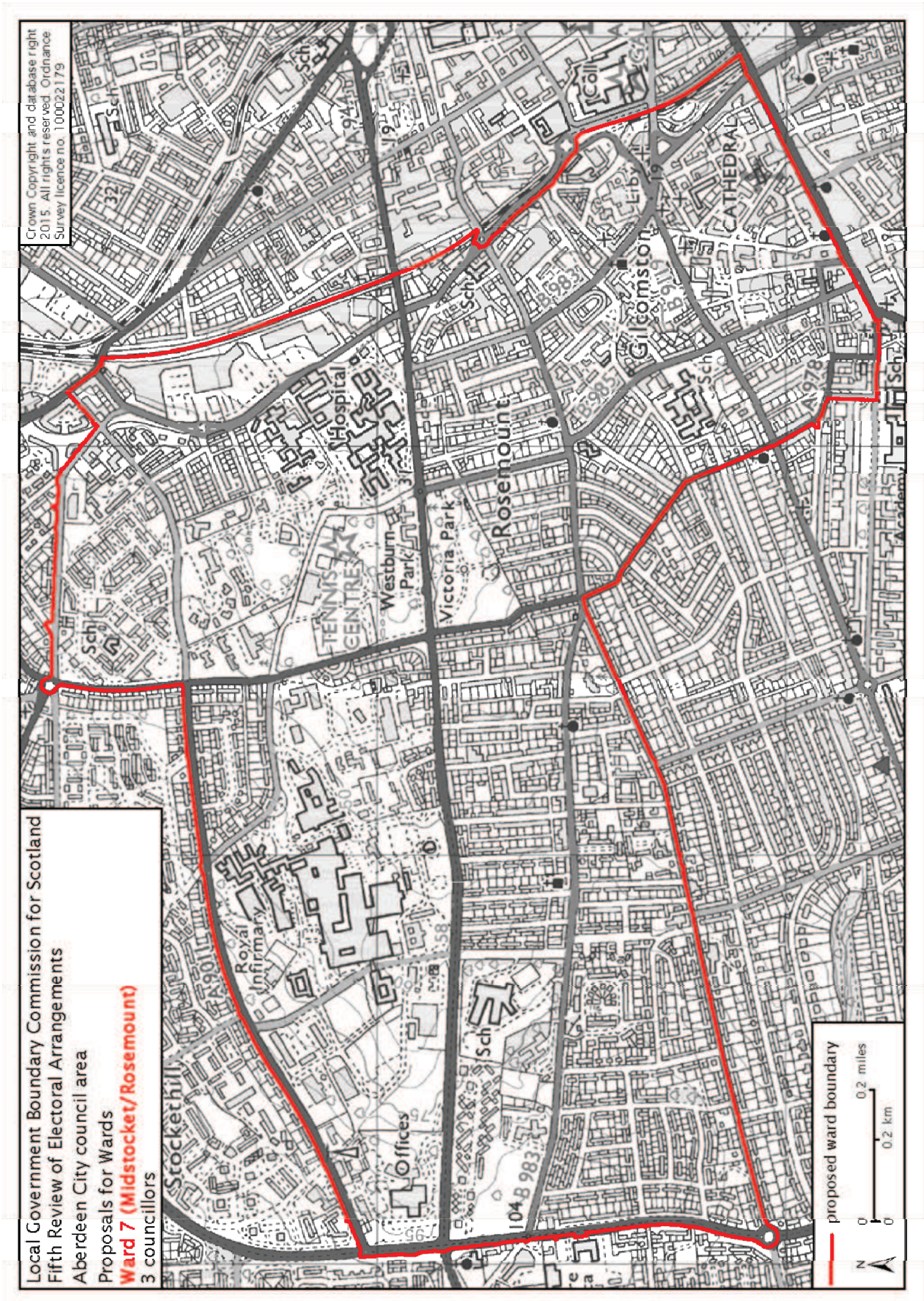


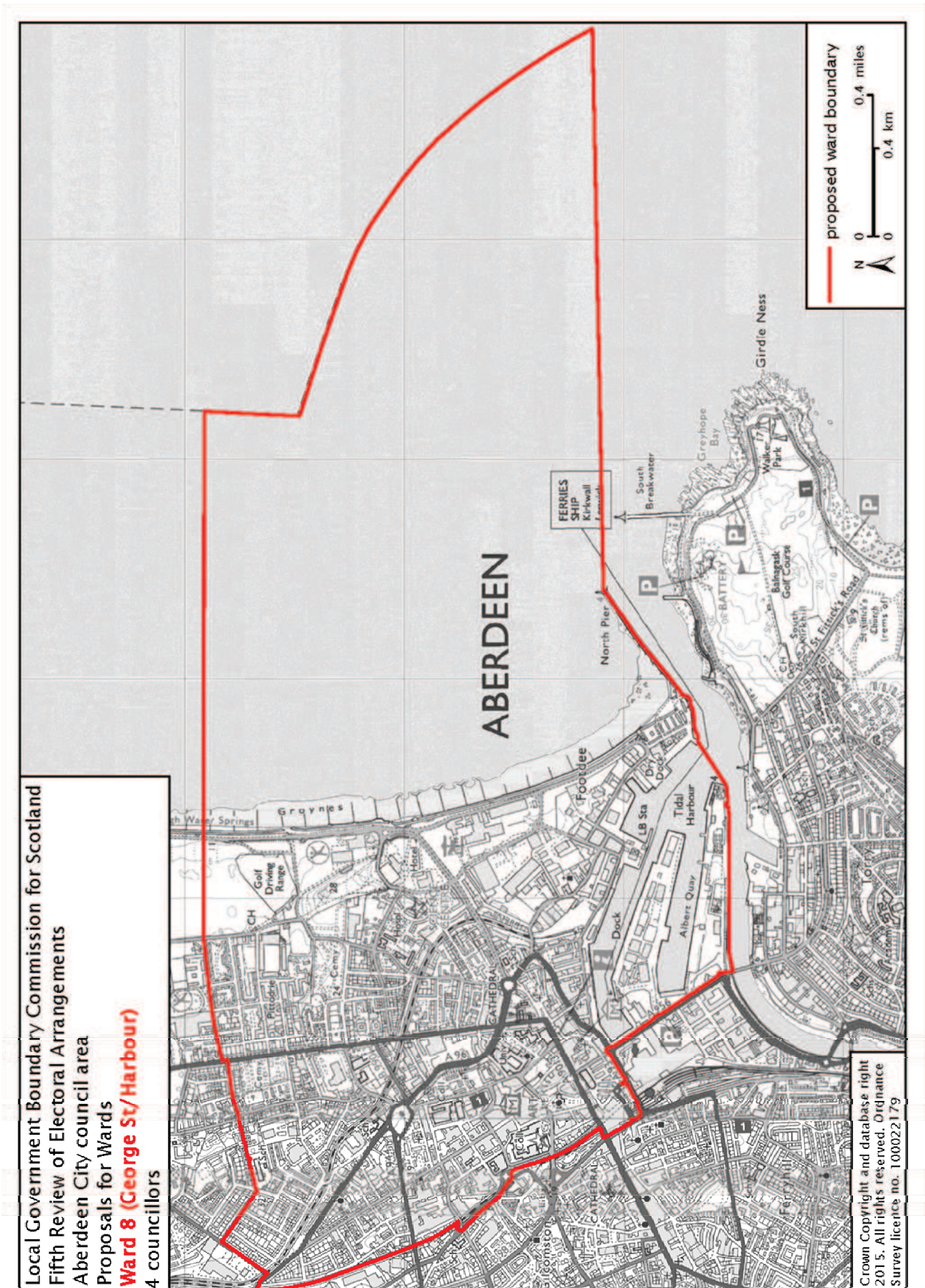


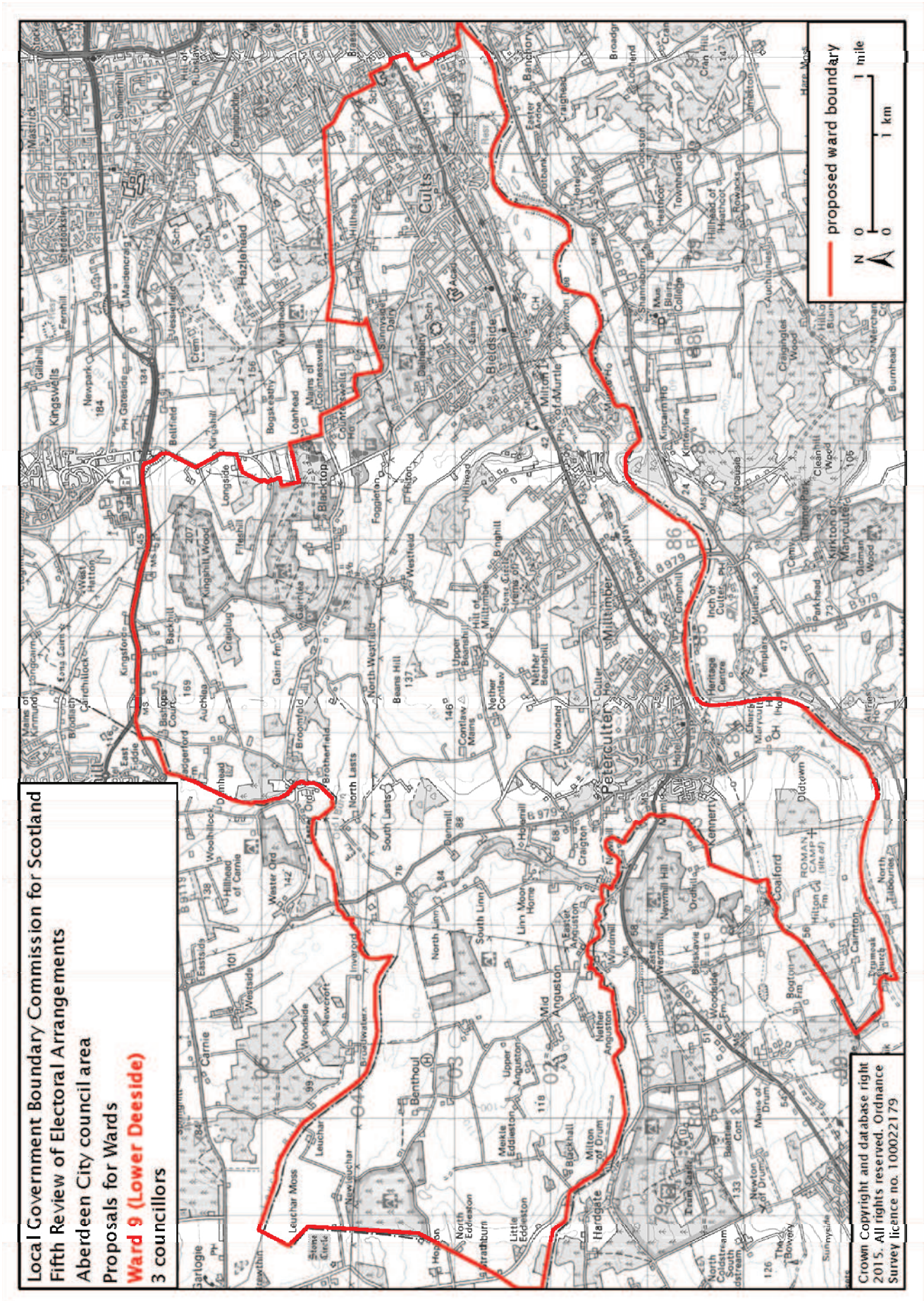


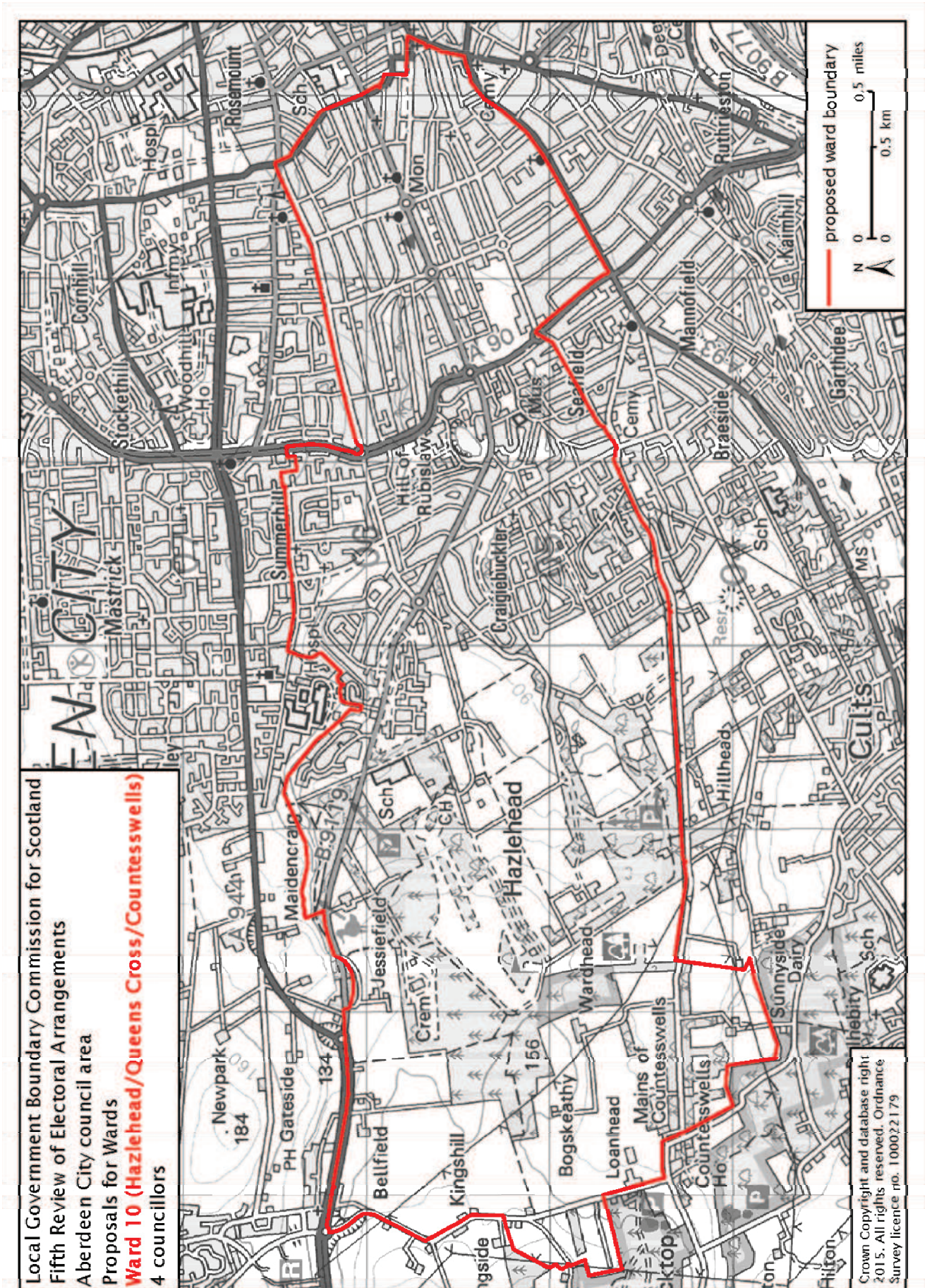


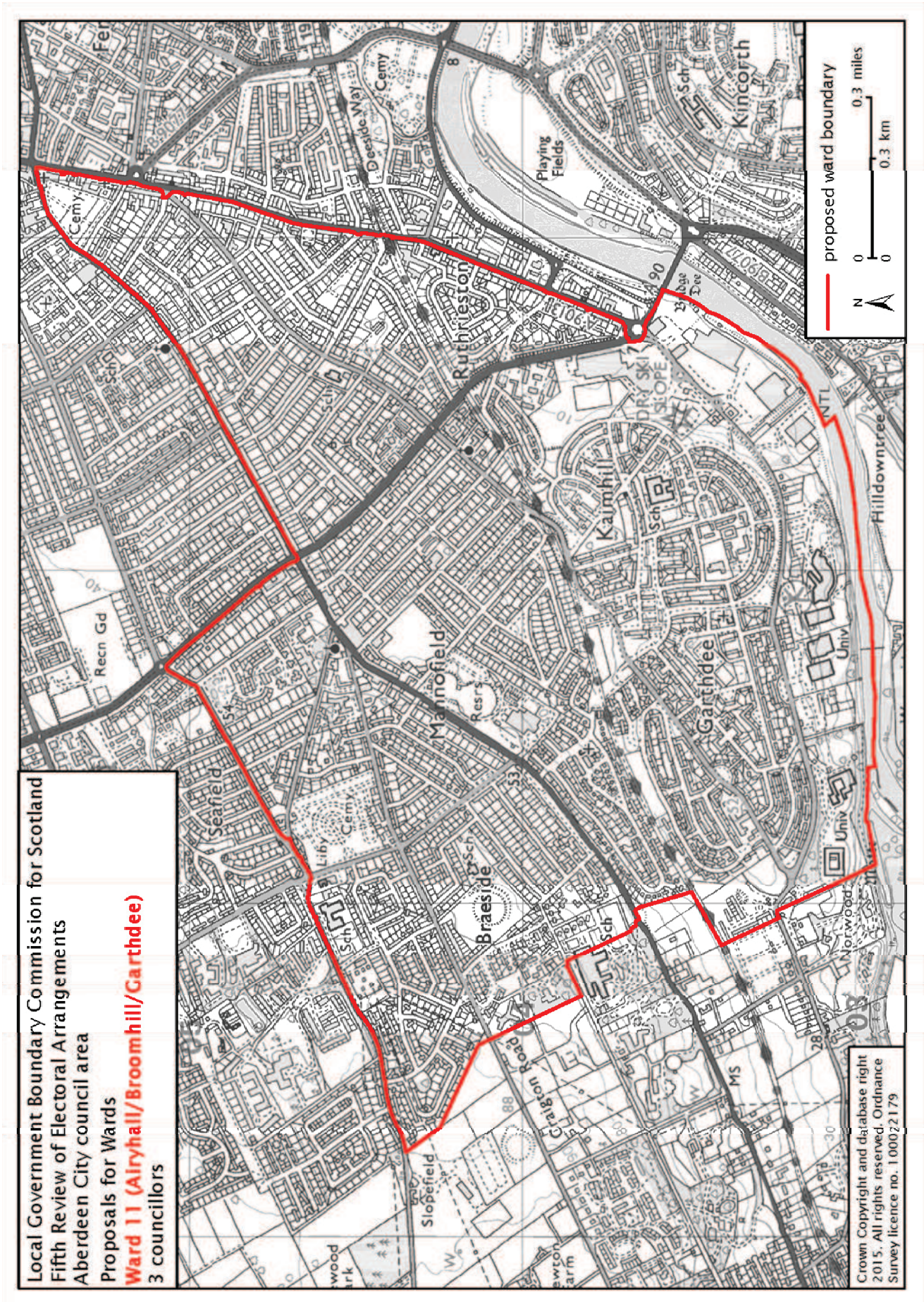


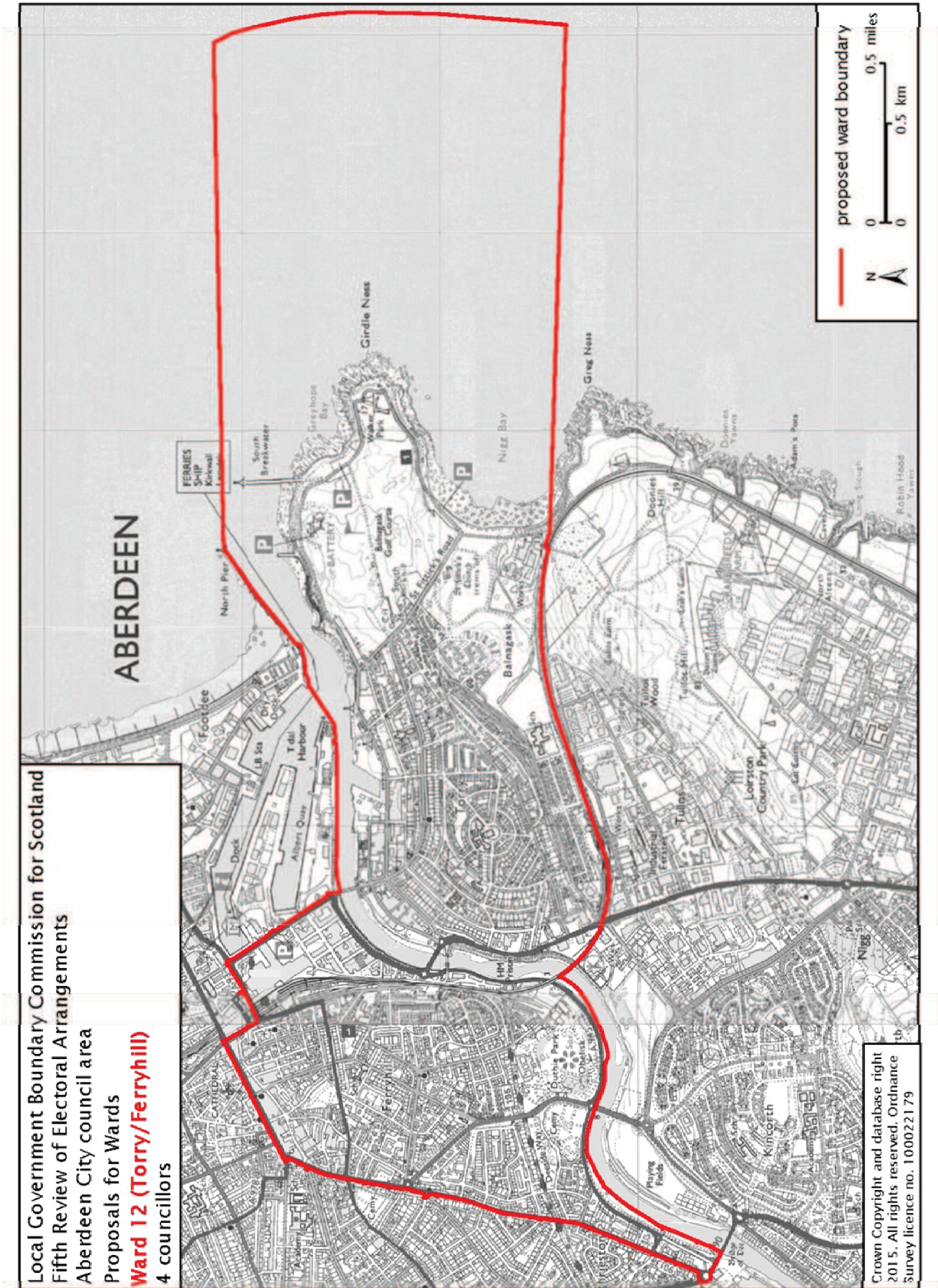


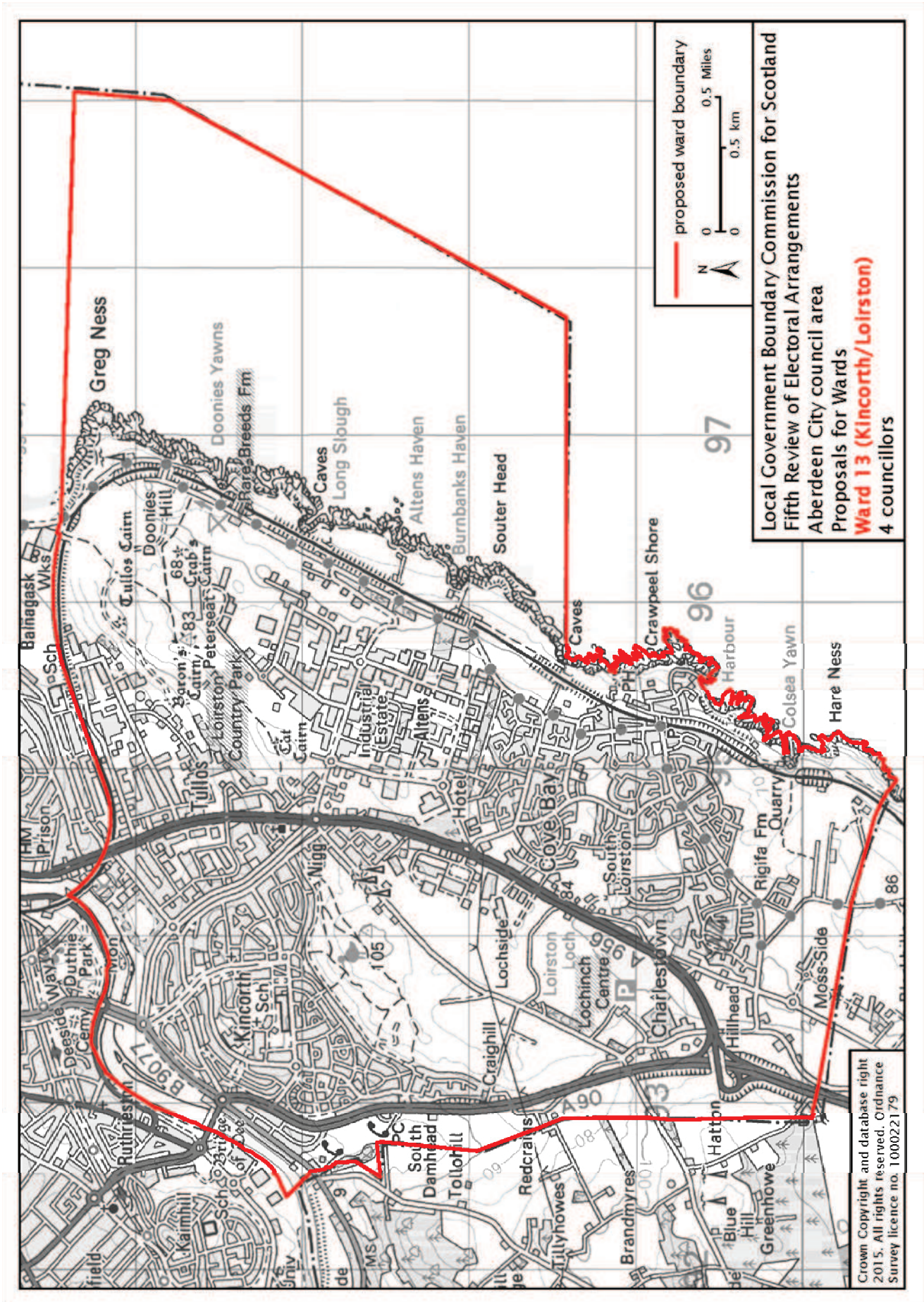












ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	13 May 2015
LEAD OFFICER	Angela Scott
TITLE OF REPORT	Council Diary 2016
REPORT NUMBER	CG/15/63
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

This report presents the diary of meetings for 2016 for approval.

2. RECOMMENDATION(S)

That the Council approve the attached diary, making any changes as appropriate.

3. FINANCIAL IMPLICATIONS

None.

4. OTHER IMPLICATIONS

It is essential that the Council plans its diary of meetings to enable officers to report to the democratic process in a planned and timeous way.

5. BACKGROUND/MAIN ISSUES

- (1) At the request of the Communities, Housing and Infrastructure Directorate, all meetings of the Planning Development Management Committee will be held on a Thursday. It is felt that this consistent approach benefits developers, applicants and objectors. The Directorate also requires meetings to be more frequent than one per cycle to assist them with meeting statutory performance indicators.

- (2) The diary generally follows a set pattern, based on an 8 week cycle, with the exception of the Planning Development Management Committee as detailed in (1) above. There are a few exceptions to this in the weeks following the Christmas, Easter, Summer and October holidays.
- (3) The school holidays in Easter and October have been kept free of Committee meetings.
- (4) Several dates in the diary have been kept clear of Committee meetings as a result of the Offshore Technology Conference in Houston and Offshore Northern Seas, Stavanger.
- (5) Appeals Committees are scheduled in the diary to allow for the quickest possible processing of appeals, but they are not always required.
- (6) It would be useful if the dates of party conferences were checked against the draft diary, and if it does not cause too much disruption, that these dates be avoided for Committee meetings. The Council meeting in October has been changed to a Thursday due to the Conservative Party Conference.
- (7) All meetings are scheduled to commence at 2pm unless otherwise stated.
- (8) NESTRANS and the Strategic Development Planning Authority meeting dates are set outwith the Council.
- (9) The Disability Advisory Group dates are provisional and in light of a decision taken at their last meeting, are subject to change.
- (10) The Audit, Risk and Scrutiny Committee meeting in June will be held on a Monday with agreement from the Convener, due to various financial deadlines. Committees are ordinarily held on a Tuesday, Wednesday or a Thursday.

The draft diary for 2016 forms appendix 1 to this report.

6. IMPACT

Public - the public will have an interest in the report as it provides details on meetings they can attend.

7. MANAGEMENT OF RISK

Should the diary not be approved at this stage, it will impact on the ability of officers to schedule reports to enable the Council to conduct its business.

8. BACKGROUND PAPERS

None.

9. REPORT AUTHOR DETAILS

Lynsey McBain
Committee Services Assistant
Email lymcbain@aberdeencity.gov.uk
Tel: 01224 522123.

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Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
					1 New Years Day	2
3	4	5	6 <u>SCHOOL TERM STARTS</u>	7	8	9
10	11	12	13 Housing Cases Review Sub Committee (2pm)	14 Planning Development Management Committee (10am) Pre-Application Forum (2pm) – if required	15	16
17	18	19 Licensing Committee (10am)	20 Communities, Housing and Infrastructure Committee (2pm)	21 Planning Development Management Committee (Visits) (9.30am) Petitions Committee (2pm)	22	23
24	25	26	27 Appeals Committee (10am)	28 Education and Children's Services Committee (2pm)	29	30
31						

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
	1 <i>Elected Member Development Day</i>	2 Licensing Board (10.30am)	3 Hazelhead Grove Nursery Working Group (10am) Property Sub Committee (2pm)	4 Council Budget (2pm)	5	6
7	8	9	10 Disability Advisory Group (10.30am)	11 Planning Development Management Committee (10am) Pre-Application Forum (2pm) – if required	12	13
14	15 <u>MID TERM HOLIDAY</u>	16 Finance, Policy and Resources Committee (2pm)	17	18 Planning Development Management Committee (visits) (9.30am)	19 Corporate Health & Safety Committee (10am)	20
21	22	23 Zero Waste Management Sub Committee (2pm)	24 Appeals Committee (10am)	25 Shareholder Scrutiny Group (10am) Audit, Risk and Scrutiny Committee (2pm)	26	27
28	29					

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
		1 1	2 Council (10.30am)	3	4	5
6	7 Pensions Committee (10am)	8 Licensing Committee (10am)	9	10	11	12
13	14	15 Communities, Housing and Infrastructure Committee (2pm)	16	17 Planning Development Management Committee (10am) Pre-Application Forum (2pm) – if required	18	19
20	21	22 Licensing Board (10.30am)	23 SDPA (2pm)	24 Planning Development Management Committee (Visits) (9.30am) Education and Children's Services Committee (2pm)	25 <u>GOOD FRIDAY HOLIDAY</u>	26
27	28 <i>Elected Member Development Day</i>	29 Property Sub Committee (2pm)	30 Appeals Committee (10am)	31		

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
					1 <u>SCHOOL TERM ENDS</u>	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18 <u>SCHOOL TERM STARTS</u> <u>PUBLIC HOLIDAY</u>	19 Housing Cases Review Sub Committee (10am) Finance, Policy and Resources Committee (2pm)	20 Disability Advisory Group (10.30am) Petitions Committee (2pm)	21 Planning Development Management Committee (10am) Pre-Application Forum (2pm) – if required	22	23
	25	26 Licensing Committee (10am)	27 Appeals Committee (10am)	28 Shareholder Scrutiny Group (10am) Audit, Risk and Scrutiny Committee (2pm)	29 Planning Development Management Committee (visits) (9.30am)	30
	24					

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
1	2 <u>MAY DAY HOLIDAY</u> OTC - Houston	3 OTC - Houston	4 OTC - Houston	5 <u>SCOTTISH PARLIAMENT ELECTION</u> OTC - Houston	6	7
8	9 <i>Elected Member Development Day</i>	10 Licensing Board (10.30am)	11 Council (10.30am)	12 Zero Waste Management Sub Committee (2pm)	13	14
15	16	17 Communities, Housing and Infrastructure Committee (2pm)	18 Hazlehead Grove Nursery Working Group (10am)	19	20 Corporate Health & Safety Committee (10am)	21
22	23	24 Property Sub Committee (2pm)	25 Appeals Committee (10am)	26 Planning Development Management Committee (10am) Pre-Application Forum (2pm) – if required	27	28
29	30	31				

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
			1 Housing Cases Review Sub Committee (2pm)	2 Planning Development Management Committee (Visits) (9.30am) Education and Children's Services Committee (2pm)	3	4
5	6	7 Finance, Policy and Resources Committee (2pm)	8 Disability Advisory Group (10.30am)	9 Petitions Committee (2pm)	10	11
12	13 Pensions Committee (10am)	14 Licensing Committee (10am)	15	16 Planning Development Management Committee (10am) Pre-Application Forum (2pm) – if required	17	18
19	20 <i>Elected Member Development Day</i>	21	22 Council (10.30am)	23 Planning Development Management Committee (Visits) (9.30am)	24	25
26	27 Shareholder Scrutiny Group (10am) Audit, Risk and Scrutiny Committee (2pm)	28 Licensing Board (10.30am)	29 Appeals Committee (10am)	30 Zero Waste Management Sub Committee (2pm)		

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
					1 <u>SCHOOL TERM ENDS</u>	2
3	4	5	6	7	8	9
10	11 <u>PUBLIC HOLIDAY</u>	12	13	14 Planning Development Management Committee (10am) Pre-Application Forum (2pm) – if required	15	16
17	18	19	20	21 Planning Development Management Committee (Visits) (9.30am)	22	23
24	25	26	27	28	29	30
31						

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16 <u>SCHOOL TERM STARTS</u>	17 Council (10.30am)	18 Planning Development Management Committee (10am) Pre-Application Forum (2pm) – if required	19	20
21	22	23 Licensing Committee (10am)	24 Appeals Committee (10am)	25 Planning Development Management Committee (Visits) (9.30am) Communities, Housing and Infrastructure Committee (2pm)	26 Corporate Health & Safety Committee (10am)	27
28	29 Offshore Northern Seas, Stavanger	30 Offshore Northern Seas, Stavanger	31 Offshore Northern Seas, Stavanger Disability Advisory Group(10.30am)			

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
				1 Offshore Northern Seas, Stavanger	2	3
4	5 Pensions Committee (10am)	6 Licensing Board (10.30am)	7 Hazlehead Grove Nursery Working Group (10am) Property Sub Committee (2pm)	8 Education and Children's Services Committee (2pm)	9	10
11	12 <i>Elected Member Development Day</i>	13 Petitions Committee (2pm)	14 Housing Cases Review Sub Committee (2pm)	15 Planning Development Management Committee (10am) Pre-Application Forum (2pm) – if required	16	17
18	19	20 Finance, Policy and Resources Committee (2pm)	21	22 Planning Development Management Committee (Visits) (9.30am)	23 <u>IN SERVICE DAY</u>	24
25	26 <u>PUBLIC HOLIDAY</u>	27 Shareholder Scrutiny Group (10am) Audit, Risk and Scrutiny Committee (2pm)	28 Appeals Committee (10am)	29	30	

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
						1
2	3	4 Zero Waste Management Sub Committee (2pm)	5	6 Council (10.30am)	7 <u>SCHOOL TERM ENDS</u>	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
	24 <u>SCHOOL TERM STARTS</u>	25 Licensing Committee (10am)	26 Appeals Committee (10am)	27 Planning Development Management Committee (10am) Pre-Application Forum (2pm) – if required	28	29
30	31 <i>Elected Member Development Day</i>					

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
		1 Communities, Housing and Infrastructure Committee (2pm)	2 Disability Advisory Group (10.30am)	3 Planning Development Management Committee (Visits) (9.30am)	4	5
6	7	8	9 Housing Cases Review Sub Committee (2pm)	10 Petitions Committee (2pm)	11	12
13	14	15 Licensing Board (10.30am)	16 Hazlehead Grove Nursery Working Group (10am) Property Sub Committee (2pm)	17 Education and Children's Services Committee (2pm)	18	19
20	21 Pensions Committee (10am)	22 Zero Waste Management Sub Committee (2pm)	23	24 Shareholder Scrutiny Group (10am) Audit, Risk and Scrutiny Committee (2pm)	25 Corporate Health & Safety Committee (10am)	26
27	28	29	30 Appeals Committee (10am)			

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
				1 Finance, Policy and Resources Committee (2pm)	2	3
4	5 <i>Elected Member Development Day</i>	6 Appeals Committee (10am)	7 Disability Advisory Group (10.30am)	8 Planning Development Management Committee (10am) Pre-Application Forum (2pm) – if required	9	10
11	12	13 Licensing Committee (10am)	14 Council (10.30am)	15 Planning Development Management Committee (visits) (9.30am)	16	17
18	19	20	21	22	23 <u>SCHOOL TERM ENDS</u>	24
25 <u>CHRIST MAS DAY</u>	26 <u>BOXING DAY</u>	27	28	29	30	31

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	13 th May 2015
LEAD OFFICER	Chief Executive
TITLE OF REPORT	Appointments
REPORT NUMBER	OCE/15/017
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

The report brings before the Council changes to previously agreed appointments.

2. RECOMMENDATIONS

- i. that Council notes Councillor Jennifer Stewart's resignation from the board of Aberdeen Performing Arts and agrees the appointment of a replacement representative;
- ii. that Council notes Councillor Blackman's resignation from the Aberdeen International Football Festival Trust and agrees not to appoint a replacement representative; and
- iii. that Council notes the two vacancies on the Aberdeen International Youth Festival Trust and agrees the appointment of replacement representatives.

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.

With regard to the Aberdeen International Football Festival Trust, legal colleagues advise that although the Trust is still in existence its purposes are no longer relevant and it is to be wound up. In these circumstances it would seem futile to brief a newly appointed elected member Trustee as the only activity remaining for it is to approve the process for its winding up. There are currently four elected member Trustees and three external appointees. It is suggested that no replacement be sought for Councillor Blackman.

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

Ciaran Monaghan
Head of Service, Office of Chief Executive
cmonaghan@aberdeencity.gov.uk
01224 522293

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	13 May 2015
LEAD OFFICER	Angela Scott, Chief Executive
TITLE OF REPORT	Relaxation of drinking in public Byelaw for BP Big Screens 2015
REPORT NUMBER:	OCE/15/012
CHECKLIST COMPLETED:	YES

1. PURPOSE OF REPORT

To seek permission to approach the Scottish Government to confirm the suspension of the operation of the Aberdeen City Council Drinking in Public Places Byelaw 2009, to permit the responsible consumption of alcohol within the boundaries of the main grass area of Duthie Park for BP Big Screens, Don Giovanni, Friday 3rd July 2015.

2. RECOMMENDATION(S)

Members are asked to instruct the Head of Legal and Democratic Services to carry out the necessary advertising of the proposed suspension.

Legal and Democratic Services also request confirmation from the Scottish Government that the Aberdeen City Council Drinking in Public Places Byelaw 2009 be suspended within the boundaries of the Duthie Park.

3. FINANCIAL IMPLICATIONS

There are advertising costs associated with the publicising of the temporary suspension. Two notices will need to be published in the local press with a notice advising of the intention to temporarily suspend the byelaw and (assuming the Scottish Ministers confirm the temporary suspension), a second notice advising of the confirmation of the temporary suspension. The cost for this in 2014 was £578.00

4. OTHER IMPLICATIONS

Health and Safety

Relevant health and safety audits and associated risk assessments will be carried out prior to the staging of this event.

Environmental

Efforts will be made to recycle the waste accumulated at this event.

Economic

This event creates a positive attitude in the city, assisting with the promotion of the city as a vibrant place in which to invest, live and visit.

5. BACKGROUND/MAIN ISSUES

The BP Big Screens will return to Aberdeen on Friday 3 July 2015 with the opera "Don Giovanni". The live transmission will be relayed direct to Aberdeen from the Royal Opera House, Covent Garden, London. The event is sponsored by BP, supported by Aberdeen City Council and will be displayed on a 40 x 40 foot screen complete with sound. The event is free to all and is expected to attract around 3,000 people of all ages and abilities.

This will be the 10th year this event taken place in Aberdeen and each year, the success of the event has grown alongside its popularity. Limited catering will be provided and although alcohol will not be on sale, it is normal for members of the public to bring a picnic with them which may include alcohol. Event stewards, medical and welfare and a toilet service will be provided alongside passing attention from Police Scotland.

In all previous years, this event has passed with no noted incidents or accidents reported in relation to alcohol.

The BP Big Screens concept is :

1. to introduce opera in relaxed surroundings to new audiences
2. give people an opportunity to see the world's best talent
3. to provide free world class entertainment to families who might otherwise not be able to access cultural activities

The existing Aberdeen City Council Drinking in Public Places Byelaw 2009 will require to be suspended to allow the consumption of alcohol at this event. This will involve the creation of a new byelaw which enacts a temporary suspension of the existing byelaw. The new byelaw must be advertised for a minimum of 28 days to allow members of the public an opportunity to comment on the proposed suspension.

Following the completion of the consultation period, the new byelaw will then require the approval of the Scottish Government.

6. IMPACT

Corporate
Aberdeen – the Smarter City

- We will promote Aberdeen as a great place to live, bring up a family, do business and visit.

Smarter Living (Quality of Life)

- We aspire to be recognised as a City of Culture, a place of excellence for culture and arts by promoting Aberdeen as a cultural centre hosting high quality diverse cultural events for the whole community and beyond.

Smarter Economy (Competitiveness)

- We will work with partners to promote the city as a place to invest, live, work and export from.

Community Plan

- Work with other organisations, agencies and groups, including Visit Scotland and Visit Aberdeen, to encourage tourism and the provision of facilities for tourists.

7. MANAGEMENT OF RISK

Appropriate control measures will be put in place. Audience members will be asked to drink in a responsible manner and event stewards from an approved Security Industry Authority (SIA) contractor will be in attendance.

8. BACKGROUND PAPERS

Letters of support attached from the Procurator Fiscal and Police Scotland.

9. REPORT AUTHOR DETAILS

Sarah Lynn
City Events Executive
Salynn@aberdeencity.gov.uk
01224 522802

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Crown Office and Procurator Fiscal Service

Procurator Fiscal's Office, ATHOLL HOUSE, 84-88 GUILD STREET, ABERDEEN, AB11 6QA



Mr Kenny Luke
City Events
Aberdeen City Council
Enterprise Planning & Infrastructure
Business Hub 10
Second Floor South
Marischal College
Broad Street
ABERDEEN AB10 1AB

Tel No (from landline):

Tel No (from mobile):

RNID Typetalk prefix: 18001

Fax:

Legal Post Ref:

Your ref: P&OS/KL/2015

Our ref:

19 January, 2015

Dear Mr. Luke

BP BIG SCREEN EVENTS DUTHIE PARK – 3 JULY 2015 SUSPENSION OF DRINKING IN PUBLIC PLACES BYELAW

Thank you for your letter 12 January, 2015.

I understand that the BP Don Giovanni Event is to take place in the Duthie Park on Friday 3 July, 2015. Whilst the suspension of the Byelaw is a matter for the Council, in the circumstances, I confirm that I would have no objection if it were suspended for the purposes of the Event.

I trust this is of assistance.

Yours sincerely

A. SHANKS
Procurator Fiscal

Kenny Luke

From: Skinner, Barry
Sent: 19 January 2015 10:41
To: Kenny Luke
Subject: BP Big Screens at Duthie Park - 3 July 2015
Attachments: BP Big Screens 030715.pdf

NOT PROTECTIVELY MARKED

Kenny

Regarding the attached letter seeking our support in principal for a suspension of the byelaw, I am content to do so, pending us having sight of the usual applications for a Temporary Public Entertainment Licence and for an Occasional Licence for alcohol.

Regards,

Barry Skinner

Barry Skinner
Sergeant 9235



[Aberdeen City Division | Divisional Coordination Unit | Police Service of Scotland]
Internal 66466 | Telephone
Website: www.scotland.police.nhs
Facebook: www.Facebook.com/PoliceScotland
Twitter: @AberdeenPolice
Mail: Aberdeen City Division, Queen Street, Aberdeen, AB10 1ZA

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ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	13 May 2015
DIRECTOR	Pete Leonard
TITLE OF REPORT	Street Begging Update
REPORT NUMBER:	CHI/15/169
CHECKLIST COMPLETED:	YES

1. PURPOSE OF REPORT

To advise Council of the letter to Mr Michael Matheson, Cabinet Secretary for Justice, The Scottish Government confirming the request for financial support for an assertive outreach worker to tackle the issue of street begging and further assist with the comprehensive street begging strategy.

2. RECOMMENDATIONS

The Council is recommended to:

Note the content of the letter sent to the Scottish Government and approaches being taken by the Council and its partners to address street begging.

3. FINANCIAL IMPLICATIONS

There are no direct financial implications to Aberdeen City Council. We are seeking financial support from the Scottish Government.

4. OTHER IMPLICATIONS

Should funding be secured for additional outreach work then management and employment arrangements will need to be decided in consultation with the Scottish Government and street-begging partnership.

5. BACKGROUND/MAIN ISSUES

In considering the Scottish Government reply not to confirm Aberdeen City Council (Prohibition of Begging in Designated Area) 2014 byelaw, council resolved to; Instruct officers to develop alternative sustainable solutions to the use of the proposed byelaw working in partnership with Police Scotland and other appropriate stakeholders; and to instruct the Chief Executive to write to the appropriate Scottish

Minister seeking financial and non-financial support to develop suitable solutions to tackle street begging.

Aberdeen street begging forum meet to develop strategies to address issues relating to street begging with the principal aim to help those in need secure a more sustainable future. The partnership forum includes; the Council (housing, homelessness, community safety and social work), Police Scotland, UK Border Agency, Aberdeen Alcohol and Drugs Partnership, Big Issue, Bethany Christian Trust and Aberdeen Cyrenians.

The forum has delivered a wide range of interventions to reduce street-begging ranging from delivery of support through to enforcement. The forum initiated the 'alternative giving scheme' - Begging Box initiative aimed to encourage donators to give directly to recognised charities through the begging boxes supporting the principal; 'Give a hand up not a hand out'.

The strategy includes producing the 'Everyday Street Support' information booklet giving beggars daily information on health and social support services; where to find support, clothing and food on any given day of the week. These booklets are distributed to street beggars by city wardens, the police, street pastors and voluntary sector groups.

Partners are committed to continue the high profile response to street beggars; The UK Border Agency is receptive to undertake further patrols to address begging by non-UK nationals. Police Scotland have increased the focus on street begging and have been taking a more pro-active approach to dealing with incidents of street begging encountered on patrols and in response to complaints received.

In reviewing the street begging strategy the partnership recognise the requirement to increase the assertive outreach work to help assess the on-going needs of street beggars, provide relevant support and facilitate engagement with relevant services. You will be aware that some, but not all, have complex needs, chaotic lifestyles and are challenging to engage. We believe the introduction of an assertive outreach worker would be a positive step forward to help assess these needs, engage with services and further gain information to inform future strategies.

We are requesting that the Scottish Government provides funding for the recruitment of an outreach worker to support street-beggars in Aberdeen. Funding requirements for a five year period is £129,000. Through the outreach worker we would aim to achieve improved social, health and housing outcomes for beggars.

6. IMPACT

Reducing levels of street-begging is likely to enhance the city centre's reputation as a place to visits, shop and socialise. Addressing the social, health and housing needs of street-beggars supports various objectives within the single outcome agreement and five year business plan.

Concerns exists in the city about street-begging activity in terms of fear and alarm caused; impact in business and city image; and also, concern for the well-being of

the beggars. The street-begging forum delivers an extensive strategy in line with Scottish Government recommendations however the issue does persist. Additional intervention is required to further reduce and eliminate street-begging.

The Equalities and Human Rights Impact does not identify any negative consequences for equality groups. The new proposal to deliver additional assertive outreach work should bring positive outcomes for any street-beggars with social, health and housing needs. Disability groups would experience positive impacts through reduced trip hazards arising from street-beggars. All protected characteristics could potentially benefit from reduced alarm and distress caused by aggressive street-begging.

7. MANAGEMENT OF RISK

Street-begging has a negative impact on the city's reputation. Failing to satisfactorily address the matter may create risk to the vibrancy of the city centre.

Best practice interventions are essential to manage risk of harm to street-beggars in terms of protecting them from harm and meeting their housing, health and social needs.

This report is likely to be of interest to media.

8. BACKGROUND PAPERS

Addendum – update to report CG/14/080 – Street Begging – Council meeting 25 June 2014

Street-begging report and minute of Housing and Environment committee meeting 14 May 2013

Proposed Street-begging Byelaw report and minute of Council meeting 20 May 2009.

Street-begging report and minute of Council meeting

Update Street-begging report and minute of Council meeting 31 October 2013.

9. REPORT AUTHOR DETAILS

Emily Queen Safer Aberdeen Manager Telephone: 01224 219452 Email: EQueen@aberdeencity.gov.uk	
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Our Ref. EQ/LM
Your Ref.
Contact Emily Queen
Email equen@aberdeencity.gov.uk
Direct Dial 01224 219452
Direct Fax

April 2015

Mr Michael Matheson
Cabinet Secretary for Justice
St. Andrew's House
Regent Road
Edinburgh
EH1 3DG

Housing and Environment
Aberdeen City Council
Community Safety Hub
1st Floor, Frederick Street
Business Centre
Aberdeen
Frederick Street
AB24 5HY

Tel 08456 08 09 10
Minicom 01224 522381
DX 529451, Aberdeen 9
www.aberdeencity.gov.uk

Dear Mr Matheson,

I refer to your letter dated 20 June 2014 advising of Scottish Ministers decision not to confirm Aberdeen City Council (Prohibition of Begging in Designated Area) 2014 byelaw.

In not confirming the byelaw you state the specific grounds to include that Aberdeen City Council has adopted; 'a comprehensive multi-agency approach to deal with issues associated with street begging which involves a number of local partners including police Scotland.' We note that this is in line with the Scottish Government's policy to reduce street-begging.

Since receiving your decision we have undertaken further engagement with street-beggars and investigated best practice to develop our street-begging strategy.

In reviewing our street begging strategy we recognise the requirement to increase our assertive outreach work to help assess the on-going needs of street beggars, provide relevant support and facilitate engagement with relevant services. You will be aware that some, but not all, have complex needs, chaotic lifestyles and are challenging to engage. We believe the introduction of an assertive outreach worker would be a positive step forward to help assess these needs, engage with services and further gain information to inform future strategies.

We believe that additional outreach work with street-beggars would be supportive of the Scottish Government's policy in respect of street begging and therefore respectfully request that the Scottish Government considers financial support for this proposal. Funding requirements for a full-time worker over a five year period is £129,000. Through the outreach worker we would aim to achieve improved social, health and housing outcomes for beggars. We would also endeavour to develop an exemplar intervention that could be replicated in other areas.

PETE LEONARD
DIRECTOR

We look forward to your considerations to providing funding and of course we would be receptive to meeting with your officers to develop this proposal and also explore further strategies.

Yours sincerely

Angela Scott
Chief Executive
Aberdeen City Council

Equality and Human Right Impact Assessment: The Form



EHRIA

There are separate guidance notes to accompany this form – “Equality and Human Rights Impact Assessment – the Guide.” Please use these guidance notes as you complete this form.

Throughout the form, **the word “proposal” refers to policy, strategy, plan, procedure, report or business case.** This then, embraces a range of different actions such as setting budgets, developing high level strategies and organisational practices such as internal restructuring. Please also refer to the “Completion Terminology” at the end of the form.

1:Equality and Human Rights Impact Assessment- Essential Information	
Name of Proposal: Street Begging Update	Date of Assessment: 27 April 2015
Service: Housing and Community Safety	Directorate: Housing and Environment
Committee Name or delegated power reference (Where appropriate): Council	Date of Committee (Where appropriate): 13 May 2015
Who does this proposal affect? Please Tick ▼	<input type="checkbox"/> Employees <input type="checkbox"/> Job Applicants <input type="checkbox"/> Service Users <input type="checkbox"/> Members of the Public <input type="checkbox"/> Other (List below)

2: Equality and Human Rights Impact Assessment- Pre-screening	
Is an impact assessment required?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If No, what is the evidence to support this decision? (Once this section is completed, please complete section 8 of the form).	

3: Equality and Human Rights Impact Assessment

<p>a- What are the aims and intended effects of this proposal?</p>	<p>To reduce street-begging in Aberdeen city centre.</p>
<p>c- List the outcomes from any consultation that relate to equalities and/or human rights issues e.g. with employees, service users, Unions or members of the public that has taken place in relation to the proposal.</p>	<p>Most complaints to police relate to aggression and other potentially criminal acts towards members of the public.</p> <p>The Council receives only a small number of complaints about street-begging.</p> <p>The matter periodically attracts significant negative local media interest.</p> <p>The reports suggests further work is required to collect further evidence about the issue and particularly from members of the public, business and links between begging and other criminal activity in the locality.</p> <p>Giving money to beggars can be interpreted as public support in response to the perceived needs of beggars.</p>

<p>d- Financial Assessment</p> <p>If applicable, state any relevant cost implications or savings expected from the proposal.</p>	<p>Costs (£)</p> <p>Implementation cost <input type="text" value="£ 129,000"/></p> <p>Projected Savings <input type="text" value="£"/></p>
<p>e- How does this proposal contribute to the public sector equality duty: to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations?</p>	
<p>Disability groups would experience positive impacts through reduced trip hazards arising from street-beggars.</p> <p>All protected characteristics could potentially benefit from reduced alarm and distress caused by aggressive street-begging.</p> <p>Street-beggars within priority categories may benefit from improved health, housing and social needs.</p>	

f- How does this proposal link to the Council's Equality Outcomes?

See above

4: Equality Impact Assessment - Test

What impact will implementing this proposal have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

Protected Characteristic:	Neutral Impact: Please ✓	Positive Impact: Please ✓	Negative Impact: Please ✓	Evidence of impact and if applicable, justification where a 'Genuine Determining Reason'* exists *(see completion terminology)
Age (People of all ages)	✓			
Disability (Mental, Physical, Sensory and Carers of Disabled people)		✓		
Gender Reassignment	✓			
Marital Status (Marriage and Civil Partnerships)	✓			
Pregnancy and Maternity	✓			

Equality Impact Assessment Test:

What impact will implementing this proposal have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

Protected Characteristic:	Neutral Impact: Please ✓	Positive Impact: Please ✓	Negative Impact: Please ✓	Evidence of impact and if applicable, justification where a ' <i>Genuine Determining Reason</i> '* exists *(see completion terminology)
Race (All Racial Groups including Gypsy/Travellers)	✓		✓	
Religion or Belief or Non-belief	✓			
Sex (Women and men)	✓			
Sexual Orientation (Heterosexual, Lesbian, Gay And Bisexual)	✓			
Other (e.g: Poverty)			✓	

5: Human Rights Impact Assessment Test	
Does this proposal have the potential to impact on an individual's Human Rights? Evidence of impact and , if applicable, justification where the impact is proportionate	
Article 2 of protocol 1: Right to education	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> ✓ Evidence:
Article 3: Right not to be subjected to torture, inhumane or degrading treatment or punishment	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> ✓ Evidence:

<p>Article 6: Right to a fair and public hearing</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Evidence:</p>
<p>Article 8: Right to respect for private and family life, home and correspondence</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Evidence:</p>
<p>Article 10: Freedom of expression</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Evidence:</p>
<p>Article 14: Right not to be subject to discrimination</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Evidence:</p>

<p>Other article not listed above, please state:</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Evidence: <input type="checkbox"/></p>
<p>6: Assessment Rating:</p>	
<p>Please rate the overall equality and human right assessment (Please see Completion terminology)</p>	<p><input type="checkbox"/> Red <input type="checkbox"/> Red Amber <input type="checkbox"/> Amber <input type="checkbox"/> Green</p>
<p>Reason for that rating:</p>	<p>The Equalities and Human Rights Impact does not identify any negative consequences for equality groups. The new proposal to deliver assertive outcome should bring positive outcomes for any street-beggars with social, health and housing needs. Disability groups would experience positive impacts through reduced trip hazards arising from street-beggars. All protected characteristics could potentially benefit from reduced alarm and distress caused by aggressive street-begging.</p>

7: Action Planning

As a result of performing this assessment, what actions are proposed to remove or reduce any risks of adverse outcomes identified on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

Identified Risk and to whom:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:
No risks identified				

8: Sign off

<p>Completed by (Names and Services) :</p>	<p>Neil Carnegie Service Manager Community Safety</p>
<p>Signed off by (Head of Service) :</p>	
<p>Please send an electronic copy of your completed EHRIA - without signatures - together with the proposal document and/or committee report to:</p> <p>Equalities Team Customer Service and Performance Corporate Governance Aberdeen City Council Business Hub 13 Second Floor North Marischal College Broad Street Aberdeen AB10 1AB</p> <p>Telephone 01224 523039 Email sandrab@aberdeencity.gov.uk</p>	

9: Completion Terminology:

<p>Assessment Pre-screening Rating:</p>	<p>This section will highlight where there is the obvious potential for a negative impact and subsequent risk of negative media coverage and reputational damage to the Council. Therefore, a full impact assessment is required, for example around sensitive issues such as marching, Gypsy/ Traveller issues, change to social care provision. It should also be completed to evidence why a full impact assessment was not required, example, there is no potential negative impact on people.</p>
<p>Assessment Rating:</p>	<p>After completing this document, rate the overall assessment as follows: Red: As a result of performing this assessment, it is evident that we will discriminate (direct, indirect, unintentional or otherwise) against one or more of the nine groups of people who share <i>Protected Characteristics</i>. It is essential that the use of the proposal be suspended until further work or assessment is performed and the discrimination is removed. Red Amber: As a result of performing this assessment, it is evident that a risk of negative impact exists to one or more of the nine groups of people who share <i>Protected Characteristics</i>. However, a genuine determining reason may exist that could legitimise or justify the use of this proposal and further professional advice should be taken. Amber: As a result of performing this assessment, it is evident that a risk of negative impact exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document. Green: As a result of performing this proposal does not appear to have any adverse impacts on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p>

<p>Equality Data:</p>	<p>Equality data is internal or external information that may indicate how the proposal being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as ‘<i>Equality Groups</i>’.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <ol style="list-style-type: none"> 1: Application success rates by <i>Equality Groups</i> 2: Complaints by <i>Equality Groups</i> 3: Service usage and withdrawal of services by <i>Equality Groups</i> 4: Grievances or decisions upheld and dismissed by <i>Equality Groups</i> <p>Certain discrimination may be capable of being justified on the grounds that:</p>
<p>Genuine Determining Reason</p>	<ol style="list-style-type: none"> (i) <i>A genuine determining reason exists</i> (ii) <i>The action is proportionate to the legitimate aims of the organisation</i> <p>Where this is identified, it is recommended that professional and legal advice is sought prior to completing an Equality Impact Assessment.</p>
<p>Human Rights</p>	<p>The rights set out in the European Convention on Human Rights, as incorporated into the UK Law by the Human Rights Act 1998.</p>
<p>Legal Status:</p>	<p>This document is designed to assist us in “<i>Identifying and eliminating unlawful Discrimination, Harassment and Victimisation</i>” as required by <i>The Equality Act Public Sector Duty 2011</i>. An Equality Impact Assessment is not, in itself, legally binding and should not be used as a substitute for legal or other professional advice.</p>

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ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	13th May 2015
DIRECTOR	Gayle Gorman
TITLE OF REPORT	Fishing Memorial Working Group
REPORT NUMBER	ECS/15/022
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

The report lays out the proposed roles, remit and membership of a short life working group, to be established to commission a memorial to the fishing industry.

2. RECOMMENDATION(S)

It is recommended that Council:- Establishes the Fishing Industry Memorial Working Group comprising five people, being three members (including the Lord Provost), one external representative (Mr Douglas Paterson) and one external adviser;

- (1) Approves the remit for the Working Group as being to agree (a) a budget for the commission and installation of the works; (b) the preferred site for the piece; (c) the commissioning process, shortlisting and selection of the artist and art form; (d) the timescale for completion; and (e) any formal opening event, including the invitation of dignitaries; and
- (2) Agrees that the Working group meets cyclically, or more frequently as required, on the understanding that during the construction of the piece, if there is no business for consideration, progress reports will be sent to each member of the Group.

3. FINANCIAL IMPLICATIONS

In the Common Good budget for 2015/16 Council approved £50,000 towards a commission to commemorate the fishing industry. The Scottish Government has also confirmed a contribution of £50,000. There are likely to be some additional private sponsors with links to the industry, but this has to be confirmed. Further clarification is being sought by Officers and a full budget will be agreed at the first meeting of the Working Group. Whilst the budgets for both the Gordon

Highlanders and Robert the Bruce statues were £125,000 each, there is no lower or upper limit and the commission will be budgeted accordingly.

Officers do not propose a public fundraising scheme as part of the initiative. This could lead to significant delays in both commissioning an artist whilst a final budget is established and as a consequence could add up to 18 months onto the project duration.

4. OTHER IMPLICATIONS

Legal Services will be required to scope and agree the commission and resulting contract. Committee Services will provide clerking for the working group. In relation to the installation of any artwork, subject to the agreed art form, resources may be required to excavate or otherwise investigate a proposed location in order to ascertain the implications for siting the work. Aberdeen City Council has developed a Public Art toolkit which provides online support and best practice when commissioning artworks. The Working Group will use this framework to ensure the project is carried out to maximise the benefit of the investment.

5. BACKGROUND/MAIN ISSUES

On 17th December 2014 Council approved the following motion by Lord Provost George Adam:

‘That Aberdeen City Council agrees to take forward approaches from associates of the local fishing industry to create an appropriate and lasting memorial to the men and women who lived, worked and died in it, in peacetime and in war, and to commemorate the major contribution which fishing has made to the city’s life and heritage. Officers are instructed to report on the establishment of a small working group, the scope of a commission, and confirmation of a budget with a view to obtaining contributions to build on external funds already secured.’

Establishing a small working group:-

The Working Group will comprise five people, being three members (including the Lord Provost), one external member involved in work already undertaken on the project and one external adviser. The Lord Provost has suggested that Mr Douglas Paterson be appointed as the external representative given the work he has undertaken in bringing the project to its current position.

Frequency of meetings:-

At least cyclical, with more frequent meetings to be held as business requires it. If there is no business for consideration during construction, then instead progress reports can be sent to members of the Group.

Future role:-

This is a short life Working Group which will exist for the lifetime of the project.

Remit:-

The Working Group will agree: (1) a budget for the commission and installation of the works; (2) the preferred site for the piece; (3) the commissioning process, shortlisting and selection of the artist and art form; (4) the timescale for completion; and (5) any formal opening event, including the invitation of dignitaries.

The scope of a commission:-

At the first meeting of the Fishing Industry Memorial Working Group, officers will propose the scope of a commission. This cannot be determined until the budget is confirmed and the site agreed.

Confirmation of budget:-

£50,000 has been agreed in 2015/16 from the Common Good fund, and the same amount will be contributed by the Scottish Government. Officers will report back to the first meeting of the Working Group on the final budget including the amount of private sponsorship secured.

6. IMPACT

This report relates to 'Aberdeen – the Smarter City', in particular to:

- We will improve access to and increase participation in arts and culture by providing opportunities for citizens and visitors to experience a broad range of high quality arts and cultural activities
- We aspire to be recognised as a City of Culture, a place of excellence for culture and arts by promoting Aberdeen as a cultural centre hosting high quality and diverse cultural events for the whole community and beyond

The report is also aligned to the city's Cultural Strategy, 'Vibrant Aberdeen' which includes the key objectives of:

- Establishing a cohesive cultural sector
- Increasing community engagement in cultural activity
- Improving the city's cultural profile
- Increasing investment in culture
- Effectively monitoring and evaluating the impact of culture

Public –

The fishing industry has been recognised as having a significant long term impact on the City of Aberdeen. It is likely that organisations and individuals associated with the industry will be interested in the City's intentions to commemorate this aspect of heritage, and what the completed art work will look like, including where this is sited. This can

be addressed through timely staged press releases and other means of communication, including social networking.

The motion from the Lord Provost recognises the contribution of both men and women to the industry, and the Working Group will ensure that the commission reflects this.

7. MANAGEMENT OF RISK

The risks in relation to this project are primarily relating to the timeline which will be developed to make sure the project is delivered timeously and within budget. The commission will specify a sum within which the artwork is to be delivered, and a timescale, ensuring the commissioned artist is complying with all dates and deadlines. Payments will be made according to agreed progress a final payment will not be made until completion. Depending on the agreed location, some consideration may need to be given to any related building or construction works which could affect the timescale.

8. BACKGROUND PAPERS

Agenda and minutes of the 17th December 2014 Council meeting.

9. REPORT AUTHOR DETAILS

Lesley Thomson, Cultural Policy and Partnerships Manager
lthomson@aberdeencity.gov.uk
01224 522499

Roderick MacBeath, Head of Democratic Services
rmacbeath@aberdeencity.gov.uk
01224 523054

Equality and Human Right Impact Assessment: The Form



ABERDEEN
CITY COUNCIL

EHRIA

There are separate guidance notes to accompany this form – “Equality and Human Rights Impact Assessment – the Guide.” Please use these guidance notes as you complete this form.

Throughout the form, **the word “proposal” refers to policy, strategy, plan, procedure, report or business case.** This then, embraces a range of different actions such as setting budgets, developing high level strategies and organisational practices such as internal restructuring. Please also refer to the “Completion Terminology” at the end of the form.

1: Equality and Human Rights Impact Assessment- Essential Information	
Name of Proposal: Fishing memorial – working group	Date of Assessment: 23/03/15
Service: Culture	Directorate: Education and Children's Services
Committee Name or delegated power reference (Where appropriate): Council	Date of Committee (Where appropriate): 13 th May 2015
Who does this proposal affect? Please Tick ▼	<input type="checkbox"/> Employees <input type="checkbox"/> Job Applicants <input type="checkbox"/> Service Users <input type="checkbox"/> Members of the Public <input type="checkbox"/> Other (List below)

2: Equality and Human Rights Impact Assessment- Pre-screening	
Is an impact assessment required?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If No, what is the evidence to support this decision? (Once this section is completed, please complete section 8 of the form).	

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3: Equality and Human Rights Impact Assessment	
a- What are the aims and intended effects of this proposal?	<p>The aim of the proposal is to establish a short life working group which will carry out the commissioning of an appropriate memorial to the men and women of the fishing industry in Aberdeen.</p>
b- What equality data is available in relation to this proposal? (Please see guidance notes)	<p>The nature of the project means that there is no reliable data historically which relates to equalities. However, officers leading the project are working with the City Historian to provide a briefing paper on the history of the fishing industry for the working group which provide information on the historical role of women in the industry, in order that the brief developed for the commission reflects the diversity of individuals who were/are part of the industry.</p>

<p>c- List the outcomes from any consultation that relate to equalities and/or human rights issues e.g. with employees, service users, Unions or members of the public that has taken place in relation to the proposal.</p>	<p>There has been no consultation with the public to date: this will happen when the report to Council is made available on the council website. Consultation with staff and unions is not required as it will not affect staff.</p>
<p>d- Financial Assessment If applicable, state any relevant cost implications or savings expected from the proposal.</p>	<p>Costs (£)</p> <p>Implementation cost £ 110,000</p> <p>Projected Savings £ 0</p>
<p>e- How does this proposal contribute to the public sector equality duty: to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good</p>	

relations?

The memorial will ensure that the roles of both men and women involved in the fishing industry are reflected in the finished artwork. The selection panel (also the working group) will take expert advice from the city historian to ensure that all briefings, press releases, and the commission itself, is historically accurate. In addition, the scoring sheet which will inform the shortlisting of the artist, will include a consideration of any positive/negative equalities issues and be score accordingly, hence influencing both the artist commissioned and the completed artwork.

f- How does this proposal link to the Council's Equality Outcomes?

By ensuring that the Council's Equality Outcomes are factored into the project commission, the selection of shortlisted artists through the assessment criteria, and officers brief the working group on their responsibilities in this regard, the Council's Equalities Outcomes will be supported.

4: Equality Impact Assessment - Test

What impact will implementing this proposal have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

Protected Characteristic:	Neutral Impact: Please ✓	Positive Impact: Please ✓	Negative Impact: Please ✓	Evidence of impact and if applicable, justification where a 'Genuine Determining Reason'* exists *(see completion terminology)
Age (People of all ages)	✓			The project will be designed to broadly appeal to all ages, and is not designed to consider any age in particular.
Disability (Mental, Physical, Sensory and Carers of Disabled people)	✓			The project will not consider disability in particular, but the space the artwork is housed in will be fully accessible to those with disabilities, and of a tactile nature.
Gender Reassignment	✓			The project will not consider in particular gender reassignment, but will not negatively reflect on the subject.
Marital Status (Marriage and Civil Partnerships)	✓			The project will not directly portray marriage or civil partnerships, but a key consideration is likely to be the dynamic between the sexes which contribute towards the success of the industry.
Pregnancy and Maternity	✓			The project does not consider pregnancy or maternity specifically.

Equality Impact Assessment Test:				
What impact will implementing this proposal have on employees, service users or other people who share characteristics protected by <i>The Equality Act 2010</i> ?				
Protected Characteristic:	Neutral Impact: Please ✓	Positive Impact: Please ✓	Negative Impact: Please ✓	Evidence of impact and if applicable, justification where a ' <i>Genuine Determining Reason</i> '* exists *(see completion terminology)
Race (All Racial Groups including Gypsy/Travellers)	✓			The project will not directly address race, and if the proposed work is figurative, the artist will take advice to ensure the piece reflects the racial backgrounds of those in the industry.
Religion or Belief or Non-belief	✓			The project does not directly address religion, belief or non-belief, and is designed to provide broad appeal.
Sex (Women and men)		✓		There will be an opportunity as part of the commissioning process to highlight the role of women in the industry, as opposed to the view of one dominated and driven by men.
Sexual Orientation (Heterosexual, Lesbian, Gay And Bisexual)	✓			The project does not directly address sexual orientation, and is designed to provide broad appeal, regardless of sexual orientation.

	√				
Other (e.g: Poverty)	The project will sensitively consider the harsh circumstances under which many involved in the industry lived.				

5: Human Rights Impact Assessment Test

Does this proposal have the potential to impact on an individual's Human Rights? Evidence of impact and , if applicable, justification where the impact is proportionate

<p>Article 2 of protocol 1: Right to education</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Evidence:</p>
<p>Article 3: Right not to be subjected to torture, inhumane or degrading treatment or punishment</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Evidence:</p>

Article 6: Right to a fair and public hearing	<input type="checkbox"/> Yes <input type="checkbox"/> No Evidence:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Article 8: Right to respect for private and family life, home and correspondence	<input type="checkbox"/> Yes <input type="checkbox"/> No Evidence:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Article 10: Freedom of expression	<input type="checkbox"/> Yes <input type="checkbox"/> No Evidence:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Article 14: Right not to be subject to discrimination	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

	Evidence:
Other article not listed above, please state:	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Evidence:</p>
6: Assessment Rating:	
Please rate the overall equality and human right assessment (Please see Completion terminology)	<p><input type="checkbox"/> Red <input type="checkbox"/> Red Amber <input type="checkbox"/> Amber <input type="checkbox"/> Green</p>
Reason for that rating:	<p>There are measures which can be put in place by Officers, with the Fishing Memorial Working group, to ensure that a memorial to the industry has a gender balance or neutrality which helps to develop a wider understanding and awareness of the role in particular, of women and girls. We would anticipate developing a</p>

	leaflet to highlight this as part of the commissioning process.
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7: Action Planning				
As a result of performing this assessment, what actions are proposed to remove or reduce any risks of adverse outcomes identified on employees, service users or other people who share characteristics protected by <i>The Equality Act 2010</i> ?				
Identified Risk and to whom:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:
Completed artwork does not fully reflect the diversity of those working in the industry – members of the public	Project commission brief requires the selected artist to ensure gender equality/neutrality in the narrative of the commissioned artwork	Cultural Policy and Partnership manager	TBC (dependent on commission issue date)	TBC

8: Sign off					
Completed by (Names and Services) :			Lesley Thomson, Cultural Policy and Partnership Manager, Education and Children's services		
Signed off by (Head of Service) :					
Please send an electronic copy of your completed EHRIA - without signatures - together with the proposal document and/or committee report to:					
Equalities Team Customer Service and Performance					

Corporate Governance
 Aberdeen City Council
Business Hub 13
 Second Floor North
 Marischal College
 Broad Street
 Aberdeen
 AB10 1AB

Telephone 01224 523039 Email sandrab@aberdeencity.gov.uk

9: Completion Terminology:

<p>Assessment Pre-screening Rating:</p>	<p>This section will highlight where there is the obvious potential for a negative impact and subsequent risk of negative media coverage and reputational damage to the Council. Therefore, a full impact assessment is required, for example around sensitive issues such as marching, Gypsy/ Traveller issues, change to social care provision. It should also be completed to evidence why a full impact assessment was not required, example, there is no potential negative impact on people.</p>
<p>Assessment Rating:</p>	<p>After completing this document, rate the overall assessment as follows: Red: As a result of performing this assessment, it is evident that we will discriminate (direct, indirect, unintentional or otherwise) against one or more of the nine groups of people who share <i>Protected Characteristics</i>. It is essential that the use of the proposal be suspended until further work or assessment is performed and the discrimination is</p>

	<p>removed.</p> <p>Red Amber: As a result of performing this assessment, it is evident that a risk of negative impact exists to one or more of the nine groups of people who share <i>Protected Characteristics</i>. However, a genuine determining reason may exist that could legitimise or justify the use of this proposal and further professional advice should be taken.</p> <p>Amber: As a result of performing this assessment, it is evident that a risk of negative impact exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document.</p> <p>Green: As a result of performing this proposal does not appear to have any adverse impacts on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p>
<p>Equality Data:</p>	<p>Equality data is internal or external information that may indicate how the proposal being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as ‘<i>Equality Groups</i>’.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <ol style="list-style-type: none"> 1: Application success rates by <i>Equality Groups</i> 2: Complaints by <i>Equality Groups</i> 3: Service usage and withdrawal of services by <i>Equality Groups</i> 4: Grievances or decisions upheld and dismissed by <i>Equality Groups</i> <p>Certain discrimination may be capable of being justified on the grounds that:</p>
<p>Genuine Determining Reason</p>	<ol style="list-style-type: none"> (i) <i>A genuine determining reason exists</i> (ii) <i>The action is proportionate to the legitimate aims of the organisation</i>

	Where this is identified, it is recommended that professional and legal advice is sought prior to completing an Equality Impact Assessment.
Human Rights	The rights set out in the European Convention on Human Rights, as incorporated into the UK Law by the Human Rights Act 1998.
Legal Status:	This document is designed to assist us in “ <i>Identifying and eliminating unlawful Discrimination, Harassment and Victimisation</i> ” as required by <i>The Equality Act Public Sector Duty 2011</i> . An Equality Impact Assessment is not, in itself, legally binding and should not be used as a substitute for legal or other professional advice.

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	13 May 2015
DIRECTOR	Angela Scott (Acting Director of Corporate Governance)
TITLE OF REPORT	John Murdoch Henderson Bequest - Reorganisation
REPORT NUMBER	CG/15/59
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

The purpose of this report is to put forward proposals for the reorganisation of the John Murdoch Henderson Bequest managed by the Council within a charitable trust. The aim is to:-

- a) Minimise the administrative burden and cost to the Council;
- b) Maximise the funds available for expenditure on charitable purposes; and
- c) Comply with the requirements of the Office of the Scottish Charities Regulator (OSCR).

2. RECOMMENDATION(S)

It is recommended that the Council:-

- a) Adopt the revised constitution shown at Appendix A for the future operation of the John Murdoch Henderson Bequest.
- b) Appoint the Head of Finance as treasurer and the Head of Legal and Democratic Services as secretary to the trust.
- c) Agree to the subscription of the Freegal Music Service for 2 years at a cost of approximately £19,000 and the Naxos Music Service for 3 years at a cost of approximately £7,200.
- d) Agree for the remaining trust funds be used for the purchase of music selected by the Library & Information Services Manager.
- e) Agree to wind up the trust when trust funds have been expended on the above purposes.

3. FINANCIAL IMPLICATIONS

There are no implications for the Council's financial position. All financial implications for the charitable trusts are dealt with in section five of the report and are intended to maximise the funds available for expenditure on charitable purposes.

4. OTHER IMPLICATIONS

The reorganisation of the charitable trusts secures the continuation of the trust's funds for their original charitable purposes, although altered to recognise changes in society.

5. BACKGROUND/MAIN ISSUES

John Murdoch Henderson Bequest

- 5.1 The will of John Murdoch Henderson, written in 1961 and settled in 1978, left £4,300 to the Central Library, Aberdeen "for the purchase of music of intrinsically Scottish interest".
- 5.2 The fund now contains over £30,000 but with low interest rates investment income is £300 per annum which is insufficient to cover the administrative costs of operating a modern charity, including the need for preparation and audit of statutory accounts. This charity is uneconomic with administrative costs greater than the annual income leaving no income available for charitable purposes.
- 5.3 The bequest is managed within a registered charity, Aberdeen City Council Charitable Trusts, SCO25063.
- 5.4 The Library & Information Service has found difficulty in spending funds due to the narrow purposes of the trust. In recent year trust expenditure has been mainly for the publication of books of local fiddle music in bound volumes. The Library has a large collection of sheet and recorded traditional Scottish music and does not feel that there is demand that cannot be met from the current collection or the current Library Service acquisitions budget resulting in little spend from the Trust in recent years.
- 5.5 Officers have discussed the future of the trust with the Office of the Scottish Charity Regulator (OSCR) and the changes in society that have impacted on the purposes of the trust, largely the globalisation of music and the way that technology has changed the way that music is accessed by listeners and players. OSCR are willing to allow a reorganisation of the trust on the basis of a revised constitution shown in Appendix A.

- 5.6 The revised constitution will allow trust funds to be used for a wider range of musical styles and to enable music to be purchased via subscription to an online service.
- 5.7 The Library Resources Management Working group researched and evaluated the range of music download subscription services available and consulted with other Library authorities who currently offered this type of service and have recommended subscription to the Freegal and Naxos music service which will allow users access to a wide range of music available via the internet. These services will offer access to download music of both Scottish and non- Scottish artists over a variety of musical styles.

6. IMPACT

It is essential that the Trusts are managed efficiently so that they continue to support the purposes for which they were established while recognising the changes within society.

7. MANAGEMENT OF RISK

If this trust is not reorganised there is a high risk that trust funds will be used solely for the administrative costs of operating a modern charity with no expenditure for the charitable purposes of the charity.

8. BACKGROUND PAPERS

None

9. REPORT AUTHOR DETAILS

James Hashmi - Team Leader Reporting & Monitoring (34) 6400
Email jhashmi@aberdeencity.gov.uk

Aberdeen City Council, the Local Authority for Aberdeen in terms of the Local Government, etc. (Scotland) Act 1994, and having its principal office at Marischal College, Broad Street, Aberdeen AB10 1AB is the trustee for the John Murdoch Henderson bequest (the "Trust").

The Trust was established by the last will and testament of John Murdoch Henderson dated 11 March 1961 and is registered with OSCR with charity reference number SC025063. The Trust purpose was "the purchase of music of intrinsically Scottish interest" for the Central Public Library Aberdeen.

This Trust Deed is a replacement and restatement deed, in order that the trust be reorganised in line with Section 39 of the Charities and Trustee Investment (Scotland) Act 2005, by an application to OSCR for a variation to the constitution.

(One) appoint as trustee ourselves (who and whose successors are referred to as "the Trustee")

Trust purposes

1. The Trustee shall hold and apply any such funds and assets as may from time to time be comprised in the Trust Property, in trust to (i) enable subscription to online music services for a variety of musical styles as the Trustee sees fit and (ii) to acquire any music for Aberdeen City Council's library service.
2. The expenses of creating and administering the Trust, and any tax payable in relation to the Trust, shall be met in priority to all other payments and transfers of assets out of the Trust Property.

Powers

3. In the administration of the Trust, the Trustee shall, in addition to the powers and rights which are conferred by law upon trustees who are acting without remuneration, have the fullest powers with regard to investment, sale, administration and management of the Trust Property as if it was owner; in particular (but without limiting the scope of the powers which it may exercise under the preceding provision), the Trustee shall have the following powers:-
 - (a) To expend the whole assets of the Trust for the Trust Purposes.
 - (b) To carry on any other activities which further any of the Trust Purposes.
 - (c) To take such steps as may be deemed appropriate for the purpose of raising funds.
 - (d) To accept grants, donations and legacies of all kinds (and to accept any reasonable conditions attaching to them).

- (e) To establish and/or support any other charity, and to make donations for any charitable purpose falling within the Trust's Purposes.
- (f) To purchase, take on lease, hire, or otherwise acquire, any property or rights.
- (g) To improve, manage, develop, or otherwise deal with, all or any part of the Trust Property.
- (h) To sell, let, hire out, license, or otherwise dispose of, all or any part of the Trust Property.
- (i) To borrow money, and to give security in support of any such borrowings by the Trust.
- (j) To employ such staff as are considered appropriate for the proper administration of the Trust or for the proper conduct of the Trust's activities, and to make reasonable provision for the payment of pension and/or other benefits for members of staff, ex-members of staff and their dependants.
- (k) To engage such consultants and advisers as are considered appropriate from time to time.
- (l) To effect insurance of all kinds (which may include officers' liability insurance).
- (m) To invest any funds which are not immediately required for the administration of the Trust or for the Trust's activities, in such investments as may be considered appropriate (and to dispose of, and vary, such investments).
- (n) To liaise with other voluntary sector bodies, local authorities, UK or Scottish government departments and agencies, and other bodies, all with a view to furthering the Trust Purposes.
- (o) To form any company which is a charity with objects which are similar (wholly or in part) to those of the Trust, and, if considered appropriate, to transfer to any such company (without any payment being required from the company) the whole or any part of the Trust Property.
- (p) To retain any property comprised in the Trust Property for such time as the Trustee thinks proper.
- (q) To have any part of the Trust Property registered in the name of a nominee and to pay reasonable fees to such nominee.
- (r) To compromise or settle by arbitration all disputed claims by or against the Trust or the Trust Property.
- (s) To appoint solicitors to the Trust or agent for the Trustee in any other capacity, and to pay to such solicitors or other agent his/her/their usual charges.

(t) To reimburse the Trustee out of the Trust Property, in relation to all expenses reasonably incurred by him/her in the administration of the Trust.

(u) To wind up the Trust.

(v) To do anything which may be incidental or conducive to the furtherance of any of the Trust Purposes.

Procedure at Trustee's meetings

4. Subject to the provisions of the following paragraphs, the Trustee may regulate the proceedings as it thinks fit.

Delegation

5. The Trustee may delegate any of its powers to any committee consisting of one or more representatives of the Trustee; any such delegation of powers may be made subject to such conditions as the Trustee may impose, and may be revoked or altered.

Remuneration

6. No Trustee may serve as an employee (full-time or part-time) of the Trust, and the Trustee shall not be given any remuneration by the Trust for carrying out its duties as a trustee.

Secretary

7. The Trustee shall appoint a secretary to the Trust for such term, at such remuneration (if any), and on such conditions, as the Trustee may think fit; and any secretary so appointed may be removed by them.
8. The Trustee shall ensure that the secretary:
 - (a) keeps proper minutes of all proceedings at any meetings of the Trustee (and at meetings of committees of the Trustee) including the names of the committee members present at each such meeting
 - (b) keeps proper records and documents in relation to all other matters connected with the administration and management of the Trust.

Accounts

9. The Trustee shall appoint a treasurer to the Trust for such term, at such remuneration (if any), and on such conditions, as the Trustee may think fit; and any treasurer so appointed may be removed by them.
10. The Trustee shall ensure that the treasurer:

(a) maintains proper accounting records, in accordance with all applicable statutory requirements.

(b) shall prepare annual accounts, complying with all relevant statutory requirements; if an audit is required under any statutory provisions or if the Trustee otherwise think fit, the treasurer shall ensure that an audit of such accounts is carried out by a qualified auditor.

11. An accountant engaged in an audit of the Trust's accounts shall be entitled to have access to all accounting records and other documents relating to the Trust.

Operation of bank accounts

12. The signature of an authorised signatory of the Treasurer is required in relation to all cheques issued by the Trust and all other operations (excluding lodgement of funds) on the bank and building society accounts held by the Trust.

Payments to charities etc

13. The receipt of the treasurer or other appropriate officer for any funds or other assets paid or transferred by the Trustee to any charity shall represent sufficient discharge to the Trustee.

Limitations on liability

14. The Trustee shall not be liable for loss or depreciation of the value of investments retained or made by it, nor for omissions, nor for neglect in management, nor for insolvency of debtors, nor for the acts, omissions, neglect or default of one another or of any banker, solicitor, factor or other agent employed by them.

Conduct of Trustee

15. The Trustee shall, in exercising its functions as a trustee of the Trust, act in the interests of the Trust; and, in particular, must
- (a) seek, in good faith, to ensure that the Trust acts in a manner which is in accordance with its objects (as set out in this Trust Deed)
 - (b) act with the care and diligence which it is reasonable to expect of a person who is managing the affairs of another person
 - (c) in circumstances giving rise to the possibility of a conflict of interest of interest between the Trust and any other party
 - (i) put the interests of the Trust before that of the other party, in taking decisions as a Trustee
 - (ii) where any other duty prevents it from doing so, disclose the conflicting interest to the Trust and refrain from participating in any

discussions or decisions involving any other Trustees with regard to the matter in question

(d) ensure that the Trust complies with any direction, requirement, notice or duty imposed on it by the Charities and Trustee Investment (Scotland) Act 2005.

Amendment of Trust Deed/winding-up

16. If in the opinion of the Trustee any change in circumstances or alteration in the law has made or is likely to make execution of the Trust Purposes impossible or impracticable, or if in the opinion of the Trustee the administration of the Trust could be improved, or the Trust Purposes be advanced in a more appropriate manner, or the Trust purposes have been fulfilled, the Trustee may (subject to clauses 17 and 19) in their discretion,

(a) supplement or amend the provisions of this Trust Deed or any deed supplemental to this trust deed provided always that such supplement or amendment to the purposes is consistent with the spirit of Trust Deed ; or

(b) wind up the Trust and (if applicable) transfer the Trust Property (after settlement of all debts and liabilities) to some other charity or charities having similar objects to those of the Trust.

17. In no circumstances is the Trust Property to be held or applied for any purpose which is not an exclusively charitable purpose.

Interpretation

18. In this Trust Deed

“charity” shall mean a body on the Scottish Charity Register which is also regarded as a charity in relation to the application of the Taxes Acts;

“charitable purpose” shall mean a charitable purpose under section 7 of the Charities and Trustee Investment (Scotland) Act 2005 which is also regarded as a charitable purpose in relation to the application of the Taxes Acts” ;

“the Trust Deed” means this trust deed (including any supplementation or amendment effected in accordance with the provisions of clauses 30 and 31);

“the Trust Property” means any such funds and assets as may from time to time be received by the Trustee as trustee under the Trust Deed (from us or any other person), and the assets in which any funds so received may from time to time be invested.

“the Trust Purposes” means the purposes specified in clause 1.

19. Any reference in this Trust Deed to a provision of any legislation shall include any statutory modification or re-enactment of that provision in force from time to time.

We declare that the Trust shall be irrevocable.

This Trust Deed, consisting of this and the 5 preceding pages, is executed as follows:-

SIGNED by the said Aberdeen City Council

At Aberdeen on

in the

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