

Public Document Pack



To: All Members of the Council

Town House,
ABERDEEN, 7 March 2017

COUNCIL

The Members of the **COUNCIL** are requested to meet in Council Chamber - Town House on **WEDNESDAY, 15 MARCH 2017 at 10.30am.**

FRASER BELL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

BUSINESS

- 1 Admission of Burgesses
- 2 Determination of Exempt Business
- 3 Requests for Deputations

MINUTES OF COUNCIL

- 4(a) Minute of Meeting of Aberdeen City Council of 14 December 2016 - for approval (circulated separately)
- 4(b) Minute of Meeting of Urgent Business Committee of 31 January 2017 - for approval (Pages 7 - 12)

BUSINESS STATEMENT, MOTIONS LIST AND OTHER MINUTES

- 5(a) Business Statement (Pages 13 - 20)

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

6(a) None to date

GENERAL BUSINESS

7(a) Aberdeen City Integration Joint Board (Pages 21 - 34)

7(b) Standards Commission for Scotland - Written Decision (Pages 35 - 50)

7(c) Councillors' Code of Conduct - Consultation on Provisions of Conflicts of Interest
(Pages 51 - 62)

7(d) Council Diary - Rescheduling of Statutory Meeting (Pages 63 - 68)

7(e) Governance Review - Local Code of Corporate Governance and Action Plan
(Pages 69 - 90)

7(f) Governance Review - Member-Officer Relations Protocol (Pages 91 - 106)

7(g) Council Governance - Standing Orders (Pages 107 - 148)

7(h) Education and Children's Services Committee - External Appointment (Roman Catholic Church Representative) (Pages 149 - 152)

7(i) Governance Review - Guildry Trust Deed - referred by Guildry and Mortification Funds Sub Committee of 1 March 2017 (Pages 153 - 166)

7(j) Aberdeen International Youth Festival Governance Review (Pages 167 - 172)

7(k) Registration Service - New Services (Pages 173 - 176)

7(l) Formation of Joint Committee for Roads Collaboration (Pages 177 - 212)

7(m) Proposed Supplementary Guidance to Accompany Aberdeen Local Development Plan 2017 (Pages 213 - 224)

The appendices relating to this report have been made available to members separately - in electronic format via the shared drive, and in hard copy to each of the groups and in the Members' Library.

7(n) Site OP40, Prime Four Business Park, Kingswells (161429) - Major development mixed use commercial (up to 30,000 square metres) including retail (class 1), food and drink (class 3), other ancillary uses (such as offices) and associated landscaping, infrastructure and access works (Pages 225 - 442)

The documents associated with this application can be found at:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/search.do?action=simple&searchType=Application>

Please enter the planning reference number (161429) in the search field and click 'search'

7(o) Locality Plans (to follow)

7(p) BP Big Screen - Relaxation of Drinking in Public Places Byelaw (Pages 443 - 450)

7(q) City Centre Masterplan Project EN10: Union Terrace Gardens - Outline Design, Business Case, Development Costs and Procurement Strategy (Pages 451 - 580)

7(r) Bond Financing Strategy - Economic Policy Panel (Pages 581 - 590)

7(s) Aberdeen Inward Investment Plan (Pages 591 - 662)

7(t) International Trade and Partnership Proposals (Pages 663 - 684)

7(u) Feasibility Study - 2,000 Homes (Pages 685 - 694)

7(v) Equality Outcomes and Mainstreaming Report (Pages 695 - 898)

MOTIONS

8(a) Motion by Councillors Yuill and Townson

“That this Council:

1. Notes that the community of Garthdee has seen a very considerable amount of development and loss of open space in recent years.
2. Recognises that the sale of Kaimhill Outdoor Sports Centre would result in a further loss of open space, the loss of a community facility and further development in Garthdee.
3. Agrees that at least 50% of the capital receipt received from the sale of Kaimhill Outdoor Sports Centre should be reinvested in improving community facilities in Garthdee, including the addition of a new multi-use hall and associated facilities to Inchgarth Community Centre.”

8(b) Motion by Councillor Finlayson

“To instruct the Interim Director of Communities, Housing and Infrastructure to arrange for the carrying out of a feasibility study on a safe route to school for Cove pupils attending the new Lochside Academy. The Interim Director should include in the options for either a pedestrian bridge over, or a pedestrian underpass under Wellington Road dual carriageway in the vicinity of the A956 Wellington Road/ Souter Head Road roundabout. Once complete the findings of which should be presented to the Communities, Housing and Infrastructure Committee on 8th November 2017. This can be funded through a bid to the Bus Lane Enforcement Fund.

It is essential to consider these options due to the fast moving very large volume of traffic, including HGVs, currently using Wellington Road which will substantially increase with the opening of the Aberdeen Western Peripheral Route vehicles serving the new Recycling Plant, the new Energy from Waste Plant and the new Harbour.”

8(c) Motion by Councillor Corall

“That Council

- (1) acknowledges that much of Aberdeen’s remaining cobbled (setted) streets have suffered from the ravages of time and that it is imperative to treasure and safeguard Aberdeen’s historic cobbled or lock blocked streets;
- (2) further acknowledges Aberdeen’s need to diversify more into leisure tourism and capitalise on our rich history and heritage that includes our streetscape;
- (3) agrees to instruct the Interim Director of Communities, Housing and Infrastructure to develop a policy that specifies:
 - a. the location of existing granite sett and lock block streets;
 - b. which ones should be maintained; and
 - c. what maintenance procedure should be used; and
- (4) gives a commitment that any future repair work will be carried out sympathetically and appropriately.”

8(d) Motion by Councillor Grant

“Council notes First Aberdeen has announced the planned withdrawal of the X40 and 11 services from Kingswells with similar withdrawals having already been made right across the city. Notes that bus operators in Aberdeen appear to put profit before the needs of passengers who often rely upon buses to get to and from work.

Agrees to instruct the Chief Executive to explore all options for Aberdeen City Council to facilitate the running of a bus service, those options to include the setting up of a company and/or working in partnership with an operator who already holds a PSV bus operator’s licence, and to report back to Council in June 2017.”

8(e) Motion by Councillor Ironside

“That the Council instruct the Interim Director of Communities, Housing and Infrastructure, in consultation with the Chief Officer - Aberdeen City Health and Social Care Partnership, to investigate the possibility of co-ordinating a scheme where businesses in the city centre would make available their toilet facilities to disabled and older people with medical conditions, and to report to the Communities, Housing and Infrastructure Committee on 29 August 2017.”

8(f) Motion by Councillor Boulton

“To instruct the Chief Executive to liaise formally with the AWPR/B-T funding partners to provide a report to the Communities, Housing and Infrastructure Committee before the end of 2017 in respect of the capacities of the junctions associated with the AWPR/B-T within the Aberdeen City boundary. This information is essential in determining if there are sufficient capacities for existing traffic and for future development within the Aberdeen City boundary”.

BUSINESS THE COUNCIL MAY WISH TO CONSIDER IN PRIVATE

9(a) Shaping Aberdeen Housing LLP 5 Year Business Plan (Pages 899 - 938)

9(b) Complaints Review Committee - 26 January and 31 January 2016 (Pages 939 - 966)

9(c) City Centre Masterplan Project EN10: Union Terrace Gardens - Outline Design, Business Case, Development Costs and Procurement Strategy - Appendix B (Pages 967 - 968)

Website Address: www.aberdeencity.gov.uk

To access the Information Bulletins for full Council please use the following link:
<http://committees.aberdeencity.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13013&path=13004>

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

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URGENT BUSINESS COMMITTEE

ABERDEEN, 31 January 2017. Minute of Meeting of the URGENT BUSINESS COMMITTEE. Present:- Councillor Laing, Convener; and Councillors Allan (as substitute for Councillor Boulton), Cameron, Cooney, Jackie Dunbar, Flynn, Len Ironside CBE (as substitute for Councillor Crockett), Milne (as substitute for Councillor Donnelly), Jean Morrison MBE (as substitute for Councillor Cooney for Article 6), Nicoll (as substitute for Councillor Dickson), Taylor, Townson, Young and Yuill.

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeency.gov.uk/ielistdocuments.aspx?CId=334&MId=5591&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 Council minute and this document will not be retrospectively altered.

DETERMINATION OF URGENT BUSINESS

1. The Convener advised that she had submitted two urgent motions in accordance with Standing Order 21(9) and that she had accepted them onto the agenda. The urgent motions were then circulated to the Committee accordingly.

In terms of Standing Order 28(6)(vi), and in accordance with Section 50B(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 first urgent motion by Councillor Laing was of an urgent nature and required to be considered this day, as a result of the revised business rates due to be introduced on 1 April 2017, and potentially a number of actions to be undertaken prior to then and reported to the Council Budget meeting on 22 February 2017;
- (ii) to agree that the second urgent motion by Councillor Laing was of an urgent nature and required to be considered this day, in order that consideration be given to sending the letter to the relevant households as soon as possible to help them prepare for paying their Council Tax from April 2017, and make them aware of the option to apply for low income household relief where applicable;
- (iii) to agree that the Strategic Development Planning Authority (SDPA) report was of an urgent nature and required to be considered this day, to enable the Committee to determine the matter at the earliest opportunity to provide clarity to the SDPA with regard to the appeal; and
- (iv) to agree that the Bond Authorisation Limit report was of an urgent nature and required to be considered this day, to enable to Committee to determine its position at the earliest opportunity and authorise the Head of Finance to act accordingly.

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31 January 2017

DETERMINATION OF EXEMPT BUSINESS

2. The Committee was requested to determine that the following item of business, which had been identified as containing exempt information as described in Schedule 7(A) of the Local Government (Scotland) Act 1973, be taken in private.

- Funding the SDPA Leave to Appeal regarding the Strategic Transport Fund

The Committee resolved:-

in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, to exclude the press and public from the meeting during consideration of the SDPA item so as to avoid disclosure of exempt information of the class described in paragraph 12 of Schedule 7(A) of the Act.

URGENT MOTION BY COUNCILLOR LAING

3. The Committee had before it the following urgent motion by Councillor Laing:-

“That the Committee notes that the revised business rates due to be introduced on 1 April 2017 will result in large business rates increases for many Aberdeen businesses.

Notes the representations already made to Derek Mackay, Cabinet Secretary for Finance and the Constitution, by the Council Leader, Finance Convener, Aberdeen & Grampian Chamber of Commerce and other business leaders in the city.

Instructs the Chief Executive to work in partnership with the Scottish Government to explore all options in order to find a solution that will assist Aberdeen businesses in dealing with the planned changes in business rates.

Instructs the Chief Executive to provide as part of the Council’s budget report on 22 February details of the success or otherwise of the options explored, along with the financial implications of any potential scheme or schemes.”

The Council resolved:-

to approve the terms of the urgent motion.

URGENT MOTION BY COUNCILLOR LAING

4. The Committee had before it the following urgent motion by Councillor Laing:-

“That the Committee notes that the Scottish Government has legislated to change the Council Tax multipliers for properties in Bands E-H which has undermined the principal of local accountability and autonomy.

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Instructs the Chief Executive to send the attached letter to all Band E-H households as soon as possible so that those households within Band E-H can prepare for paying their Council Tax from April 2017.”

Dear _____

Council Tax changes in 2017/18

Scottish Parliament Legislation is to be introduced to change Council Tax and this will come into force from April 2017. The Council therefore wishes to give early notice of the national changes to Council Tax to help you prepare for paying your Council Tax from April 2017.

Council Tax is applied across a range of bands from A to H, with all bands having a relationship with band D, known as the multiplier. The national legislation is to change the Council Tax multipliers for properties in Bands E to H from 1 April 2017. There is no local discretion to change these multipliers.

The table below shows the current and revised multipliers for Band E to H and the percentage increase in charge. The table also shows what your current Council Tax would be with the new multipliers applied. This is to give you an early indication of the potential change, and **should not be relied on** as the Council Tax charges may be subject to change when the Council sets its budget for 2017/18. The Council Tax from 1 April 2017 will be set when the Council plans to approve the 2017/18 Budget on 22 February 2017. Scottish Water charges for water and wastewater will continue to be charged using the current multiplier and are excluded from this increase.

Band	Current multiplier	Revised multiplier from 1 April 2017	2016/17 Council Tax (Current)	2016/17 Council Tax (with new multipliers applied)	Percentage change
E	1.22	1.31	£1503.81	£1616.60	7.5%
F	1.44	1.63	£1777.23	£1999.38	12.5%
G	1.67	1.96	£2050.65	£2409.51	17.5%
H	2	2.45	£2460.78	£3014.46	22.5%

Low income household relief

Single person households with net income of up to £16,750 and all other households with net income of up to £25,000 and less than £16,000 in savings are eligible to apply for a full relief from the increased charge through the Council Tax Reduction Scheme. For further information on these changes, please see our website at xxxx. To request an application form you can either:-

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- E-mail: benefits@aberdeencity.gov.uk. Please remember to provide your address and full name.
- Telephone: 03000 200 292 (lines are open Monday to Friday from 8am to 6pm);
- Download the application form from our website:
<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=20009&sID=342>
- By visiting one of the addresses below and speak to a member of staff who deals with Council Tax Reduction/Housing Benefit:-

Marischal College	Housing Office	Mastrick Customer Access Point
Broad Street	Formartine Road	Spey Road
Aberdeen	Tillydrone	Mastrick
AB10 1AB	Aberdeen	Aberdeen

The above offices are open 8.30am to 5pm, Monday to Friday

DO NOT delay sending the application form in. Any delay may result in less relief being awarded to you. This is why it is being sent to you now.

If you are a low income household and already in receipt of Council Tax Reduction then you do not need to re-apply; the 2017/18 Council Tax annual demand notice will include any reduction you are entitled to.

Yours sincerely

Steven Whyte
Head of Finance

The Committee resolved:-

- (i) to approve the terms of the urgent motion subject to the Head of Finance checking whether the legislation had been introduced and amending the first sentence of the letter if required; and
- (ii) to note that the cost of sending the letters of approximately £15,000 would be met from the contingency budget.

In accordance with the decision recorded under Article 2 of this minute, the following item was considered with the press and public excluded.

FUNDING THE SDPA LEAVE TO APPEAL REGARDING THE STRATEGIC TRANSPORT FUND - CHI/17/024

5. There was circulated to the Committee a report by the Interim Director of Communities, Housing and Infrastructure which requested financial support to the SDPA in order to pursue the application for leave to appeal to the Supreme Court in

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relation to the SDPA's Supplementary Guidance regarding the Strategic Transport Fund.

The report recommended:-

that the Committee -

- (a) note that the SDPA had requested that Aberdeen City Council and Aberdeenshire Council make a joint funding contribution to pursue an appeal at the Supreme Court on behalf of the Strategic Transport Fund;
- (b) note the funding commitment requested by the SDPA was to be shared equally between the two Councils; and
- (c) approve this Council's funding contribution for the SDPA legal challenge to be funded from the Council's contingency budget.

The Committee resolved:-

to approve the recommendations.

The press and public were excluded from the meeting during consideration of the following item which dealt with confidential information in terms of Section 50A 3(b) of the Local Government (Scotland) Act 1973.

BOND AUTHORISATION LIMIT - CG/17/024

6. With reference to Article 15 of the minute of meeting of Council of 14 December 2016, there was circulated to the Committee a report by the Interim Director of Corporate Governance which discussed possible funding options connected to Aberdeen City Council Bonds.

The Committee resolved:-

to approve the recommendations contained within the report.

- **JENNIFER LAING, Convener**.

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COUNCIL
BUSINESS STATEMENT
15 MARCH 2017

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 17.08.16 Article 20	<u>Affordable Housing Delivery</u> The Council instructed the Chief Executive to develop specific actions to accelerate the delivery of housing in the city and report any actions which need agreement by Council to its meeting in December 2016.	Work in relation to the delivery of housing in the city continues. A report on the proposal to build 2,000 new homes by 2022 is on the agenda.	Chief Executive Interim Director of Communities, Housing and Infrastructure	14.12.16
2.	Council 02.03.16 Article 13	<u>Integration Joint Board (IJB) for Health and Social Care</u> The Council instructed the Chief Executive to provide an update report to members on matters relating to the IJB that she considered to be of interest to them at the Council meetings of 17 August and 14 December 2016 and quarterly thereafter, such reports including financial monitoring information in relation to the IJB.	Quarterly reports to be received. The Council received the last report on 14 December 2016. A report is on the agenda.	Chief Executive	15.03.17

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>
3.	Education and Children's Services 26.01.17 Article TBC	<p><u>Aberdeen International Youth Festival/ Castlegate Arts Ltd</u></p> <p>To instruct officers to submit a report to the Council meeting on 15 March 2017 detailing (1) the current position regarding the proposal to dissolve the existing Aberdeen International Youth Festival and incorporate it within Castlegate Arts Ltd; and (2) the arrangements for AIYF should it not be incorporated within Castlegate Arts Ltd.</p>	A report is on the agenda.	Director of Education and Children's Services	15.03.17
4.	CH&I 24.01.17 Article TBC	<p><u>Inward Investment, International Trade and Partnerships and Funding Priorities for 2017/18</u></p> <p>The Communities, Housing and Infrastructure Committee instructed officers to report to the March 2017 meeting of the Council with proposals for delivery of the Council's inward investment, international trade and partnerships and funding priorities for 2017-18. This report will include an update on the Brexit-related reviews of overseas trade development and external funding requested by the Council at its meeting on 14th December 2016.</p>	Reports are on the agenda.	Interim Director of Communities, Housing and Infrastructure	15.03.17

<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 14.12.16 Article 15	<p><u>Bond Financing Strategy - Fiscal Policy Panel</u></p> <p>The Council instructed officers to develop proposals for a Fiscal Policy Panel as described in section 5.9.1 of the report and to report back to the Finance, Policy and Resources Committee or Full Council.</p>	A report is on the agenda.	Interim Director of Corporate Governance	15.03.17
6.	Council 14.12.16 Article 22	<p><u>Proposed Supplementary Guidance and Non-Statutory Planning Guidance to Accompany Aberdeen Local Development Plan 2017</u></p> <p>The Council, amongst other things, instructed officers to report the results of the public consultation, and any proposed revisions to the Proposed Supplementary Guidance to a subsequent Council meeting.</p>	A report is on the agenda.	Interim Director of Communities, Housing and Infrastructure	15.03.17
7.	Council 14.12.16 Article 23	<p><u>Berryden Corridor Improvements Scheme - Compulsory Purchase Order</u></p> <p>The Council instructed officers to report to a future meeting of Council to seek a resolution to make the Compulsory Purchase Order once the supporting documents are completed.</p>		Interim Director of Communities, Housing and Infrastructure	Date to be confirmed

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>
8.	Council 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 14 December 2016.	Interim Director of Communities, Housing and Infrastructure	21.06.17
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 14 December 2016.	Interim Director of Communities, Housing and Infrastructure	21.06.17
10.	Finance, Policy and Resources 01.12.16	<u>Site at Beach Esplanade/King Street</u> The Finance, Policy and Resources Committee agreed to approve the minute subject to amending Article 5(iii) to read 'that in relation to item 22 (Site at Beach Esplanade/King Street), to instruct officers to take forward the agreed recommendations of the Council on 16 December 2015 with the funding trustees of the Aberdeen Islamic Charitable Trust and to report back to Council'.		Interim Director of Communities, Housing and Infrastructure	21.06.17

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>
11.	CH&I 24.01.17 Article TBC	<p><u>Houses in Multiple Occupation (HMOs) Overprovision</u></p> <p>The Communities, Housing and Infrastructure Committee resolved:-</p> <ul style="list-style-type: none"> (i) to note the high concentration of HMOs within the Froghall, Powis and Sunnybank and Old Aberdeen neighbourhoods; (ii) to note the information provided towards meeting the requirement to complete assessment of the need for housing accommodation and the extent to which HMO accommodation is required to meet that in the city and including the Froghall, Powis and Sunnybank, Old Aberdeen and Garthdee neighbourhoods; (iii) to instruct officers to consult on the draft HMO overprovision policy at appendix 13. This policy would apply in Froghall, Powis and Sunnybank, Old Aberdeen and Garthdee neighbourhoods. The overprovision threshold applies if there is a concentration of HMOs in any one particular Census Output Area within the Froghall, Powis and Sunnybank, Old Aberdeen and Garthdee neighbourhoods in excess of 10% of qualifying residential properties in that neighbourhood; and (iv) to instruct officers to report back to Council in June 2017. 		Interim Director of Communities, Housing and Infrastructure	21.06.17

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>
12.	Council 17.08.16 Article 16	<p><u>Corporate Parenting</u></p> <p>The Council considered the annual report on progress with the implementation of the corporate parenting responsibility and instructed officers to report back on the further implementation of the corporate parenting responsibility to Council in 2017.</p>		Director of Education and Children's Services	23.08.17
13.	Council 06.10.16 Article 9	<p><u>UNISON Ethical Care Charter</u></p> <p>The Council (1) agreed to sign up to UNISON's Ethical Care Charter; (2) agreed that the Leader of the Council sign the Charter on behalf of the Aberdeen City Council; (3) noted that the Integration Joint Board had remitted to the Chief Officer of the Integration Joint Board the task of developing an action plan and timescales for implementing the Charter; and (4) agreed that a report be brought back to Full Council on progress by August 2017.</p>		Interim Director of Corporate Governance Chief Officer, Aberdeen Health and Social Care Partnership	23.08.17
14.	Council 24.06.15 Article 13	<p><u>Local Authority Community Covenant</u></p> <p>The Council agreed to receive a report at a future meeting once the Scottish Government had reviewed the Scottish Veterans Commissioner's report <i>Transition in Scotland</i> and decided how it wishes to take its recommendations forward.</p>		Chief Executive	Upon review by the Scottish Government

<u>No.</u>	<u>Minute Reference</u>	<u>Council/Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>
15.	Council 06.03.13 Article 16	<p><u>Welfare Reform</u></p> <p>The Council, amongst other things, approved the steps taken by officers to develop a policy and practice response and agreed to receive further reports in due course as measures were implemented.</p>	<p>A progress report was noted by the Council on 21 August 2013. Further reports were contained within the Information Bulletin for the Council meetings on 14 May 2014 and 16 December 2015.</p> <p>The final outcome of discussions between the Scottish and UK Governments regarding the devolution of decisions around welfare reform is awaited. Once this is clear an update will be provided in the Information Bulletin.</p>	Interim Director of Communities, Housing and Infrastructure	As and when required

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ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	15 th March 2017
LEAD OFFICER	Chief Executive
TITLE OF REPORT	Aberdeen City Integration Joint Board
REPORT NUMBER	OCE/17/005

1. PURPOSE OF REPORT

The report provides the Council with details of the arrangements put in place for governance of the Integration Joint Board (IJB).

2. RECOMMENDATION

That the Council notes the content of this report.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising directly from this report. Finance is, however, a key element of the governance arrangements of which this report provides details.

4. OTHER IMPLICATIONS

None.

5. BACKGROUND/MAIN ISSUES

The Council has instructed the Chief Executive to provide quarterly reports to members on matters relating to the IJB that she considers to be of interest to them at Council meetings such reports including financial monitoring information in relation to the IJB.

The first report was submitted to Council in August 2016 and set out the central elements of governance which have been established from the IJB's arrangements, giving details for each of these. A second report was submitted to Council in December 2016, this report further updates Council on these matters.

A.	Purpose and Strategic Planning
i.	<p>The purpose of the IJB is set out in its Strategic Plan 2016 -19 which it agreed in March 2016.</p> <p>The Strategic Plan includes:-</p> <ul style="list-style-type: none"> - A strategic vision statement - Values - Strategic priorities for the next 3 years <p>and places these in the local and national context.</p> <p>The Board agreed at its meeting on 15 November 2016 that the first review of the Strategic Plan be carried out between June and September 2017. The Council will, of course, be consulted on this review and attention should be given to, amongst other key areas, the alignment of the Strategic Plan to Community Planning Aberdeen’s Local Outcome Improvement Plan.</p> <p>The Partnership’s first annual report is due to be published in June 2017. It should be noted that the nine national health and wellbeing outcomes identified by the Scottish Government are under review to ensure that they are fit for purpose.</p> <p>The Partnership is proposing to establish a tiered planning framework that seeks to align governance, strategy, business processes, workforce and outcomes. It is anticipated that this will be completed in late 2017.</p> <p>Locality Leadership Groups have now been established and will continue to implement and develop the Partnership’s four locality areas and their plans. It is envisaged that the Partnership will produce its locality plans in late 2017.</p>
B.	Board Governance
i.	<p>As previously reported, the Board engaged the Good Governance Institute (GGI) to provide support identifying and delivering the key governance requirements, including:-</p> <ul style="list-style-type: none"> - a methodology for assessing board effectiveness and establishment of a baseline using a maturity matrix; - production of a Board Assurance and Escalation Framework; - improvement and definition of the Board’s organisation, behaviours, dynamics and sense of strategic purpose. <p>GGI remain engaged and have made recommendations for the further development of governance arrangements. These have been agreed by the IJB and progress is being monitored and reported.</p>
ii.	As part of its normal operations, the IJB is subject to independent

	assurance through the Care Inspectorate; Healthcare Improvement Scotland; the Health and Safety Executive; as well as its external auditors. All relevant external independent assurance reports will be reported to the Council.
iii.	Two Committees have been established as undernoted and these are now meeting regularly: <ul style="list-style-type: none"> - Audit & Performance Systems - Clinical & Care Governance Committee
iv.	The Board has established an Integration and Transformation Programme Board to consider priorities as identified through localities and provide added value and influence strategic decision making in relation to improving health and wellbeing.
v.	At its meeting on 31 st January 2017 the Board agreed a developmental timetable for IJB and Committee members covering 2016/17 and 2017/18. The development programme includes knowledge of financial governance, scrutiny, risk management and the Board's duties in relation to community justice. The timetable will be updated throughout the year.
C.	Reserved and Delegated Powers
i.	<p>Aberdeen City Council and NHS Grampian have delegated a range of statutory functions in respect of health and social care to the IJB. It is important to note that these functions have been delegated and not transferred. This means that the statutory accountability for the functions still remains with the Council and NHS Grampian, under the direction of the IJB.</p> <p>Work is ongoing with officers within Legal and Democratic Services to make suitable amendments to ACC's Scheme of Delegation which shall address operational and statutory delegations to officers in order to fulfil the delivery of the Integration of health and social care agenda. The Board have been advised that the Scheme will be "aligned" to the development of Aberdeen City Council's revised Scheme of Delegation, which, as Members will be aware, is being reviewed as part of a comprehensive review of the Council's governance arrangements. This review will provide clarity on the nature and applicability of ACC's Scheme of Delegation to the role of Chief Officer and her executive team. A report will be tabled to the IJB at the conclusion of the review of the Scheme, which will clarify the remit and responsibilities of the Chief Officer, Head of Operations and the Chief Financial Officer in respect of the operational management and deliverability of the integrated services.</p>
ii.	Legislation requires the IJB to set out a mechanism for implementing the Strategic Plan and this takes the form of Directions from the IJB to Aberdeen City Council and NHS Grampian which set out the services and functions to be delivered by each organisation and the associated budget for this.

The Directions are to be reviewed by the Audit and Performance Systems Committee as and when updates are required, and, at a minimum, on an annual basis.

It is the responsibility of the Chief Officer to ensure that the IJB Directions are made in accordance with the legislative framework and regulations which apply to NHS Grampian and Aberdeen City Council and that they are, consequently, legally competent.

I have requested that an agreed process be adopted for the issuing of IJB Directions. Specifically, it is proposed:-

- that an appropriate template is developed and consistently used for all Directions;
- that consultation is undertaken with the Council's Head of Legal Services to provide assurance that proposed Directions are legally competent;
- that IJB Directions which propose "major changes" to the delivery of services, be issued only following engagement with the Council's elected members; and
- that where IJB Directions are required for the delivery of services, but no "major change" is proposed, these be submitted to the Council annually for information.

A formal Direction has been agreed by the Board which requires the Council to initiate procurement and / or contract extensions in relation to the provision of **mental health services**. A copy of this Direction is attached as an Appendix to this report.

D. Financial Governance

i. The Board considered a report at its meeting on 31st January 2017 which summarised the budgetary position anticipated position for 2017/18 following the provisional grant settlement information made available by the Scottish Government in December.

The report identified budget pressures for the IJB in 2017/18 of c£8.019m prior to the Council's budget being set. This provisional budget pressure included the removal of £3.090 million from the Council's contribution to the IJB as indicated in the grant settlement. On the 22nd February the Council agreed that the £3.090 million be removed.

The report identified budget savings for 2017/18 of £4,837,000 which, the Board were advised, would not have a material impact on the delivery of the IJB's strategic plan. The gap between these savings and the growth items stands at £3,182m.

The IJB has significant **Integration and Change** funding available to help transform the services provided. In 2017/18 these are likely to amount to £28m of which £17m has been provisionally allocated.

The Board requested that a special IJB meeting be held to discuss the budget once the budgets to be delegated by Aberdeen City Council and NHS Grampian had been agreed. At the time of writing this report, the special IJB budget meeting was due to be held on the 7 March 2017 and the funding gap was reduced to £2.241m following a review of the budget pressures and it was recommended the funding gap for 2017/18, be met by using unallocated funds for Integration and Change.

The Board will consider financial reports on 28th March 2017 seeking approval to distribute funds for sleepovers and the living wage to providers.

ii. The Board received a financial update at their January 2016 meeting covering budget performance for the year to December 2016.

A £0.721m overspend variance was reported and attributed, mainly, to an overspend on primary care prescribing budgets. The forecasted year-end position, based on month 9 results, is a projected overspend of £1,480,000 on mainstream budgets. Figures prepared to the end of January indicate this position has improved due to reduction in the prescribing forecast spend.

Should it not be possible for the Partnership to manage the overspend position, the Board have been advised that funding to cover the overspend will require to be met from Integration and Change Fund.

The Integration and Change Funds are:-

	2016/17	2015/16 c/fwd	Total
	£m	£m	£m
Integrated Care Fund	3.750	2.436	6.186
Delayed Discharge Fund	1.125	0.921	2.046
Winter resilience		0.190	0.190
Social Care Integration and Change Funding	4.750		4.750
Primary Care Transformation	0.270		0.270
Mental Health Fund	0.147		0.147
Transforming Urgent Care	0.286		0.286
	10.328	3.547	13.875

The Integration Scheme makes provision, in the first year of operation, for any overspend which cannot be recovered or funded from uncommitted reserves to be met by the partner organisation to which the spending Direction for the service is given i.e. the partner organisation with

	operational responsibility for the services. In future years, both partners, or one partner, can make a one off payment to be recovered from their baseline payment to the IJB in the next financial year.
iii.	The Chief Finance Officer (CFO) of the IJB will be responsible for developing the financial strategy of the IJB including the production of its Medium Term Financial Plan to link to the IJB's Strategic Plan. The CFO will also be responsible for the completion of the IJB's Annual Financial Statement, which outlines the financial resources included in the Strategic Plan and the use of those resources in each financial year of the Plan. The priority over the first year was given to producing a balanced budget. Provisional figures were presented to the IJB showing the budget requirement for the next five years, assuming the funds delegated by the Council\NHS and services delivered remained the same.
iv.	In agreeing its reserve strategy earlier in 2016/17 it was agreed that the IJB's position on reserves would be considered during the budget and year-end processes. The Board considered a report proposing to earmark £2.5 million of the integration and change fund underspend as a risk fund. The intention of this fund is to cover the IJB should some of the budget risks identified in the setting of the budget change over the financial year. This equates to 1% of the mainstream budget and if necessary will be available to support the health and social care services indicated in the strategic plan. The reserves policy is supported by the Director of Finance of NHS Grampian and the Section 95 Officer of the Council. The reserves will be reviewed annually as part of the IJB's Budget and Strategic Plan.
E.	System of Risk Management
i.	In line with the approved Risk Management Framework , the Audit and Performance Systems Committee is regularly reviewing the Corporate Risk Register. Most recently this was done on 10 th January, 2017. The Committee were advised that work was ongoing to strengthen the cohesiveness between Operational and Strategic Risk Registers. I will continue to monitor the development of the registers to ensure they adequately reflect the risks being carried by the IJB on behalf of the Council. Both the Risk Management Policy and the "Statement of Risk Appetite" are scheduled to be reviewed during 2016/17. The 3 North East HSCPs are seeking to recruit on a fixed term basis a Health & Safety advisor to undertake a review of appropriate H&S matters.
ii.	The Board had instructed a review of the appointment of the Chief Internal Auditor and Internal Auditors before 31 March 2017. A report was presented and agreed by the Audit & Performance Systems Committee on the 28 February 2017 and a recommendation will be made to the IJB to continue using the Aberdeen City and Aberdeenshire Councils' Internal

	<p>Auditors.</p> <p>An annual audit plan has been agreed which has 2 reviews:-</p> <ul style="list-style-type: none"> • Purchasing and Creditors • Carefirst <p>It remains a responsibility of the Council, through its Audit, Risk & Scrutiny Committee, to assess risks and commission internal audit reviews on the control environment for the delivery of adult social care. A similar arrangement is place for the NHS delegated services, whereby the NHS commission internal audit reviews on delegated IJB services and the internal audit reports are presented to the NHS Grampian Audit Committee.</p> <p>Three reports which had been considered by the Council’s Audit, Risk and Scrutiny Committee in November 2016 were submitted to the IJB’s Audit and Performance Systems Committee in January 2017.</p> <p>At their meeting in August 2016, the Council agreed that the conveners of audit committees from Aberdeen City Council; Aberdeenshire Council; and the IJB should come together to avoid duplication of effort, whilst ensuring that both parent bodies receive necessary assurances. An initial meeting was held which discussed what internal audit reports the IJBs wished produced by NHS Grampian’s internal auditors. A further meeting is being arranged to continue these discussions.</p>
F.	Information Governance
i.	<p>A Joint Information Sharing Group has endorsed a proposed Data Sharing Agreement with National Services Scotland (NSS) and consideration is now being given as to how Council and NHSG approve this agreement.</p>
G.	Clinical Care Governance
i.	<p>The Clinical and Care Governance Committee provides assurance to the IJB in relation to the quality and safety of services planned and/or delivered by the IJB. Its key role is to ensure that there are effective structures, processes and systems of control for the achievement of the IJB’s priorities, where these relate to regulatory compliance, service user experience, safety and the quality of service outcomes. To support this role, the CCGC is informed by the clinical and care governance arrangements in place across NHS Grampian and Aberdeen City Council.</p> <p>It also assures the IJB that services respond to requirements arising from regulation, accreditation and other inspections’ recommendations. The Committee will consider and approve high value clinical and care risks, consider the adequacy of mitigation, the assurance provided for that mitigation and refer residual high risks to the Board. It has a key role in assuring the Board that learning from governance systems across services, including learning arising from incidents, complaints and identified risks, is shared and embedded as widely as possible.</p>

ii.	Health and Safety reports are provided to the Clinical and Care Governance Committee. The most recent report included information on accidents, near misses, absence, risk assessments, workplace inspections, training, emergency procedures, fire risk assessments and health and safety audit.
iii.	The Board considered a report in January 2017 on the issue of Delayed Discharge Performance and Improvement. The report reflects continued improvement. The overall volume of delayed discharged individuals has decreased 30% between 2015 and 2016, with the number of bed days lost down by 28% over the same period.
iv.	The Chief Social Work Officer's Annual Report 2015/16 was reported, for their interest, to the Board in January 2017.

H.	System of Performance Management
i.	<p>The Audit and Performance Systems Committee performs the role of reviewing and reporting on the effectiveness of the governance structures and systems in place and on the quality of the assurances the Board receives. It has a moderation role in relation to the consistency of risk assessment. It also has oversight of information governance issues.</p> <p>Progress on implementing the Framework for Performance, Governance and Improvement was reported to the Board in January 2017.</p> <p>National guidance requires Partnerships to produce an annual report on performance using the 'core suite of indicators'. The Annual Report will be submitted to Council around June 2017. Beyond that, it is for the IJB to decide the breadth and depth of performance monitoring and the frequency of reporting. The report in January indicated that, beyond the required national indicators, the Partnership has begun to identify other relevant metrics which suit particular local requirements. This includes consideration of new measures that are more sensitive to change and improvement. In reporting positive progress, the report noted that this workstream "still have a long way to go".</p> <p>It is planned that the Audit and Performance Committee will be the main recipient of all performance data and intelligence and that decisions on exception reporting to Board level will be taken by this committee.</p>
ii.	<p>The Board considered a report at its January meeting which provided an update on transformational activity and sought approval to incur expenditure. The Transformation programme is overseen by the Integration and Transformation Programme Board.</p> <p>The Transformation Programme includes the following priority areas for strategic investment:</p> <ul style="list-style-type: none"> • Acute Care at Home • Supporting Management of Long Term Conditions – Building Community Capacity • Modernising Primary and Community Care • Culture Change/ Organisational Change • Strategic Commissioning and Development of Social Care • Information and Communication Technology and Technology Enabled Care (included within a wider work programme also including infrastructure and data sharing) • Delayed Discharge <p>These programmes, consisting of a range of individual and linked projects, seek to support the delivery of the objectives and aspirations as set out in our Strategic Plan.</p> <p>The report noted that whilst "many of the work streams are currently</p>

	<p>progressing slower than we would wish” it is anticipated that this position will improve once the additional resource (i.e. new posts) is in place. Work is ongoing to develop an evaluation framework to evaluate all of the Partnership’s transformational activities to evidence the extent to which these are attaining their specific objectives and contributing to the implementation of the strategic plan. Colleagues from Health Intelligence within NHS Grampian are developing this evaluation framework of transformational activities and are liaising with Integrated Localities Programme Manager. The Board has instructed the Chief Officer to report on how transformation plans can be accelerated. It is intended to bring a performance report to the Board meeting in May, 2017.</p>
v.	<p>Regular one to one meetings between Joint Accountable Officer and ACC and NHS Grampian CEOs continue and are attended by the Council’s S95 Officer where the financial and non-financial performance of the IJB is reviewed.</p> <p>At the most recent meeting, further refinement was agreed to the regular performance dashboard. In addition, it was agreed that 4 key improvement plans would be reviewed in future, along with the Board’s Transformation Programme. The group also agreed to formalise the collaborative approach to budget setting across the executive teams. A “Budget Protocol between ACC; NHS Grampian and the Aberdeen IJB” was agreed at the Council’s meeting on 22nd February, 2017. This sets out a collaborative approach to budget setting, including both executive and non-executive engagement, ensuring that there is transparency throughout the process and that the decision making role of the IJB is respected.</p>
H.	Procurement Governance
i.	<p>A commissioning plan will be developed showing, in more detail, the IJB’s commitment to transform the configuration and delivery of the integrated health and social care services across all sectors to meet the needs of the local population. The Plan will be a statement of intent and as such an invitation to the third, independent and housing sectors to participate in the collaborative development and implementation of these.</p> <p>The substance and detail of this commissioning plan will influence future directions that the IJB gives to Council and Health Board in respect of delegated services that they deliver on behalf of the IJB. This plan will be produced in the second quarter of 2017.</p> <p>A Market Facilitation steering group has been established to oversee the development of a Market Facilitation plan. It is envisaged that this plan will be presented to the IJB for approval and publication, along with the Commissioning Plan referred to above, in the second quarter of 2017. Market facilitation is an integral element of the commissioning cycle and the Partnership intends to build on ongoing dialogue with partners in the third, independent and housing sectors to develop a market facilitation plan which will outline the key principles to underpin commissioner provider relationships as well as activities which will support the reshaping of</p>

existing care models across all of the sectors.

National level negotiations are ongoing with regard to the **National Care Home Contract**. An update will be provided in my next quarterly report on the outcomes of these negotiations.

6. IMPACT

Improving Customer Experience –

None direct.

Improving Staff Experience –

None direct.

Improving our use of Resources –

None direct.

Corporate –

The report supports the awareness of Council of the developing arrangements for the IJB.

Public –

The report may be of public interest as the new arrangements are developed and embedded.

7. MANAGEMENT OF RISK

Any significant risks will be identified and managed as appropriate. The report includes details of the system of risk management as well as identified financial risks.

8. BACKGROUND PAPERS

“Aberdeen: the Smarter City”

“Aberdeen City Health and Social Care Partnership Strategic Plan”

“Aberdeen City Health & Social Care Partnership – Integration

Scheme”

9. REPORT AUTHOR DETAILS

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Office of Chief Executive

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INTEGRATION JOINT BOARD

DIRECTION

ISSUED UNDER S26-28 OF THE PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT
2014

The **ABERDEEN CITY COUNCIL** is hereby directed to deliver for the Board, the agreed specific direction noted below within the associated budget.

- Services: Adult Social Care Services as listed below :

	Type of Service	1 year estimated expenditure	5 year estimated expenditure	Present Contract expires
Services to be retendered				
SAMH George Street	Supported Accomodation	£ 378,930	£ 1,894,649	31/12/17
SAMH Constitution Street	Supported Accomodation	£ 308,924	£ 1,544,912	31/12/17
Penumbra Papermill Gardens	Supported Accomodation	£ 391,208	£ 1,956,042	31/12/17
Penumbra Outreach Service	Care at Home and Housing Support	£ 311,060	£ 1,555,300	31/08/17
Employability Services framework	Employability, training and skills development	£ 539,750	£ 2,698,750	31/10/17
Contracts to be extended				
Penumbra Rosemount	Residential care home	£ 206,685	£ 1,033,425	31/12/17
Penumbra Ellon Road	Residential care home Short break	£ 240,796	£ 1,203,980	31/12/17
Seabank Aberlea	Residential care home	£ 250,429	£ 1,252,147	25/02/17
Penumbra Nova Service and First Response Service	Support service	£ 343,845	£ 1,719,227	30/09/17
Alzheimer's Scotland	Specilaist advice,	£88,625.88	443,129	31/03/17

Advice And information	information and support service			
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Functions:- Support services for people with Mental Illness

IJB Approval:- 31 January 2017

Specific Direction

1. To direct Aberdeen City Council to initiate the procurement of mental health services as listed above.
2. To direct Aberdeen City Council to extend contracts for a 3 year period with an option to extend for a further 2 years based on performance and current demand and strategy.
3. To direct Aberdeen City Council to award the contracts to the preferred bidder on completion of the procurement process.

Associated Budget:- Please see table above identified from budgets now in the Aberdeen City Health & Social Care Partnership.

This direction is effective from 31 January 2017 until the procurement process is completed.

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COMMITTEE	Council
DATE	15 th March, 2017
DIRECTOR	Chief Executive
TITLE OF REPORT	Standards Commission for Scotland – Written Decision
REPORT NUMBER	OCE/17/003
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

This report brings before the Council for its consideration the written decision made by the Standards Commission for Scotland following a hearing held on 24th January, 2017.

2. RECOMMENDATION(S)

That Council:

- (1) considers the content of the written decision and notes the sanction imposed by the Standards Commission for Scotland; and
- (2) further notes the importance of ensuring that members are not seen to be determining quasi judicial and regulatory matters prior to the meeting at which the matter is to be considered.

3. FINANCIAL IMPLICATIONS

There are none.

4. OTHER IMPLICATIONS

In terms of section 18 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 and rule 10.9 of the Standards Commission's Hearing Rules, the Standards Commission is required to afford any Council or Devolved Body which receives a copy of a written decision a period of three months (or longer as the Standards Commission may determine) to consider the content of that decision. Section 18(3) of the Act provides that this consideration cannot be undertaken solely by a

Committee, Sub-Committee or Officers of the relevant Council or Public Body.

The Council is required to notify the Standards Commission by 27th April, 2016 of any actions or decisions taken by the Council as a result of the written decision.

5. BACKGROUND/MAIN ISSUES

- 5.1 Attached to this report is a copy of the written decision of the Standards Commission for Scotland following a hearing on 24th January, 2017, further to a complaint concerning alleged contraventions of the Councillors' Code of Conduct by Councillor William Cormie. It is recommended that the Council considers the content of the written decision and notes the sanction made by the Standards Commission for Scotland.
- 5.2 Members will be aware of the requirement under section 7 of the Councillors' Code of Conduct which seeks to ensure proper and fair hearings of quasi judicial and regulatory matters and emphasises the need to avoid any impression of bias in statutory decision making processes.
- 5.3 It is important that members note the need to be seen to be acting fairly which includes not pre judging an application or demonstrating perceived bias before the appropriate meeting at which the matter is to be determined. Guidance is available from officers in Legal and Democratic Services.

6. IMPACT

Improving Customer Experience –

The Council is required by statute to consider and respond to the attached decision letter, and public confidence in due process being followed is an absolute.

Improving Staff Experience –

As above, it is important that staff see due process being followed.

Improving our use of Resources –

The Council will be seen to be accountable by complying with the statutory duty.

Corporate –

The Council will be seen to be accountable by complying with the statutory duty.

Public –

The report will be of interest to the public and media.

7. MANAGEMENT OF RISK

The report brings before the Council information relating to a process undertaken by a third party. There would be a danger of reputational risk to the Council if it failed to consider the written decision of the Standards Commission for Scotland and to take appropriate action.

8. BACKGROUND PAPERS

There are none.

9. REPORT AUTHOR DETAILS

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**STANDARDS
COMMISSION
FOR
SCOTLAND**

INTEGRITY IN PUBLIC LIFE

Office of Chief Executive
Aberdeen City Council

30 JAN 2017

Ms Angela Scott
Chief Executive
Aberdeen City Council
Town House
Broad Street
Aberdeen
AB10 1FY

27 January 2017

Dear Ms Scott

**Councillor William Cormie: Written Decision including Findings as to Sanction
Standards Commission for Scotland Hearing: 24 January 2017**

I refer to the Hearing detailed above and enclose a copy of the written decision of the Hearing Panel. I have enclosed a copy of this letter for Fraser Bell, in his role as Monitoring Officer, for information. I would be grateful if you could pass this on.

On behalf of the Standards Commission, I would like to thank you for enabling the Hearing to be held in the Council Chamber and Committee Rooms. The Hearing Panel would also be grateful if you would pass their thanks to your staff for their support with the arrangements for the Hearing and the professional and efficient service they provided.

In terms of section 18 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 ("the Act") and Rule 6.9 of the Standards Commission's Hearing Rules, the Standards Commission is required to afford any Council or Devolved Public Body which receives a copy of a written decision a period of 3 months (or longer as the Standards Commission may determine) to consider the content of that decision. Section 18(3) of the Act provides that this consideration cannot be undertaken solely by a Committee, Sub-Committee or Officers of the relevant Council or Public Body.

I would be grateful if arrangements could be made for consideration of the written decision in terms of section 18(3) of the Act and Rule 6.10 of the Hearing Rules. It would be appreciated if you could confirm the Council has considered the decision and advise of any actions or decisions taken as a result within 3 months of the date of this letter, i.e. by 27 April 2017 so that I can advise the Standards Commission Members accordingly.

We are keen to ensure that we reflect best practice and are continually striving to improve our processes in respect of how we manage and conduct Hearings. As someone who was involved in the process, we are interested in your views and feedback on the different aspects of the Hearing. We would, therefore, be grateful if you would consider completing a short survey, which can be found at www.surveymonkey.co.uk/r/HearingProcessSurvey. The survey should take no more than 5 minutes to complete and is anonymous. Alternatively, please send any comments or suggestions

Room T2.21, The Scottish Parliament
Edinburgh, EH99 1SP

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E enquiries@standardscommission.org.uk

W www.standardscommissionscotland.org.uk

you wish to make to enquiries@standardscommission.org.uk . All feedback received will be used to inform, and hopefully improve, the Hearing process. If you have any questions about the survey itself or your participation, please do not hesitate to contact me.

Thank you for your assistance with this matter.

Yours sincerely



LORNA JOHNSTON
Executive Director

Enc. Decision

cc: Fraser Bell
Head of Legal and Democratic Services / Monitoring Officer

Room T2.21, The Scottish Parliament
Edinburgh, EH99 1SP

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Decision of the Hearing Panel of the Standards Commission for Scotland following the Hearing held in the Council Chamber of Aberdeen City Council, Town House, Broad Street, Aberdeen on 24 January 2017

Panel Members: Mr Kevin Dunion, OBE, Chair of the Hearing Panel
Mrs Lindsey Gallanders
Mrs Julie Ward

The Hearing arose in respect of a Report by Mr Bill Thomson, the Commissioner for Ethical Standards in Public Life in Scotland ("the CESPLS") further to complaint reference LA/AC/1876 ("the Complaint") concerning an alleged contravention of the Councillors' Code of Conduct ("the Code") by Councillor William Cormie ("the Respondent").

The CESPLS was represented by Mr Ian Mackay, Investigating Officer. The Respondent was represented by Mr Scott Martin, solicitor.

COMPLAINT

A complaint was received by the CESPLS about the alleged conduct of the Respondent. The substance of the allegation was that the Respondent had contravened the Councillors' Code of Conduct and, in particular, provisions relating to taking decisions on quasi-judicial or regulatory matters.

The CESPLS investigated the complaint and concluded that the Respondent had breached paragraphs 7.1, 7.3 and 7.4 of the Councillors' Code of Conduct.

The relevant provisions were:

Introduction

7.1 The Code's provisions relate to the need to ensure a proper and fair hearing and to avoid any impression of bias in relation to statutory decision making processes. These provisions apply not only to those made under planning legislation but to a number of others of a quasi-judicial or regulatory nature which the local authority may also have to consider. These will include applications for taxi, betting and gaming, liquor, theatres, cinemas and street trader licences and a range of other similar applications where the issuing of a statutory approval or consent is involved. This also includes where the local authority is acting in an enforcement, disciplinary or adjudicatory role.

Fairness and Impartiality

7.3 In such cases, it is your duty to ensure that decisions are properly taken and that parties involved in the process are dealt with fairly. Where you have a responsibility for making a formal decision, you must not only act fairly but also be seen as acting fairly. Furthermore, you must not prejudge, or demonstrate bias in respect of, or be seen to be prejudging or demonstrating bias in respect of, any such decision before the appropriate Council meeting. In making any decision, you should only take into account relevant and material considerations and you should discount any irrelevant or immaterial considerations.

7.4 To reduce the risk of your, or your Council's, decisions being legally challenged, you must not only avoid impropriety, but must at all times avoid any occasion for suspicion and any appearance of improper conduct.

The CESPLS submitted a report to the Standards Commission on 2 November 2016 in accordance with section 14(2) of the Ethical Standards in Public Life etc. (Scotland) Act 2000 as amended.

Joint Statement of Facts

The CESPLS and Respondent's representative signed a Joint Statement of Facts on 16 January 2017, which outlined the parts of the CESPLS's Report that were agreed. The Hearing Panel noted that these included the following facts:

- That the Respondent, as a member of the Council's Licensing Committee, made comments to the press on 23 October 2015 regarding an application to operate a house of multiple occupancy (HMO) at 32 Roseberry Street, Aberdeen, which was due to be considered by the Licensing Committee on 3 November 2015. The comments included ones to the effect that HMO's were not appropriate for the area, were not required and that a HMO licence being granted in respect of the specific application would cause difficulties in terms of parking and waste disposal. A press article containing the comments and a photograph of the Respondent was published on 23 October 2015, which was before the Licensing Committee papers had been issued.
- Before the meeting on 3 November 2015, both officers and the Convener of the Licensing Committee advised the Respondent that the comments, as reported, suggested a pre-determination of the matter and, as such, he should not take part in the discussion and decision-making on the item. However, the Respondent told the Convener that he had no intention of leaving the meeting and would be 'moving against the application'.
- The Respondent proceeded to take part in the consideration of the application at the Council's Licensing Committee meeting on 3 November 2015. The Respondent advised the meeting of his support for an amendment to refuse the application, stating he had previously voted against the planning application for change of use in respect of the property. The Respondent proceeded to vote for the amendment to refuse the application, which was then carried.
- The Council's decision was appealed under Section 159 of the Housing (Scotland) Act 2016. The initial writ challenged the decision not to grant the application on a number of grounds, but specifically cited that the Respondent had formed a view on the application in advance of the Licensing Committee meeting on 3 November 2015 as evidenced by his comments as quoted in the press article of 23 October 2015.
- The Respondent participated in the discussion and voting, as a member of the Council's Licensing Committee, when it considered whether or not the appeal should be defended at a meeting on 19 January 2016. The Respondent seconded an unsuccessful amendment to the effect that the appeal be defended.

The Hearing Panel noted that the Respondent accepted that he had contravened paragraph 7.3, as read in conjunction with the introductory paragraph 7.1, of the Councillors' Code of Conduct in having been perceived to have pre-determined the HMO licence application.

Evidence Presented at the Hearing

The CESPLS's representative outlined the facts as set out in his Report. He explained that an application for change of use from a residential property to a HMO had been considered at a meeting of the Council's Planning Development Management Committee on 16 July 2015. The Respondent had moved an amendment to refuse the application on the grounds that it did not accord with Council policy and that there was insufficient parking. The application had, however, been approved.

The CESPLS's representative indicated that the subsequent HMO licence application was placed on the agenda for the Licensing Committee meeting on 3 November 2015 after a number of objections were received. The objectors included the Rosemount and Mile-end Community Council, who determined at a meeting on 20 October 2015, attended by the Respondent, that their planning officer would attend the Licensing Committee meeting in order to make representations. A journalist from the Press and Journal newspaper, who had also been at the Community Council meeting, approached the Respondent the next day and sought comments from him in respect of the HMO licence application. The comments provided by the Respondent, as described above, were published in the newspaper on 23 October 2015 and demonstrated that the Respondent was clearly opposed to the HMO licence application being granted. The CESPLS's representative advised the comments in question demonstrated bias against the application, which were suggestive of the Respondent pre-judging the matter before he had received the Licensing Committee papers and heard any of the submissions on it, including those of the applicant.

The CESPLS's representative indicated that when Council officers became aware of the contents of the newspaper article, they brought it to the attention of the Licensing Committee's Convener. Both the Convener and officers approached the Respondent before the Licensing Committee meeting and suggested he should consider not participating in the discussion and voting on the HMO licence application on the grounds that his comments suggested pre-determination of the matter. The Respondent advised the Convener, however, that he had no intention of leaving the meeting and would be 'moving against the application'. The CESPLS's representative advised that the Respondent told officers that he had not spoken directly to the press. He further advised officers that the comments quoted in the newspaper article had been made at an earlier Community Council meeting and related to the planning application for a change of use, not the HMO licence application.

The CESPLS's representative advised that the Respondent proceeded to participate in consideration of the application at the Licensing Committee meeting. While the Respondent had asked questions of both the applicant and objectors, he stated at the meeting that he had voted against the prior planning application and saw no need for a HMO in the area. The Respondent proceeded to vote for an amendment to refuse the application.

The CESPLS's representative noted that councillors were not only obliged by the Code to refrain from pre-judging or demonstrating bias in respect of quasi-judicial or regulatory applications

before they were determined at the appropriate Committee meeting, but were also under a duty not to be seen to be pre-judging or demonstrating bias in respect of any such decisions. The CESPLS's representative contended that any member of the public reading the newspaper article would conclude, on the balance of probabilities, that the Respondent was opposed to the granting of the HMO licence and, as such, had pre-judged it. The CESPLS's representative argued, therefore that the Respondent had contravened paragraphs 7.1 and 7.3 of the Councillors' Code of Conduct.

The CESPLS's representative advised that, following the Licensing Committee meeting, the applicant lodged an appeal against the decision to refuse the HMO licence application. In the initial writ, the applicant argued that the Council had acted contrary to natural justice in basing its decision on incorrect material facts. The initial writ also identified the Respondent individually and argued that his failure to disqualify himself from considering the HMO licence application, having formed a view on it before the Licensing Committee meeting, was also contrary to natural justice.

The CESPLS's representative stated that the Council's Head of Legal and Democratic Services discussed the initial writ at a meeting with the Respondent on 12 January 2016. The Head of Legal and Democratic Services advised the Respondent that a decision on whether or not to defend the appeal was to be made at a meeting of the Licensing Committee on 19 January 2016. The Respondent told the Head of Legal and Democratic Services that the comments he had made, as quoted in the press article, concerned the planning application, not the HMO licence application. The Head of Legal and Democratic Services advised the Respondent that, nevertheless, where there was a perception that a councillor had pre-determined a matter and then participated in a quasi-judicial decision, the decision was potentially open to legal challenge. As such, he should not participate in any further discussion and decision-making in respect of the matter.

The CESPLS's representative advised that the Respondent had disregarded this advice and had proceeded to take part in the discussion and voting on whether or not to defend the appeal at the Licensing Committee on 19 January 2016, which included seconding an amendment to the effect that the appeal should be defended. The Respondent stated at the meeting that he had not pre-judged the application and that the comments he had made, as quoted in the press article, related to the prior planning application. Following a vote, the motion not to defend the appeal was approved and, on 4 February 2016, the Sheriff remitted the matter back to the Council to consider the HMO application afresh. The Respondent was not in attendance when the Licensing Committee considered the application afresh on 8 March 2016.

The CESPLS's representative argued that knowing his own personal behaviour had been cited in the appeal and given the advice received from the Head of Legal and Democratic Services, the Respondent should have refrained from taking part in the discussion and decision-making on whether or not to defend the appeal at the meeting on 19 January 2016. The CESPLS's representative contended that, in failing to do so, the Respondent contravened paragraph 7.1 of the Code, which emphasises the need to ensure a proper and fair hearing and to avoid any impression of bias in relation to statutory decision making processes and also paragraph 7.3 of the Code, which obliges councillors to ensure that decisions are both taken and seen to be taken properly and fairly.

The CESPLS's representative further argued that the submission of the appeal meant that the HMO licence application was effectively still live. This continued to be the case until the application was finally determined at the meeting on 8 March 2016. The CESPLS's representative

contended that the consideration by the Licensing Committee about whether or not to defend the appeal was, in effect, a continuation of the decision-making in respect of the HMO licence. In taking part in the consideration of and voting on the item at the Licensing Committee on 19 January 2016, the CESPLS's representative argued that Respondent continued to fall foul of the requirement to avoid being seen as pre-judging or demonstrating bias and, as such, breached paragraphs 7.1 and 7.3 of the Code.

The CESPLS's representative argued that the Respondent's actions amounted to improper conduct, which had placed the Council at risk of legal challenge. The identification of the Respondent in the initial writ and the contention that his actions had been contrary to natural justice demonstrated that he had failed to avoid any occasion for suspicion and any appearance of improper conduct. The CESPLS's representative argued that given there had been a breach of paragraphs 7.1 and 7.3, it followed that the Respondent had also contravened paragraph 7.4 of the Code.

The Respondent's representative accepted that the comments the Respondent had made, as quoted in the press article, would lead a reasonable and unbiased observer to conclude that he has pre-determined the HMO licence application before it was considered by the Licensing Committee on 3 November 2015. The Respondent's representative argued, however, that a breach of paragraph 7.4 of the Code did not automatically follow a finding of breach in respect of paragraph 7.3. If it did, it was arguable that any councillor who had been party to a prevailing vote in respect of a matter which was subsequently successfully appealed could find themselves falling foul of the provision in respect of paragraph 7.4 simply as a consequence of the matter being legally challenged. The Respondent's representative indicated that for a contravention of paragraph 7.4 to be found, there would have to be evidence of proper bias in the decision-making, such as if a councillor voted in favour of a matter for personal financial gain. There was no such proper bias in this case and no suggestion of material gain.

The Respondent's representative further argued that while the Respondent's actions had been detailed in the initial writ, the majority of the arguments in favour of the appeal concerned a failure by the Council to have proper regard for relevant and material considerations in respect of the HMO licence application, such as the steps that could be taken to reduce any possible public nuisance, and for its failure to discount irrelevant considerations in respect of the amenities within the property. As such, it could not be said that the Respondent's conduct alone had caused the Council's decision to be the subject of the legal challenge.

The Respondent's representative noted that it was accepted practice that judges can determine motions to recuse themselves. It followed, therefore, that councillors were also entitled to decide whether or not they could take part decisions on matters even where their individual conduct had been challenged, as it could not be the case that they would be obliged to follow a higher standard than that applied to the judiciary. In this case, the Respondent was entitled to decide whether or not he could take part in the decision about whether to defend the appeal at the meeting on 19 January 2016. In any event, even if the Respondent had not taken part in the decision and voting on the matter at the meeting on 19 January 2016, the decision would have remained the same; namely that the appeal should not be defended. The Respondent's representative concluded, therefore, that there had not been any breach of paragraph 7.4 of the Code.

DECISION

The Hearing Panel considered in detail all of the submissions, including the presentations made during the Hearing on behalf of the CESPLS and Respondent.

The Hearing Panel found as follows: -

1. The Councillors' Code of Conduct applied to the Respondent.
2. The Hearing Panel found the Respondent had breached paragraphs 7.1, 7.3 and 7.4 of the Councillors' Code of Conduct.

The Hearing Panel determined that:

- Through his comments reported in the press and the position he outlined to the Licensing Committee Convener, the Respondent demonstrated that he had pre-judged the HMO licence application before hearing the evidence and submissions at the meeting on 3 November 2015. The Respondent should, therefore, have withdrawn from the meeting and taken no part in the discussion or decision-making on the item. He had failed to do so.
- The meeting on 19 January 2016 was a continuation of the same matter as it formed part of the overall process of further considering matters relating to the HMO application. Knowing that officers and the Convener had expressed concerns about his participation in the item at the meeting on 3 November 2015 and that he had been individually identified in the subsequent appeal, the Respondent was aware that he was perceived as having pre-judged the matter. As such, he should not have taken part in the item at the meeting on 19 January 2016.
- It therefore concluded that the Respondent had breached paragraphs 7.1 and 7.3 of the Code in respect of his participation at both the meetings on 3 November 2015 and 19 January 2016.
- The Respondent had repeatedly misrepresented the context of the comments he had made, as quoted in the press article. The Hearing Panel noted that it was not disputed in the Joint Statement of Facts, signed on behalf of the Respondent on 16 January 2017, that he had made the comments attributable in the press directly to the reporter and that they concerned the HMO licence application. However, the Hearing Panel was concerned to note that, prior to the meeting on 3 November 2015, the Respondent not only denied speaking directly to the press but also maintained that the press article related to a Community Council meeting concerning the planning application, as opposed to the HMO licence application. The Respondent further contended at a meeting with the Council's Monitoring Officer on 12 January 2016 that he had not pre-determined the matter as his comments concerned the planning application, not the HMO licence application. He continued to maintain that position at the meeting on 19 January 2016.
- Noted that while the Respondent was not obliged to follow any advice received on how to comply with the Code, it was apparent that he had failed to properly consider the advice tendered by the Convener and officers before the meeting on 3 November 2015. The

Hearing Panel considered this failing was compounded by his subsequent disregard of the advice proffered by the Head of Legal and Democratic Services before the meeting on 19 January 2016. In addition, there was no evidence that the Respondent had reflected on the fact that his conduct had been criticised in the initial writ, despite his attention having been drawn specifically to it.

- It was not persuaded that a breach of paragraph 7.4 automatically followed a breach of paragraphs 7.1 and 7.3. However, in all of the circumstances of this case and in particular:
 - by repeatedly misrepresenting the context of his press comments;
 - failing to reflect on the fact that he had been individually named in the writ; and
 - failing to properly consider the advice proffered by officers

the Respondent failed to avoid any appearance of improper conduct, which would have reduced the risk of the Council's decision on the HMO licence being legally challenged. The Hearing Panel determined, therefore, that the Respondent had also breached paragraph 7.4 of the Code.

- The Hearing Panel considered it was the Respondent's personal responsibility to be aware of, and comply with, the provisions in the Councillors' Code of Conduct. He had failed to do so.

The Hearing Panel therefore concluded that the Respondent had breached paragraphs 7.1, 7.3 and 7.4 of the Code.

Evidence in Mitigation

The Hearing Panel was provided with copies of letters of support from a number of the Respondent's constituents. The Hearing Panel noted that these indicated the Respondent had been engaged with, and supported, a number of community groups and had actively contributed to a number of local community improvement projects and initiatives. The Hearing Panel noted the constituents stated that the Respondent was an active, well-respected and diligent constituency representative.

The Respondent's representative advised that he had been a councillor since 2007 and had not previously been the subject of a complaint. Before being elected, the Respondent had served on a community council for 20 years, including 15 years as its Chair.

The Respondent's representative indicated that the issue of whether the property should become a HMO was clearly a matter that his constituents were concerned about, even before the HMO licence application was submitted and that the Respondent had been keen to ensure their views and interests were represented. This had been his sole motivation. The Respondent accepted, however, that he should not have pre-judged the application and apologised for doing so.

SANCTION

The decision of the Hearing Panel is to suspend for a period of four months, the Respondent, from all committees and sub-committees of the Council that make decisions on quasi-judicial or regulatory matters with effect from 27 January 2017.

This sanction is made under terms of the Ethical Standards in Public Life etc. (Scotland) Act 2000 section 19(1)(b)(ii).

Reason for Sanction

In reaching their decision, the Hearing Panel:

1. Took account of the written statements in mitigation submitted on behalf of the Respondent. The Hearing Panel noted that these had been provided by constituents who stated that he was an active, well-respected and diligent constituency representative.
2. Heard evidence from his representative that the Respondent was motivated by trying to act in the interests of his constituents.
3. Acknowledged the contribution to public life made by the Respondent both as a community councillor and a local authority councillor.

However the Hearing Panel:

1. Found that there had been a serious breach by the Respondent of the Councillors' Code of Conduct in respect of taking decisions on quasi-judicial or regulatory matters, which had the potential to result in such decisions being legally challenged and to erode public confidence and trust in local government and the democratic process itself.
2. Found that the Respondent had deliberately misrepresented the basis on which his comments to the press had been made prior to, and during the decision-making meetings, and also during the course of the subsequent investigation by the CESPLS.
3. Found that the Respondent consistently disregarded advice from senior officers and colleagues, which exacerbated the situation.
4. Found that the Respondent disregarded the scope within the Code for councillors to make representations on behalf of their constituents and to then declare an interest and retire from the room after making such representations, instead of taking part in decision-making on the particular issue.
5. Emphasised that the duty on a councillor to act fairly and to be seen to be acting fairly when taking quasi-judicial and regulatory decisions is a fundamental requirement of the Code.

RIGHT OF APPEAL

The attention of the Respondent was drawn to Section 22 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 as amended which details the right of appeal in respect of this decision.

Date: 27 January 2017



**Professor Kevin Dunion OBE,
Chair of the Hearing Panel**

COMMITTEE	Council
DATE	15 th March, 2017
DIRECTOR	Richard Ellis
TITLE OF REPORT	Councillors' Code of Conduct – Consultation on Provisions of Conflicts of Interest
REPORT NUMBER	CG/17
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

The report recommends that a response is submitted to consultation being undertaken by the Scottish Government on possible amendments to the provisions on conflicts of interest in the Councillors' Code of Conduct.

2. RECOMMENDATION(S)

That Council approves the appended response to consultation, to be submitted by 20th March, 2017.

3. FINANCIAL IMPLICATIONS

There are none.

4. OTHER IMPLICATIONS

This matter links to issues of transparency and openness in decision making, as well as natural justice, as will be expanded upon below.

5. BACKGROUND/MAIN ISSUES

- 5.1 The Scottish Government is consulting on whether changes should be made to the Councillors' Code of Conduct in relation to declarations of interest on quasi judicial or regulatory matters. As it now stands, the Code of Conduct requires a councillor to declare an interest in a matter and not take part in discussion or decision making where the objective test cannot be met, ie a member of the public who knew of the councillor's interest would reasonably regard that interest as being so significant that it would prejudice the councillor's discussion and decision making.

- 5.2 Paragraph 5.7 of the Code provides that, notwithstanding the general provisions on declarations of interest, there is no need for a councillor to leave a meeting after declaring their interest where a general or specific exclusion applies. Some specific exclusions apply to certain outside bodies, however, they do not apply in respect of quasi judicial or regulatory matters where the body to which the councillor has been appointed is (i) applying for a licence, consent or approval, (ii) is making an objection or representation, (iii) has a material interest in such a licence, consent or approval, or (iv) is the subject of a statutory order of a regulatory nature, made, or proposed to be made, by the local authority.
- 5.3 As an example of the issue being consulted upon, the Scottish Government has used the example of Nestrans, the Regional Transport Partnership for North East Scotland comprising four elected members of this Council, four of Aberdeenshire Council and four external members appointed by the Scottish Government. This Council, on behalf of Nestrans, had requested that the Standards Commission grants a dispensation to allow its councillors on Nestrans to be permitted to consider matters of a quasi judicial nature in which Nestrans had an interest. The interest was that Nestrans had commented on a major planning application which had transport implications before the Council considered it. Nestrans Council members already have the option of using a specific exclusion which allows them to consider and determine matters at Council and its committees, but this does not extend to quasi judicial and regulatory matters.
- 5.4 The Standards Commission refused this Council's request as it felt that to do so would be contrary to the Code as the declarable interest would be the councillors' membership of Nestrans. Therefore, the conflict of interest, and the requirement that the councillors did not participate in consideration and determination of the matter at Planning Committee, could not be avoided by the members simply not taking part in the meeting when the matter was before Nestrans.
- 5.5 The document goes on to explain that Nestrans, this Council and Aberdeenshire Council have argued that this may adversely affect the ability of partnership bodies such as Nestrans to influence Council decisions on important issues; for example, most major planning applications would have potential transport implications. Also, it may be difficult to find members to sit on certain outside bodies as members would be more likely to wish to be able to determine planning applications than be a member of an outside body which may comment on them. This may lead to certain outside bodies being unable to properly perform their functions or to comply with statutory requirements for membership. The Standards Commission having concluded that it was not minded to grant dispensations in such cases, the Scottish Government determined that the matter can only be addressed by changing the Code of Conduct.

- 5.6 Accordingly, the proposal is to amend the Code so that councillors who are appointed to an outside body would not be prevented from taking part in their authority's consideration of a quasi judicial or regulatory matter in which that outside body had an interest, purely because of their membership of that body.
- 5.7 The Scottish Government has suggested that this could be accomplished by extending the current specific exclusion in the Code for councillor members of a public body, to include quasi judicial or regulatory matters in which that body had an interest. Members would still need to declare their interest as a member of that body. However, the Scottish Government is open to other suggestions.
- 5.8 Although raised by Nestrans as a specific issue affecting Regional Transport Partnerships, the consultation document acknowledges that this could arise in respect of other public bodies, and so views have been invited on whether any change should cover all public bodies to which councillors may be appointed.
- 5.9 The consultation also invites comment on whether any extension to the Code should apply in all cases, or only to cases where the councillor did not participate in the outside body's consideration of the quasi judicial or regulatory matter in question or attended any meeting of the body at which it was discussed. This latter example is in accordance with the specific exclusion currently in place in the Code for councillors who are members of the Cairngorms National Park Authority.
- 5.10 In considering the Council's response, it is worth reminding members of the existing categories of specific exclusion. There are four categories of specific exclusion for councillors appointed as members or directors of outside bodies who have registered the appointment as an interest, where that body is:
- (a) a devolved public body under schedule 3 to the Ethical Standards in Public Life etc (Scotland) Act 2000;
 - (b) a public body under statute;
 - (c) a body with whom there is an agreement in force which has been made in terms of section 19 of the Enterprise and New Towns (Scotland) Act 1990 by Scottish Enterprise or Highlands and Islands Enterprise for the discharge of functions of SE or HIE; and
 - (d) a company established wholly or mainly for the purpose of providing services to the councillor's local authority and which has entered into a contractual arrangement with the local authority for the supply of goods and/or services to the local authority.
- In each case, the councillor must declare the interest but can remain and consider and determine the matter in question, as long as it is not of a quasi judicial or regulatory nature. The councillor is also expected to apply the objective test and so can decide not to make use of the specific exclusion, even though it is available to them.
- 5.11 As referred to above, the Code of Conduct has a specific exclusion for members of the Cairngorms National Park Authority (CPNA). This applies where councillors who are members of the Authority can

consider and vote on planning applications at Council, committee or sub committee meetings where the CNPA has submitted comments to the Council, or has decided not to call-in an application, as long as the councillor did not take part in the relevant decision by the CNPA and did not attend the relevant CNPA meeting to decide on comments, representations or objections. It also only applies in questions of call-in where the CNPA has not discussed the merits of an application in deciding not to exercise that power.

- 5.12 In the specific Nestrans case which led to the request for a dispensation, the councillors sitting as Nestrans members had a material interest in the matter in front of them given that Nestrans had established the Strategic Transport Fund, which was being challenged. (category (iii) as set out in paragraph 5.2 above; the CNPA specific exclusion allows them to consider matters covered in (ii) in paragraph 5.2).
- 5.13 Councillors are being appointed to joint bodies more and more frequently – recent examples include the IJB, ALEOs, LLPs, the City Region Deal Joint Committee, etc. The issue of conflict of interest will become more prevalent; members must not merely comply with the Code of Conduct but also be seen to comply with natural justice. In respect of planning applications, this clearly pertains to questions of bias, perceived bias and pre determination. Any change to the Code must comply with the law, although the CNPA specific exclusion does appear to be a grey area, potentially. Having said that, the decision on whether or not to use the specific exclusion rests, in each case, with the individual member. There are occasions when a member’s individual personal interests may not be compatible with the use of the exclusion, as the Guidance on the Code of Conduct suggests.
- 5.14 There are a number of questions to be addressed and various possible solutions. Firstly, which elements of quasi and judicial matters should apply. It is suggested that only parts (ii) and (iii) of the four set out in paragraph 5.2 above should, so there should be no specific exclusion where a councillor is a member of a body which is making an application or is subject to an order or regulation. If parts (ii) and (iii) are to apply on the same terms as the specific exclusion available to councillors on the CNPA, then the actual members who wish to vote on the matter at Council should not be present or take part at the meeting of the outside body.
- 5.15 Secondly, to which bodies should the proposed amendment to the Code apply? In addition to Regional Transport Partnerships, there are other bodies to which the Council makes appointments which may comment on planning applications, such as the NHS, heritage bodies, etc. Although a specific exclusion applies to some of these, there is no exclusion similar to that available to members of the CNPA and now being proposed for Nestrans and other RTPs. This would see RTPs dealt with in a different manner to other bodies. In addition, members on the City Region Deal Joint Committee, and members of ONE, were granted a dispensation recently by the Standards Commission which

meant that they could consider and vote on matters referred to Council from those bodies, having declared their interest.

- 5.16 Were the CNPA model to be adopted, it would mean that members could absent themselves from a meeting of Nestrans and so protect their ability to consider the matter before Nestrans at the appropriate Council meeting. However, were all members of both Councils to absent themselves then only the external members of Nestrans would remain. This could make Nestrans inquorate as, in terms of the Parliamentary Order which established its composition, a quarter of members require to be present for a meeting to be quorate. It is therefore proposed that the Council's response suggest that the quorum of Regional Transport Partnerships should be addressed to resolve this issue.
- 5.17 Another option would be to delegate the making of any response to officers of the body in question. This would mean that the role of members was diminished, but would provide a separation between members and the response or representation to the Council. Alternatively, authority could be delegated to the Standards Commission to add organisations to the list of devolved public bodies under Schedule 3 of the 2000 Act. This would merely extend the list of bodies to which the specific exclusion applied; it would exclude quasi judicial and regulatory matters and so would not provide for the additional ability given to members appointed to the CNPA to consider certain planning applications at their own Council.
- 5.18 These issues are summarised in the appended draft response which is presented for approval and which should be sent to the Scottish Government by 20th March, 2017.
- 5.19 Nestrans has already agreed its position, and would like to councillors who sit on Regional Transport Partnerships to be able to consider and determine the submission of representations on quasi judicial and regulatory matters at Partnership meetings, and be able to determine them when they were before Council as well. This only applies to the making of representations – were Nestrans to be in the position of submitting an application or objection, its members accept that there would be a clear conflict of interest.

6. IMPACT

Improving Customer Experience –

The consultation on changing the Councillors' Code of Conduct may appear to have little impact on service to customers, but it could resolve situations which have restricted the ability of experienced local members to consider planning matters of concern to their constituents. On that basis, local accountability should also be improved.

Improving Staff Experience –

The proposed change will have little impact on staff though it may reduce the need to seek the advice of the Standards Commission on occasion.

Improving our use of Resources –

The proposal will have limited impact on the use of resources, the question is more one of local accountability and efficiency and transparency in decision making.

Corporate -

This matter is one which was raised with the Standards Commission in the first instance by Aberdeen City and Aberdeenshire Councils, although the question is one that could be applied equally to Councils throughout Scotland. It relates to amending the Councillors' Code of Conduct, and so links to the Smarter Governance aspects of Aberdeen – the Smarter City.

Public –

The report addresses a proposal to change the national Councillors' Code of Conduct, and it may be of public interest given that the issue which ultimately initiated the proposal related to the Strategic Transport Fund, a matter which is still in the news. In general terms, the proposal could be described as one which seeks to balance the role of members as representatives of their constituencies against transparency and openness in decision making.

7. MANAGEMENT OF RISK

As described in the paragraph above, the proposed change to the Code seeks to balance members' ability to represent their communities against the need for openness and transparency in decision making. There is a requirement to avoid bias, perceived bias and the predetermination of planning applications, and even though the proposal put forward is that currently available to councillors sitting on the CNPA, it does not diminish the risk of perceived bias entirely and the Guidance on the Councillors' Code of Conduct makes it clear that members are expected to apply the objective test in each case before using a specific exclusion.

8. BACKGROUND PAPERS

Counsel's opinion x2
Correspondence with the Standards Commission

9. REPORT AUTHOR DETAILS

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Councillor Code of Conduct Amendment

RESPONDENT INFORMATION FORM

Please Note this form **must** be completed and returned with your response.

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

--	--

Phone number

Address

--

Postcode

--

Email

--

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
 Publish response only (anonymous) – Individuals only
 Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes

No

Councillor Code of Conduct Amendment

Consultation questions

1. Do you agree or disagree that the Councillors' Code of Conduct be amended so that councillors who have been nominated or appointed by their councils to membership of a Regional Transport Partnership can take part in discussion of decision-taking on matters of a quasi-judicial or regulatory nature in which that body has an interest?

X Agree

Disagree

2. If you agree – How should the amendment be worded?

We consider a specific exclusion similar to the specific exclusion currently in the Councillor's Code of Conduct for councillor members of the Cairngorms National Park Authority should be applied i.e. the specific exclusion will only apply where the councillor has not participated in the decision of the regional transport partnership and has not attended any regional transport partnership meeting at which the matter was discussed. It is possible if all councillor members (of a particular Council) of the regional transport partnership were to absent themselves the relevant meeting(s) of the regional transport partnership could be inquorate so the quorum requirements of the regional transport partnership may require to be addressed to resolve such an issue. An alternative option would be for the regional transport partnership to delegate the making of the comments, representations or objections to officers of the regional transport partnership.

3. If you disagree please explain why you do so.

4. If you agree - should that amendment apply to all public bodies, not just RTPs?

X Yes

No

5. If you have answered no please explain why.

n/a

We would also ask if respondents have any other comments or suggestions about the provisions of the Code on declarations of interest as regards councillors who are also members of other bodies.

We consider a specific exclusion for members of other public bodies should only apply where the councillor has not participated in the decision of the body on the matter under consideration or attended any meeting of the body at which the matter was discussed. It is possible if all councillor members of a body were to absent themselves the relevant meeting of the body could be inquorate so the quorum requirements of the body may require to be addressed to resolve such an issue. An alternative option would be for the body to delegate the making of any comments, representations or objections to officers of the body so that although the role of members of the body was diminished a separation between the members and the comments, representations or objections would be provided.

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COMMITTEE	Council
DATE	15 th March 2017
DIRECTOR	Richard Ellis
TITLE OF REPORT	Council Diary - Rescheduling of Statutory Meeting
REPORT NUMBER	CG/17/031
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

The report proposes that the statutory meeting be postponed by one week to 17th May and that the Council diary be adjusted as appropriate to accommodate other meetings affected by this.

2. RECOMMENDATION(S)

That Council agrees to reschedule the statutory meeting to 17th May and approves the amended calendar for May/June 2017 as appended to this report.

3. FINANCIAL IMPLICATIONS

There are none.

4. OTHER IMPLICATIONS

Postponing the statutory meeting by one week will allow more time for training members after the election, which will be particularly useful for those supporting the Paperlight project. It will also allow for time for members to hold negotiations, should these be necessary.

5. BACKGROUND/MAIN ISSUES

5.1 When the Council diary for 2016/17 was approved, the statutory meeting in 2017 was fixed for the 10th May, in week following the elections. It is now proposed to move this to 17th May.

5.2 It had been intended that paper copies of the agenda (excluding reports which could not be written until after the results were known) would be issued to members at the count on 5th May; also, the new

devices for members supporting the Paperlight project would be issued and registered to each individual user. Reports on political balances would be prepared after the count.

- 5.3 There are two factors which now make rescheduling the meeting to 17th May desirable. Firstly, Information Technology and Transformation (ITT) colleagues have confirmed that the issue and registration of the new tablets cannot be done at the count on Friday 5th May because of the security requirement that initial registrations are done via a connection to the Council's secure network. There is no access to this at AECC. Secondly, CMT have expressed the wish that all members who wish it be supported in moving to paperless agendas.
- 5.4 ITT have confirmed that their analysts will be available at the Town House on Friday afternoon after the count to provide devices to those members who want them registered that day. This, however, may not be a priority for members and it is expected that most devices will be registered on the Monday at the Councillors' networking event.
- 5.5 To meet the training requirements for the meeting on the 10th, training would need to be set up on the Monday evening and Tuesday afternoon immediately before the meeting on Wednesday, and it would be expected that members may go into that meeting with unresolved questions. It would be a particular issue for those members being trained on Tuesday afternoon as they would only then be getting the agenda for the following day.
- 5.6 In addition, there has been the need in the past to delay the statutory meeting to allow members more time to discuss the forming of the new Administration. Postponing the meeting to 17th May would allow additional time for such discussions, should they be needed.
- 5.7 Given the knock on effect of moving the date of the statutory meeting, other meetings will also need rescheduled, and a revised diary for May/June 2017 is appended. Dates which have been changed are underlined.
6. IMPACT

Improving Customer Experience –

There would be no significant direct customer service impact as a result of the proposal, though some individuals may be affected by a slight delay, for example where consideration of a planning application is affected.

Improving Staff Experience –

There will be benefits, through more time being available, for those officers providing training to members, which will be particularly useful for those delivering the Paperlight project.

Improving our use of Resources –

By rescheduling the meeting, there will be more time to train new members and more time to work on any issues which may arise from the use of new equipment by members adopting Paperlight processes.

Corporate –

There will be more time to train members on the Paperlight project; this will reduce the Council's reliance on traditional paper agendas and so reduce costs and the council's carbon footprint. It will also increase the Council's use of technology and so help drive the Smarter Working agenda set out in Aberdeen the Smarter City.

Public –

There will undoubtedly be public interest in the rescheduling of the statutory meeting given that it is the meeting after the elections at which the new Administration will be formed. The app used to provide public agendas to members will also be available to the public which may also lead to questions about its operation.

7. MANAGEMENT OF RISK

Whilst the statutory meeting could be held on 10th May as originally proposed, moving it back by one week will diminish risks associated with the Paperlight project by allowing for more training on the introduction of new devices for members. In addition, further training can be completed before meetings begin thereby providing extra assurance to newly elected councillors. Given that the original timetable for issuing devices to members can no longer be adhered to, because of the wifi issues referred to in the report, the risk of reputational damage at the statutory meeting can be reduced significantly.

8. BACKGROUND PAPERS

There are none.

9. REPORT AUTHOR DETAILS

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Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
	1 <u>MAY DAY HOLIDAY</u> Offshore Technology Conference	2 <u>In Service Day</u> Offshore Technology Conference	3 Offshore Technology Conference	4 <u>LOCAL GOVERNMENT ELECTION</u> Offshore Technology Conference	5	6
7	8 <i>Elected Member Post-Election Training</i>	9 <i>Elected Member Post-Election Training</i>	10	11 <i>Elected Member Post-Election Training</i>	12	13
14 Kirking of the Council	15	16	17 <u>Statutory Council Meeting (10.30am)</u>	18	19	20
21	22	23	24 <u>Communities, Housing and Infrastructure Committee (2pm)</u> Disability Equity Partnership (6pm at NESS, 21 John Street, Aberdeen) – new date to be agreed	25 <u>Planning Development Management Committee (10am)</u> <u>Pre Application Forum (2pm)</u>	26	27
28	29	30	31 Possible Pre Determination Hearing			

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sat/day
				1 <u>Planning Development Management Committee (visits) (9.30am)</u> Education and Children's Services Committee (2pm)	2 Corporate Health and Safety Committee (10am)	3
4	5	6 <u>Integration Joint Board (10am CR2)</u>	7 <u>Housing Cases Review Sub Committee (10am)</u> Petitions Committee (2pm)	8 Finance, Policy & Resources Committee (2pm)	9	10
11	12 <u>Local Government Employees Joint Consultative Committee (2pm)</u>	13 Licensing Committee (10am)	14 <u>Zero Waste Management Sub Committee (2pm)</u>	15 Planning Development Management Committee (10am) Pre Application Forum (2pm)	16	17
18	19	20 <u>Licensing Board (10.30am)</u>	21 Council (10.30am)	22 Planning Development Management Committee (visits) (9.30am) Audit, Risk & Scrutiny Committee (2pm)	23 Pensions Committee (10am)	24
25	26 <u>Elected Member Development Day</u>	27 Taxi Consultation Group (10am)	28	29	30 <u>SCHOOL TERM ENDS</u>	

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	15 th March 2017
DIRECTOR	Richard Ellis
TITLE OF REPORT	Governance Review - Local Code of Corporate Governance and Action Plan
REPORT NUMBER	CG/17/021
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

To present the revised Local Code of Corporate Governance which sets out how the Council will provide annual assurance against CIPFA's principles of good governance to the Audit, Risk and Scrutiny Committee; and to advise that an action plan is in place to secure improvements in the Council's governance.

2. RECOMMENDATION

That the Council –

- (a) approve the revised Local Code of Corporate Governance against which the Council will measure itself in Annual Governance Statements from 16/17 onwards (appendix A);
- (b) note the progress being made towards improving the Council's governance framework, that the workstreams within the action plan respond to CIPFA's interim assessment, and that these will be reported to the relevant committees as they are progressed (appendix B); and
- (c) to aspire towards the CIPFA Mark of Excellence in governance over the next 12-18 months.

3. FINANCIAL IMPLICATIONS

The action plan will be implemented within existing resources. This involves using existing and emerging project and programme management skills within the organisation to ensure that individual projects are progressed and implemented within agreed timescale, scope and resource.

4. OTHER IMPLICATIONS

A number of services are contributing staffing resource to the action plan, which requires input from almost all Corporate Governance services. There

will also be a need to train staff at all levels of the organisation on revisions to key governance documentation, eg delegated powers, Committee Terms of Reference, as they are agreed. This forms part of a Governance Training Programme being developed with Organisational Development.

5. BACKGROUND/MAIN ISSUES

- 5.1 SOLACE (the Society of Local Authority Chief Executives) and CIPFA (the Chartered Institute of Public Finance and Accountancy) published the new framework “*Delivering Good Governance in Local Government*” in April 2016, revising the principles which should underpin good governance and reminding local authorities that they should test their governance structures and partnerships against those principles by:
- reviewing existing governance arrangements
 - developing and maintaining an up-to-date local code of governance, including arrangements for ensuring on-going effectiveness
 - reporting publicly on compliance with their own code on an annual basis, and on how they have monitored the effectiveness of their governance arrangements in the year and on planned changes – this is a requirement under the Local Authority Accounts (Scotland) Regulations 2014 which state that authorities must conduct a review at least once a year of the effectiveness of its system of internal control, and include a statement reporting on the review with their published annual accounts.
- 5.2 CIPFA’s good governance principles A-G are set out within the attached Local Code of Corporate Governance (appendix A).
- 5.3 In May 2016, Council endorsed, in setting up a cross-party Governance Reference Group, a programme of work to review our governance arrangements. The CIPFA framework formed the basis of this review and a substantial amount of work has been done by officers and members to review existing arrangements and to prepare an action plan to secure improvements in governance. The recently approved Strategic Business Plan sets out the key role of good governance in improving the stewardship of the Council.
- 5.4 In June, the Audit, Risk and Scrutiny Committee will receive the annual accounts and Annual Governance Statement, and for this reason, a revised Local Code of Corporate Governance is required to measure ourselves against. A Local Code is, essentially, the governance structure in place, including individual codes, constitutional documents, and governance systems and processes. CIPFA are clear, however, that good governance cannot be achieved by rules and procedures alone – shared values that are integrated into the culture of an organisation and which are reflected in behaviour and policy, are the hallmarks of good governance. The Local Code will provide the basis of the assurance which we will give to the Audit, Risk and Scrutiny Committee on our governance application.

Governance Review Action Plan

5.5 CIPFA has conducted an interim assessment of the Council's governance arrangements, prior to a full assessment against their Mark of Excellence. This is a new accreditation scheme, and Aberdeen City Council is the first local authority in Scotland to initiate this review. The outcome of the assessment and improvements will be a stronger, more robust, system of governance, reduced likelihood of governance failure, and as a result improved public services. As this is an interim assessment, an action plan is required to place ourselves in the best position to achieve the full accreditation when CIPFA return to conduct a final assessment. Indications are that this will be within 12-18 months, but will be on a date to be determined by the Council. There will be on-going dialogue with CIPFA during this period.

5.6 The outcomes from the interim assessment are summarised below. A total score of 80% is needed in all categories to achieve the Mark of Excellence, so there is still work required to accomplish this. In overall terms, the outcome is that we are substantially achieving, with a total score of 71%.

Assessment category	Max. score	ACC score	ACC %	Outcome
A - Behaving with integrity	375	250	67%	Substantially achieved
B - Ensuring openness and stakeholder engagement	225	175	78%	Substantially achieved
C - Defining outcomes	90	80	89%	Fully achieved
D - Determining the interventions necessary	150	105	70%	Substantially achieved
E - Developing the entity's capacity	615	470	76%	Substantially achieved
F - Managing risks and performance	375	220	59%	Partially achieved
G - Implementing good practices in transparency, reporting, and audit	105	85	81%	Fully achieved
Overall	1,935	1,385	71%	Substantially achieved

- 5.7 A detailed action plan has been developed in order to:
- Compare CIPFA priorities and scores against the good governance principles
 - Document actions proposed by CIPFA alongside existing actions within the Governance Review
 - Document how we are responding to CIPFA's recommendations and actions – note that there is additional activity as part of the governance review which is unrelated to CIPFA's recommendations
 - Schedule the delivery of these actions
 - Cross-reference to the Audit Scotland report "How Councils Work: Are You Still Getting it Right?" which provides useful guidance to all local authorities on assessing their governance arrangements against the CIPFA principles.
- 5.8 Given that the Governance Review had initiated a number of improvement projects, some of which began in March 2016, the action plan proposes continuation of these tasks, plus a number of additional responses. It also accounts for discussions at the Governance Reference Group, where elected members have been consulted on the programme of work which will improve the Council's governance framework. The attached tracker (appendix B) shows where each item will be reported, and the indicative dates for doing so. For instance, the risk management plan is being reported through Audit, Risk and Scrutiny Committee, and a revised Employee Code of Conduct through Finance, Policy and Resources Committee.
- 5.9 Two major pieces of work resulting from the review are on this agenda for approval – a revised set of Standing Orders for Council and Committee meetings and a Member/Officer Relations Protocol – demonstrating the progress being made and the value of elected member support and involvement. Both have been extensively reviewed at the Governance Reference Group.

Embedding good governance

- 5.10 It will be essential in taking forward the action plan for governance improvements that high priority is given to training officers and elected members on their understanding of governance, the systems and processes which will ensure strong governance, as well as the values and behaviours required to embed good governance across the organisation. CIPFA notes in its interim assessment that the Council is striving to achieve excellence in public sector governance and has taken a lead in initiating a governance review which has strong member buy-in through the Governance Reference Group. However, CIPFA advises that this should be free from political considerations, and should be augmented by strong leadership taking good governance principles and embedding them in practice. This cannot be viewed as a "tick box" exercise, and in being assessed for the Mark of Excellence, assurance will be sought that our governance procedures, processes, systems are backed up with corporate behaviours, understanding

and compliance – demonstrating that governance is well embedded, for both members and officers, in the culture of the organisation. Shaping Aberdeen is therefore a vehicle for governance transformation and, in turn, improved stewardship.

6. IMPACT

Improving Customer Experience –

Our governance framework has customer delivery as a primary focus – both internal customers (for instance those using the committee reporting procedures and internal procurement regulations) and external partners (third party organisations, audit bodies) and external customers (members of the public accessing local decision-making structures). Ensuring that the programme of work delivers improved governance structures will benefit each of these groups.

Improving Staff Experience –

One of CIPFA’s principles is to develop the organisation’s capacity, including the capability of its leadership and the individuals within it. Staff experience will be part and parcel of this, for instance, through the Member/Officer protocol and elected member development programme, both of which will be underpinned by the “triple aim” and so have staff experience at their core.

Improving our use of Resources –

Governance is about our organisational frameworks, responsibilities, systems, processes, culture and values. Good governance happens when these things come together to make us an effective organisation, thereby ensuring that we are fulfilling our duty as an organisation to be open, transparent and accountable for spending public funds. A review of our governance framework will result in improved processes, structures and systems, and against a set of CIPFA principles which have taken account of the changing and challenging landscape for local authorities.

Corporate -

The action plan will ensure that the Council’s governance framework is robust enough to support achievement of the objectives set out within Smarter Aberdeen. It forms a key part of the Strategic Business Plan (Improving Stewardship theme), Corporate Governance Directorate Plan, Legal and Democratic Services Service Plan and the PR&D objectives of staff in that service. It will also improve governance relationships with arms-length organisations, and link with the refreshed Local Outcomes Improvement Plan in terms of public participation and engagement.

Public –

Some activities in the action plan will increase transparency for members of the public, clarifying member/officer roles and responsibilities and improving relationships with third party organisations.

7. MANAGEMENT OF RISK

All governance improvements are designed to reduce risk to the Council, as they will strengthen our systems of internal control and assurance. Assessment against CIPFA principle F demonstrates that the Council is only partially achieving in this area, and has some progress to make in order to achieve the required accreditation score. Supporting us in this is the Risk Management Project Plan which the Audit, Risk and Scrutiny Committee approved on 24th November, resulting from the review of risk management by the Good Governance Institute. Progress on this is reported via that Committee.

8. BACKGROUND PAPERS

CIPFA Report – Aberdeen City Council: Report on Improving Governance (January 2017)

Accounts Commission Report – How Councils Work (November 2016)

http://www.audit-scotland.gov.uk/uploads/docs/report/2016/hcw_roles_followup.pdf

9. REPORT AUTHOR DETAILS

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Local Code of Corporate Governance



**Shaping
Aberdeen**



Aberdeen City Council – Local Code of Corporate Governance

CIPFA (the Chartered Institute of Public Finance and Accountancy) and SOLACE (the Society of Local Authority Chief Executives) published the new framework “Delivering Good Governance in Local Government” in April 2016, revising the principles which should underpin good governance and reminding local authorities that they should test their governance structures and partnerships against those principles by:

- reviewing existing governance arrangements
- developing and maintaining an up-to-date Local Code of Corporate Governance, including arrangements for ensuring on-going effectiveness
- reporting publicly on compliance with their own code on an annual basis, and on how they have monitored the effectiveness of their governance arrangements in the year and on planned changes – this is a requirement under the Local Authority Accounts (Scotland) Regulations 2014 which state that authorities must conduct a review at least once a year of the effectiveness of its system of internal control, and include a statement reporting on the review with their published annual accounts.

This Local Code of Corporate Governance sets out our commitment to the principles of good governance by citing the primary sources of assurance which demonstrate the effectiveness of our systems of internal control.

These mainly take the form of corporate documents, structures, processes and procedures, however, are supported by our “triple aim” culture. By keeping customer, staff and resources in balance, we are more likely to instil and maintain a positive culture, and allow us to take assurance from our behaviours and values. . In this way, Shaping Aberdeen is a vehicle for governance transformation and in turn improved stewardship.



Through the Annual Governance Statement, we will report on how effectively this operates in practice.

Governance Principles		Sources of Assurance
<p>Core Principle A</p> <p>Sub-principles:</p>	<p>Behaving with integrity, demonstrating strong commitment to ethical values, and representing the rule of law.</p> <ul style="list-style-type: none"> • Behaving with integrity • Demonstrating strong commitment to ethical values • Respecting the rule of law 	<ul style="list-style-type: none"> • Member/ Officer Relations Protocol • Employee Code of Conduct • Performance Review and Development - Core and Management Behaviours and 360 degree assessments • Registration of Officer Interests, Gifts and Hospitality • Employee Opinion Survey Action Plan • Scheme of Governance – Officer and Committee Delegations • Standing Orders for Council and Committee meetings • Annual reviews of Committees’ effectiveness • Corporate Policies, Strategies and Plans including Whistleblowing, Fraud, Bribery and Corruption • Financial Regulations • Statutory Officers and Statutory Appointments • Complaints Handling Procedure • Governance Training for elected members and staff at all levels of the organisation to embed governance standards • Elected Member Induction and Development including Code of Conduct • Staff and Manager Induction • Engagement through Third Tier Network and below

Governance Principles

Sources of Assurance

Core Principle B

Ensuring openness and comprehensive stakeholder engagement

Sub-principles:

- Openness
- Engaging comprehensively with institutional stakeholders

- Strategic Business Plan, Directorate Plans, Service Plans and Staff Plans annual refresh
- Local Outcome Improvement Plan and Locality Plans
- Implementation of Community Empowerment Act
- Opportunities to access local decision-making
- Community Council Liaison and Support
- Third Party Governance and Assurance
- Policy on Appointing to Outside Bodies
- Customer Service Charter and Standards
- Webcasting of Council meetings
- Publishing Council decisions
- Information Governance Assurance Framework
- Employee Opinion Survey Action Plan
- Consultation Protocol
- Public Communication Strategy
- Complaints Handling Procedure
- Community Planning Partnership
- Freedom of Information Compliance

Governance Principles		Sources of Assurance
<p>Core Principle C</p> <p>Defining outcomes in terms of sustainable economic, social and environmental benefits</p> <p>Sub-principles:</p> <ul style="list-style-type: none"> • Defining outcomes • Sustainable economic, social and environmental benefits 	<ul style="list-style-type: none"> • Strategic Business Plan, Directorate Plans, Service Plans and Staff Plans, demonstrating evidence of the golden thread • Performance Management Framework • Consistent improvement methodology • Local Outcome Improvement Plan and • Locality Plans • Best Value/Value for Money 	
<p>Core Principle D</p> <p>Determining the interventions necessary to optimise the achievement of intended outcomes</p> <p>Sub-principles:</p> <ul style="list-style-type: none"> • Determining interventions • Planning interventions • Optimising achievement of intended outcomes 	<ul style="list-style-type: none"> • Effective and embedded risk management system • Effective and embedded budget monitoring and financial planning • Annual reviews of Committees' effectiveness • Third Party Governance and Assurance • Performance Management Framework • Local Resilience Partnership • Health and Safety Assurance Framework • Information Governance Assurance Framework • Business Continuity Plans 	

Governance Principles

Sources of Assurance

Core Principle E

Developing the entity’s capacity, including the capability of its leadership and the individuals within it

Sub-principles:

- Developing the entity’s capacity
- Developing the capability of the entity’s leadership and other individuals

- Elected Member Induction and Professional Development Framework
- Staff and Manager Induction
- Scheme of Governance – Officer and Committee Delegations
- Governance Training Programme
- Staff and Manager Development Programme
- Corporate Policies Framework
- Third Tier Network
- Member / Officer Relations Protocol
- Workforce Plan
- Investors in People
- Living Wage Employer

Governance Principles

Sources of Assurance

Core Principle F

Managing risk and performance through robust internal control and strong public

Sub-principles:

- Managing risk
- Managing performance
- Managing data
- Strong public financial management

- Financial Regulations
- Following the Public Pound Guidance
- Performance Management Framework
- Effective and embedded budget monitoring and financial management
- Assurance Mapping
- Risk Appetite Statement
- Risk Management Action Plan
- Bond Governance Plan
- Internal and external audit plans
- Fraud, Bribery and Corruption Strategy
- Third Party Governance and Assurance
- Scheme of Governance – Officer and Committee Delegations
- Procurement Regulations, Training and Development
- Annual review of Audit, Risk and Scrutiny Committee effectiveness
- Information Governance Assurance Framework
- Data Protection Compliance
- CIPFA/ALARM Risk Benchmarking
- Statutory Performance Reporting
- Project Management Protocols
- Business Continuity Plans for Critical Functions
- Resilience Self-Assessment Framework

Governance Principles

Sources of Assurance

Core Principle G

Implementing good practices in transparency, reporting, and audit to deliver effective accountability

Sub-principles:

- Implementing good practice in transparency
- Implementing good practices in reporting
- Assurance and effective accountability

- Committee Reporting Framework
- Financial Reporting – Annual Financial Statements and Accounts, Annual Budget
- Medium and Long Term financial plans and quarterly reporting to Committees
- Internal and external audit plans
- Third Party Governance
- Local Government Benchmarking Framework
- Complaints Handling Procedure
- Best Value/Value for Money
- Project Management Protocols

Version
Effective From
To be Reviewed
Application of Policy
Policy Author

1.0
 30 April 2017
 May 2018
 Council-wide
 Vikki Cuthbert, Programme Manager (Governance)



**Shaping
Aberdeen**



Scheme of Governance (1) Officer Delegations and Proper Officer Register (2) Committee Terms of Reference	Fraser Bell Martyn Orchard			Governance Board (21st March)	CMT (27th April)		GRG (28th June)		Council (23rd August)				Council (13th December)
Tool for Review of Committee Effectiveness	Fraser Bell Vikki Cuthbert				GRG (date tbc) Governance Board (26th April) CMT (27th April)				Council (23rd August)				
Financial Regulations	Steve Whyte Lesley Fullerton									Finance, Policy and Resources			
Internal Audit Effectiveness Review Outcomes	Fraser Bell Vikki Cuthbert			Governance Board (21st March) CMT (30th March)	GRG (19th April)		Audit Risk and Scrutiny (22nd June)						
Behavioural Framework	Angela Scott Dorothy Morrison				CMT (27th April)								
Governance Training Programme	Ewan Sutherland/ Fraser Bell Dorothy Morrison/ Vikki Cuthbert				GRG (date tbc) Governance Board (26th April) CMT (27th April)								
Elected Member Training and Development Framework (Induction, Role Profiles, Development Programme)	Ciaran Monaghan			GRG (2nd March)	GRG (19th April)	Implement from 8th May and keep under review at Governance Board and GRG							
	Lucy McRobbie			Governance Board (21st March)	CMT 27th April								
Paperlight Meetings	Fraser Bell		CMT (23rd Feb)	GRG (2nd March)		Implement from 8th May and keep under review at Governance							
	Steph Dunsmuir			Governance Board (21st March)									

	Karen Rennie					Board and GRG							
ALEO Governance Options Appraisal	Fraser Bell Roddy MacBeath Iain Robertson		Governance Board (6th Feb)	CMT (23rd March)		ALEO Strategic Partnership (3rd May)	Audit, Risk and Scrutiny Committee (22nd)						
Trusts Review Outcomes	Fraser Bell Alan Thomson James Hashmi												
Policy on Appointments to Outside Bodies	Fraser Bell Roddy MacBeath Alan Thomson				GRG (date tbc) Governance Board (26th April) CMT (27th April)	Statutory Council meeting							
Revised ALEO SLAs	Craig Innes Alison Watson				Governance Board (26th April)								
Appeals Committee Procedure	Ewan Sutherland/ Fraser Bell Elaine Falconer/ Jeff Capstick					CMT (25th May)	GRG (date tbc)		Council (23rd August)				
FAIR Agreement	Ewan Sutherland Jeff Capstick								CMT (31st August) GRG (date tbc)		Council (11th October)		
Chief Officer Appointments Procedure	Ewan Sutherland Jeff Capstick					CMT (25th May)	GRG (date tbc)		Council (23rd August)				
Corporate Health and Safety Committee	Fraser Bell Martin Allan			Governance	GRG (19th April)								
Health and Safety Assurance Framework	Ewan Sutherland Colin Leaver		CMT (23rd Feb)	Governance Board (21st March)	GRG (19th April)	CHSC (19th May)							

Public Protection Review Outcomes	Bernadette Oxley		North East Chief Officers Group (28th Feb)	North East Chief Officers Group									
Common Good Fund Review Outcomes	Steve Whyte						CMT (29th June)						

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	15 th March, 2017
DIRECTOR	Richard Ellis
TITLE OF REPORT	Governance Review – Member-Officer Relations Protocol
REPORT NUMBER	CG/17/022
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

The report recommends the approval and adoption of the attached Member-Officer Relations Protocol which aims to promote a shared set of values to be demonstrated through shared behaviours.

2. RECOMMENDATION(S)

That Council approves and adopts the appended Member-Officer Relations Protocol and agrees that it be used as a tool during the training of members following the May 2017 elections.

3. FINANCIAL IMPLICATIONS

There will be no direct costs as a result of adopting the Protocol as it will be an electronic document, primarily.

4. OTHER IMPLICATIONS

By setting out how members and officers will work together to foster shared values, there will be improvements to and the promotion of good governance. Training will be provided to members and officers following adoption of the Protocol by Council.

5. BACKGROUND/MAIN ISSUES

- 5.1 The background to the drafting of the Protocol is summarised in paragraph 1.3 of the appended version. In summary, this arose from recommendations from Audit Scotland and the Accounts Commission that the Councillors' Code of Conduct be customised to meet the

Council's requirements, that protocols be issued to sustain improved working relationships, and that protocols would clarify roles and responsibilities in the light of increasing coalition arrangements in local authorities across Scotland.

- 5.2 In addition, the CIPFA Framework of Good Governance, which underpins the Council's governance structure, emphasises shared values, reflected in behaviour and policy as being hallmarks of good governance.
- 5.3 The Protocol, then, is a tool which will enable members and officers to work positively and constructively in delivering services across Aberdeen. It includes some current but unwritten practices and provides additional clarity on roles and responsibilities. It does not replace either the Councillors' Code of Conduct or the Employee Code of Conduct, but complements both by promoting improved working relationships for a shared purpose.
- 5.4 It is the responsibility of each member and officer to observe the Protocol, although Group Leaders and Chief Officers respectively will offer support. The operation of the Protocol will be reviewed annually by the Head of Legal and Democratic Services, and where changes are proposed, it will be brought back before members to approve these.
- 5.5 The Protocol has been subject to extensive consultation through the Governance Reference Group over many months and versions and the Group has approved its submission to Council.

6. IMPACT

Improving Customer Experience –

Adopting the Protocol will clarify the roles and responsibilities of members and officers and this shared understanding will foster improvements to internal behaviours.

Improving Staff Experience –

By virtue of the clarified roles and responsibilities referred to in the above paragraph, there will be a better understanding of how staff will work with members, ultimately improving the staff experience.

Improving our use of Resources –

The Protocol will improve transparency and openness which will increase confidence in the efficiency of the decision making processes of the Council.

Corporate -

As an important element of the Council-wide Governance Review, the Protocol will clarify the different roles of members and officers and how they link together, ultimately leading to improved decision making and

more efficient and transparent operation of the Council, which links to Smarter Governance in Aberdeen The Smarter City.

Public –

This may be of interest to the public given that Audit Scotland and the Accounts Commission have referred to the desirability of the Council introducing protocols to improve working relationships and clarify roles and responsibilities.

7. MANAGEMENT OF RISK

Adoption of the Protocol in the light of comments from Audit Scotland and the Accounts Commission referred to in the above paragraph will improve working relationships and clarify roles and responsibilities, all of which will diminish risk as the Protocol beds in and training is undertaken. It is important that high priority is given to training officers and elected members on their understanding of governance, the systems and processes which will ensure strong governance, and the values and behaviours required to embed good governance across the organisation.

8. BACKGROUND REPORTS

There are none.

9. REPORT AUTHOR DETAILS

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Member–Officer Relations Protocol

Sharing Values and a Common Purpose



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Version	1.0
Effective From	30 April 2017
To be Reviewed	May 2018
Application of Policy	Council-wide
Policy Author	Roderick MacBeath, Senior Democratic Services Manager

1. Good governance and a common purpose

1.1 The Council's Strategic Business Plan, represents a significant programme of change which will transform the way in which services are designed and accessed by our customers. The delivery of this ambitious programme is the shared responsibility of elected members and council officers at all levels of the organisation.

1.2 In achieving our ambitions for the City of Aberdeen and its residents, it is important to be clear about:

- the respective roles and responsibilities of elected members and council officers, and
- how the relationship between them can operate effectively to accomplish shared goals, in the public interest

1.3 This protocol results from an aspiration to adopt a proactive and positive approach to member-officer relations. This will have clear benefits for the organisation as well as the individuals within it. It responds to the Audit Scotland recommendation in their 2010 report, "Roles and Working Relationships: Are You Getting it Right?", that the Councillors' Code of Conduct be customised to the requirements of Aberdeen City Council. It also responds to Audit Scotland's 2015 audit of Best Value and Community Planning which stated that the Council should sustain improved working relationships, and consider introducing further protocols and guidance for member-to-member and member-to-officer working. The Accounts Commission

follow-up report "How Councils Work – Are You Still Getting it Right?" (Nov 2016) again reinforces the benefits for all Councils, particularly in light of increasing coalition arrangements, of protocols to clarify roles and responsibilities, including member-officer engagement.

1.4 The CIPFA* Framework of good governance underpins the Council's own governance structure, and all the key documents within that, including this protocol on member-officer relations. A theme which will be returned to throughout this document, as the requirements on both members and officers are explained, will be that of a common purpose. This is set out by CIPFA in *Delivering Good Governance in Local Government Framework 2016*:

"It is crucial that the Framework is applied in a way that demonstrates the spirit and ethos of good governance which cannot be achieved by rules and procedures alone. Shared values that are integrated into the culture of an organisation, and are reflected in behaviour and policy, are hallmarks of good governance."

* The Chartered Institute of Public Finance and Accountancy

1.5 This emphasises that the achievement of the Council's intended outcomes can only be truly accomplished when members and officers operate from a shared set of values and consistently demonstrate these through a shared set of behaviours.

**Achieving the Intended Outcomes
While Acting in the Public Interest at all Times**



1.6 Local government can be a challenging environment. Financial and political pressures, albeit short-term and cyclical, can take their toll on member/officer relationships. CIPFA acknowledge the potential for this to interfere with the achievement of the Council’s intended outcomes and urge authorities to act transparently and without conflict when this is the case. This can be achieved by agreeing a clear vision, which is performance measured, risk managed and based on a longer term view.

1.7 Good governance is also key to the Council’s “triple aim” which consists of delivering a clear vision, modernising and transforming how we do business and clarity around the standards of behaviour expected of officers. These behaviours form the basis against which employees’ annual performance is measured and stress the requirement for open, honest communication, a focus on customers, high

standards of professionalism and respect for people, property and processes.

1.8 Both members and officers work together to improve the experience for the customer, our use of resources, and the experience of all staff, and this is consistent with CIPFA’s framework for good governance.

1.9 This protocol is a tool for members and officers to achieve positive and constructive relations with each other in working towards our common purpose - our shared objectives for the people and place of Aberdeen.

2. Implementing the protocol

2.1 The protocol is underpinned at all times by the standards of good governance against which the Council measures itself annually. The protocol complements existing requirements under the Councillors’ Code of Conduct for elected members, and the Employee Code of Conduct, the organisational behaviours and Council policies and guidance for employees. It includes some current unwritten practices and provides additional clarity on roles and how they interact.

2.2 Observing the protocol is an individual responsibility for each officer and member. Group Leaders will support their members in observing the protocol. Similarly, the Chief Executive and Chief Officers (directors and heads of service) will support staff to do likewise. The protocol does not cover every eventuality and members and officers who are unsure about its application should seek advice from Chief Officers.

2.3 Where a member or officer has a concern relating to observation of the protocol, they may raise this with the relevant Group Leader, if they are a member of a group, or a Chief Officer in their service in the first instance. S/he will determine any next steps to be taken. These should be in the interests of resolving the matter raised at the earliest opportunity, and could include an informal discussion, identifying training requirements for an officer, member, or mediation between the individuals concerned. Any remedy would primarily seek to restore and maintain positive working relationships between members and officers.

2.4 Members will be made aware of the protocol through Member induction and employees through their induction. Copies of the protocol will also be available on Zone and the Council's website.

2.5 Once approved, the protocol will be reviewed annually by the Head of Legal and Democratic Services. This will ensure that the protocol remains effective. Any proposal to amend the protocol will be subject to consultation with members.

3. Member officer roles and responsibilities

3.1 Members set and approve policy on behalf of the city and officers draft and implement policy. The Chief Executive leads in implementing strategy and managing the delivery of services set by members.

3.2 Members monitor the implementation of policy and scrutinise service delivery through robust performance management systems which allow them to hold officers to account. The importance of the role of members is

emphasised by CIPFA, whose Delivering Good Governance in Local Government Framework 2016, reinforces the need for a culture and structure for scrutiny and a positive working culture which accepts, promotes and encourages constructive challenge.

3.3 The Council's approved Core Behaviours are:

- Respect
- Professionalism
- Communication
- Customer Focus

These behaviours provide a guide to maintaining positive and constructive relations between officers and equally can be applied to relations between members and officers. Members and Chief Officers will lead by example by demonstrating these Core Behaviours in how they relate to one another.

4. Respect

As members and officers we will behave in a way that demonstrates respect for people, property and processes, and which demonstrates due regard for our respective roles.

4.1 Respect for one another

4.1.1 As members and officers:

A. We will always behave in a way which is consistent with our Core Behaviours and will treat each other, our colleagues, members of the public, constituents and representatives of partner organisations with respect whether by words, actions or inference.

As members, we acknowledge that it is unacceptable to comment on the abilities or behaviour of officers

and, as such, we will avoid personal attacks, refrain from using disrespectful or offensive language and avoid undermining respect for officers. As officers, we acknowledge that the same approach is required in our interactions with members and that members can advocate on behalf of their constituents.

B. We will ensure that any feedback given is in the spirit of continuous improvement and based on fact.

C. We will be conscious that the Council is an equal opportunity employer and that members and officers are each bound collectively by a legislative framework.

4.1.2 As members:

A. We will acknowledge the impartiality of officers and will not exert any pressure on them in respect of report recommendations or in respect of their decision-making under delegated authority. We accept that if we wish to see officers' recommendations in a final report changed we will do so through motions or amendments at the appropriate meeting and will not approach senior officers or authors directly.

B. We recognise our role in holding officers to account and will adopt appropriate questioning techniques which allow for impartial and professional responses, avoiding leading and politically loaded questions.

C. We note that any suggestion by members of a lack of officer impartiality or capability will be responded to under the terms of paragraphs 2.2 and 2.3 above.

D. Where we require information from a service for case work, we will request that information through the members' enquiries system or, in appropriate circumstances, from a relevant senior officer.

4.1.3 As officers:

A. Members and political groups and will not let our personal views which we hold as citizens or officers affect our judgement.

B. We will ensure that our relationships with members are not overly familiar in order to protect our impartiality.

C. We will ensure that all groups and members are treated equally and have equal access to advice and assistance, taking into account exceptions as outlined in 5.4.2.

D. We will ensure that representatives of all political groups and independent members are invited to attend when we organise civic or official events, in line with the Communications Policy.

4.2 Respect for property

4.2.1 As members, we will not use Council facilities or equipment for political or campaigning purposes and will comply with the guidance issued on behalf of the Returning Officer during pre-election periods.

4.3 Respect at meetings

4.3.1 As members and officers:

- We will treat everyone present with respect and courtesy at all meetings.
- We will respect and comply with the authority of the chairperson.
- We will keep our mobile phones on silent during meetings to avoid unnecessary disruption.

- We will ensure all members are addressed as “Councillor” and all officers by their title or surname eg Mr/Ms Smith.

4.3.2 As officers we will ensure we are inclusive in our approach inviting all local members to attend when we arrange meetings in a ward, or meetings about a ward issue, and informing all members of any ministerial or Royal visit or visit by other dignitaries and VIPs. We will endeavour to avoid clashes with committee meetings and to ensure that all those to be invited are available. This does not apply to specific meetings we arrange with members at their or our request.

5. Professionalism

As members and officers we will undertake to maintain the standards expected by the organisation at all times; remembering that we are representing the Council and the city.

5.1 Maintaining standards

5.1.1 As members and officers we will uphold the principles of our respective Codes of Conduct and the behaviours outlined in this protocol in all our dealings on behalf of the Council and the city.

5.1.2 As members:

A. We will ensure that we are aware of the different duties, obligations, potential conflicts of interest and liabilities arising (which may include personal financial liability) when appointed to the board of an Arm’s Length External Organisation (ALEO), a trust or an outside body and will seek advice from officers of that body if we are in any doubt.

B. We will not ask officers to undertake work designed to affect support for a political party or campaign.

5.1.3 As officers:

A. We will ensure we are aware of and understand our responsibilities if we hold a politically restricted post.

B. We will not undertake work on behalf of a member which may be designed to affect support for a political party or campaign. Where there is any doubt, we will seek advice from a senior officer in our service.

5.2 Maintaining skills and knowledge

5.2.1 As members and officers we recognise the importance of continuous professional development to members and officers understanding each other’s priorities and therefore to maintaining constructive relationships, as such:

A. We will attend induction training to ensure we understand what is expected of us and what we can expect. This is supported by CIPFA which encourages local authorities to develop officer and member capability, by ensuring appropriate induction, continuing development both personal and professional, and support and shared learning. CIPFA also highlights the merits of constructive feedback and peer review for members and officers, ensuring that training and development needs are targeted at gaps and weaknesses.

B. We will be aware of, and complete appropriate training on, the terms of the Council’s governance documents, certain Council policies which embed legislative requirements (including on matters such as corporate parenting, data protection and Protection of

Vulnerable Groups (PVG) checks) and of our responsibilities under relevant legislation covering areas such as data protection, freedom of information and bribery.

5.2.2 As members we accept that we have an obligation to our citizens to keep our skills and knowledge up to date and will participate in training arranged for us and keep our personal development plans updated, as provided for in the Member Development Framework.

5.2.3 As Group Leaders we will encourage our members to undertake appropriate training and development in line with the Member Development Framework.

5.2.4 As officers we will undertake to keep our skills and knowledge up to date whether for professional regulation purposes or in keeping with the requirements of the Council as our employer.

5.3 Elections

5.3.1 As members and officers:

A. We will respect that additional restrictions apply on political activity during any pre-election period.

B. We will comply with any advice issued on behalf of the Returning Officer.

5.4 Maintaining fairness and transparency

5.4.1 As officers:

A. We will remember that our duty is to the Council as a whole and, as such, will provide support to all members and groups equally, respecting the confidentiality of any information which we are party to, and providing all advice impartially and professionally.

B. When invited to address group meetings we will recognise that some present may not be Council members,

so we cannot provide any information on confidential matters, and will seek advice from Chief Officers if we have any doubts about meetings which we are asked to attend.

C. In seeking to assist members, we will always be aware of the limitations of any delegated authority we may be able to exercise and of any advice we may be able to provide.

5.4.2 As members:

A. We recognise that there are times when we will want to invite officers to attend our group meetings to increase our awareness of issues relating to matters of Council business and we will not use any confidential information received for political or campaigning purposes.

B. We recognise that group meetings, group pre-meetings, coalition meetings, formal and informal briefings, development sessions and similar meetings are not part of the Council decision making process and any conclusions or determinations are not binding on the Council. We recognise that consideration of any matter as these meetings does not replace the obligation on each individual member to come to a decision at the appropriate Council, committee or sub-committee meeting when we will have all information before us.

C. We recognise that there are times when administration leaders, group leaders or senior councillors may be given advance information which is necessary so that they can give officers guidance on strategic direction or so that they can understand the background to particular recommendations or proposals.

D. We acknowledge that chief officers have the right to submit certain reports as dictated by their professional judgement and that officers retain final responsibility for the content of reports.

5.5 Employment matters

5.5.1 As members:

A. We recognise that we must not solicit a job within the Council for anyone or canvas support for any applicant for a job.

B. We understand that we must not become involved in the pay and conditions of individual officers except when we sit on a committee dealing with such issues.

5.5.2 As officers we will not approach any member about our individual employment or terms and conditions or about the recruitment of anyone else.

6. Communication

As members and officers we will communicate in a way which is timely, clear, open, honest and constructive, respecting the confidentiality of information we are party to.

6.1 Handling information responsibly

6.1.1 As members and officers we recognise that information is one of our most valuable resources and as such it is incumbent on us to treat it responsibly. In all our dealings with information we will act in accordance with Data Protection legislation and in the knowledge that requests for information can be made by anyone under data protection and freedom of information legislation.

6.1.2 As members we will ensure that, when we are provided with information by officers which is private or confidential, or of a personal nature, we treat it as confidential, only using it for the purpose for which it was provided and undertaking not to share it externally to the Council nor to use it for personal or party political advantage.

6.1.3 As officers:

A. We will ensure that, when we provide information to members which is private, confidential, or of a personal nature, they are advised that it is confidential.

B. We will not share correspondence with one member with any other without the former's express consent nor will we share information about a constituent with any member without the constituent's express consent.

C. We will take steps to ensure that as many committee reports as possible can be considered in the public domain – and that, where possible, exempt or confidential information is included in an exempt or confidential appendix.

D. We will endeavour to include any member who may not belong to any group or alliance when corresponding with political groups.

E. We will remember that members have both statutory and common law rights to inspect reports on agendas whether or not they are members of the committee or sub-committee in question. In this respect statutory rights cover reports to be submitted to committees and sub-committees, and background papers, with the exception of reports containing exempt

information relating to: who will determine the matter.

- members
- officers
- occupiers of Council property
- applicants for financial assistance and services
- the care of children
- contracts
- industrial relations
- advice from Counsel
- criminal investigations

Common law rights are wider than those provided for under the Access to Information legislation and give members access to some reports or background material including exempt reports. This right is based on a need to know, or information which the member needs in order to perform his or her duty as a councillor. It does not include information which cannot be disclosed by virtue of the Data Protection Act or information relating to the internal operations of a political party to which the member requesting the report does not belong. In the event of any disagreement on whether or not a member should have access to a report, the matter should be referred to the Monitoring Officer.

6.1.4 As Directors we acknowledge and understand the importance of our relationships with conveners and will ensure that conveners are kept fully informed, as appropriate, of all developments relating to their committees.

7. Customer Focus

As members and officers we understand that customer focus is part of the duties of every member and officer and we will work together to improve the services which the Council delivers.

8. Further Reference

The following documents provide additional guidance on this protocol:-

- Councillors' Code of Conduct
- Guidance on Councillors' Code of Conduct
- Employee Code of Conduct (nb Zone link only – not available on website)
- Communications Policy
- Standing Orders
- Scheme of Delegation
- Financial Regulations
- Follow Me - A Guide To Social Media For Elected Members In Scotland
- Social Media Guidance for Employees (nb Zone link only - not available on website)
- Core Behaviours (nb Zone link only – not available on website)
- CIPFA/IFAC Framework
- CIPFA/SOLACE Guidance



ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	15 March 2017
DIRECTOR	Richard Ellis
TITLE OF REPORT	Council Governance – Standing Orders
REPORT NUMBER	CG/17/017
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

To present a revised set of Standing Orders for approval by the Council.

2. RECOMMENDATIONS

That Council:-

- (i) approve the new Standing Orders appended to this report, to come into force on 30 April 2017;
- (ii) subject to the recommendations below, revoke the existing Standing Orders (as updated on 14 December 2016) with effect from 30 April 2017;
- (iii) note that the new Standing Orders do not contain provisions equivalent to the existing Standing Orders 28 (Committees of the Council), 37 (General Delegations to Committees), 38 (Exclusion from Delegations) and 39 (Expenditure on Hospitality) and to agree that these will remain in force until such time as alternative Committee Orders of Reference are presented and the Council Travel Policy is amended;
- (iv) agree that the existing Committee Orders of Reference remain in force for the time being, with alternative proposals to be brought to Council in due course; and
- (v) agree that “Part III – Officers of the Council” (with the exception of Standing Order 45 - Reports by Chief Officers) of the existing Standing Orders also remain in force for the time being, with alternative proposals to be brought to Council in due course.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

4. OTHER IMPLICATIONS

There will be some training requirements for officers and Members. Training on Standing Orders has been built in to the Elected Member

development programme following the May 2017 local government election, and a rolling programme of training for officers is currently under development by staff in Democratic Services.

5. BACKGROUND/MAIN ISSUES

- 5.1 As part of the Governance Review, it was agreed to undertake a review and refresh of the Council's Standing Orders with the aim of modernising the document and ensuring that the Standing Orders are as robust as possible to assist with the smooth and transparent running of meetings, strengthening governance and decision-making and ensuring that they comply with the CIPFA principles of good governance.

Initially, benchmarking was undertaken against all other local authorities' Standing Orders, and feedback from CIPFA, Elected Members, officers and the public has also been taken on board in preparing the new document. CIPFA is of the view that adoption of new Standing Orders is a high priority for the Council. The proposals listed below have also been reported to and discussed at the Corporate Management Team and the Governance Reference Group.

- 5.2 In preparing the new document, it was recognised that certain aspects of the old Standing Orders should be situated elsewhere. It had originally been intended to report the new Standing Orders to the Council for approval at the same time as a revised set of Committee Terms of Reference. It is however recognised that there may be amendments to the Committee structure following the local government elections in May, and therefore it is considered premature to present a revised set of Committee Terms of Reference for approval at this time.

In this regard, provisions and delegations relating to specific Committees have now been removed from the main Standing Orders and moved to the Terms of Reference for that particular Committee - for example, the provisions which detail the external members on the Education and Children's Services Committee. Similarly, the detail of the general delegations to Committees (existing Standing Order 37) and the exclusion to delegations (existing Standing Order 38) will now be incorporated into the Committee Terms of Reference. It is also recommended that the existing Standing Order 39 (Expenditure on Hospitality) be incorporated into the Council's existing Travel Policy. Therefore, it is recommended that Standing Orders 28, 37, 38 and 39 of the existing Standing Orders remain in place until such time as revised Terms of Reference are presented to Council.

- 5.3 Similarly, there are strands of the Governance Review looking at the Appeals Committee procedure and the Appointment of Chief Officers; therefore it is proposed that Part III (Officers of the Council) of the existing Standing Orders remain in place until such time as reports are brought back to Council on these specific strands.

The exception to this is the current Standing Order 45 – Reports by Chief Officers, which is to be replaced by Standing Order 12 – Reports by Officers in the new Standing Orders document.

- 5.4 The document is a complete refresh of the existing Standing Orders, therefore it would not be possible to highlight all the changes made, however there may be particular interest in the following key changes:-

5.4.1 Declarations of Interest

It is proposed that these will now all be made at the start of the meeting before any items are discussed. This is in line with other local authorities and is considered to be good practice. The Code of Conduct states that Councillors must consider at the earliest stage possible whether they have an interest in any item on an agenda, and that declarations should be made as soon as practicable at a meeting. This does not preclude Members making a declaration if something unforeseen arises during debate.

5.4.2 Matter of Urgency

Where an item is referred and it is not possible for the item to be open for inspection by the public at least three clear days before the meeting, the referring Committee or Sub Committee must now specify why the item should be considered as a matter of urgency. This is to improve the transparency around decision-making.

5.4.3 Notices of Motion

It is proposed that Members may submit a motion to a Committee of which they are not a member, and will be invited to move or speak to the motion and sum up, but they may no longer vote on it. This will ensure that the political balance on a Committee is not altered.

5.4.4 Motions and Amendments

It is proposed that where these are proposed prior to a Council, Committee or Sub Committee meeting, that they are presented to the Clerk who will collate the views of the relevant officers and report these back to the Elected Member. This will provide a single point of contact for Members.

Another minor change is that a motion or amendment will be declared incompetent if it does not identify the source of funding. This is a slight change to the previous Standing Orders which say that a motion or amendment may be declared incompetent, and is proposed to ensure that the new Standing Orders reflect the current practice at Committee and Council meetings where it is expected that Members will have identified a funding source.

5.4.5 Quasi-Judicial Items

There is now specific mention of Members being required to be present for the entire item when the Council is acting in a quasi-judicial manner, i.e. if they are not in the room at all times, they will not be permitted to participate in the deliberation of the item.

5.4.6 Length of meetings

It is proposed that meetings do not exceed 4 hours – this Standing Order would therefore require to be suspended to allow a continuation. Also included is reference to officer attendance being at the instruction of line managers and to the Working Time Directive (this being a line management responsibility). This responds to feedback from Elected Members and also CMT about the impact on officers of the length of meetings.

5.4.7 Removal of Written Questions

The written questions process is now rarely used and it has therefore been removed from the new Standing Orders. The current process is somewhat unwieldy and benchmarking also indicates that few local authorities make use of written questions. There is also some overlap with what would potentially fall under the umbrella of Members' Enquiries.

5.4.8 Reports by Officers

It is proposed that a report will only be submitted for consideration where the Clerk, Head of Finance and Head of Legal and Democratic Services have responded to the consultation. This is to ensure that the legal and financial implications for every report have been fully considered. Where one or more of the consultees has not responded, the Head of Legal and Democratic Services, in consultation with the Convener, will determine whether the item can proceed.

It is also proposed that the Head of Legal and Democratic Services is given the authority to withdraw any item of business following consultation with the Convener and Vice Convener where a report has not met the final deadline for submission. As above, this can be used where the Head of Legal and Democratic Services has concerns about the content of a report and whether it has been through the appropriate channels for consultation.

5.4.9 Suspension of Standing Orders

It is proposed that this will now require two thirds of Members present and entitled to vote to agree a suspension of Standing Orders, rather than a majority. Again, this is in line with other local authorities and is intended to ensure there is a stronger presumption against a suspension.

5.4.10 Annual Review of Committees

It is proposed that Committees will need to undertake an annual review of their performance and effectiveness against their Terms of Reference. This is already done for the Audit, Risk and Scrutiny Committee, and is an approach recommended by both CIPFA and Audit Scotland. It is however proposed that this provision is best placed to be reflected in any new Terms of Reference which are presented to Council for approval at a later date.

- 5.5 Finally, although information bulletins are not specifically referred to in the Standing Orders, as part of the review of Committee management processes (a separate project in the Governance Review), it is proposed that these will no longer be produced alongside papers for Committee meetings, and there will instead be an electronic briefing solution established which will allow officers to provide such information to Members and the public on a more regular basis, without the requirement to wait for a Committee meeting. Officers are in discussion with colleagues in IT and Transformation about a suitable mechanism to allow this to happen. The review of Committee management processes will also involve the introduction of a new committee report template which will be rolled out at Committee meetings after the local government elections. The committee report trackers currently used by Directorates to allow for forward planning of Committee business will also form part of Committee agendas so that Members are aware of the future business planned for the Committee.

6. IMPACT

6.1 **Improving Customer Experience –**

The refresh and streamlining of the Standing Orders, particularly the use of Plain English, ensures that the document is more easily accessible and understood by those within and outwith the Council. Many of the revisions look to clarify the committee process, such as the making of deputations, and provide clarity to members of the public who would like to engage in local democracy.

It is also hoped that the document will be beneficial to Members, particularly those who may have a role as Convener or Vice Convener.

As mentioned above, the proposed electronic method of keeping Elected Members and the public regularly up to date on content that would normally be contained in a hard copy information bulletin once a Committee cycle will improve the information available to customers.

Regular review of the Council's governance documents will also ensure that decision making and the processes around that are robust and transparent.

6.2 **Improving Staff Experience –**

The refreshed Standing Orders will improve the officer experience at Committee meetings, and clarify and strengthen governance processes.

6.3 **Improving our use of Resources –**

An improved process and more streamlined procedures should ensure that less time is spent in meetings, freeing up resources to be used elsewhere.

6.4 **Corporate –**

The review of the Council's Standing Orders contributes to the Smarter Governance strand of Aberdeen – the Smarter City, particularly around

the participation of citizens in the governance and decision-making process of the Council.

6.5 **Public –**

The report may be of interest to the public and press as it affects the running of public meetings, and the procedure around deputation requests to Council or Committee. If the Standing Orders are approved, the required amendments to the deputation process will be uploaded to the public information section on the Council website to ensure the public are aware of any changes.

7. MANAGEMENT OF RISK

Acceptance of the above recommendations is not considered to pose any risk to the Council, and retaining the existing Part III of the existing Standing Orders will ensure that procedures remain in place for matters such as Chief Officer appointments and signing of deeds until such time as these matters require to be reported to Council as part of the further development of the Governance Review. If the revised Standing Orders are not approved, this will leave the Council with a set of Standing Orders that are in need of modernisation and improvement.

CIPFA is also of the view that adoption of the new Standing Orders is a high priority for the Council.

8. BACKGROUND PAPERS

Benchmarking was undertaken with all other Scottish local authorities' Standing Orders.

9. REPORT AUTHOR DETAILS

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Aberdeen City Council

Standing Orders



Aberdeen City Council

Standing Orders

The Council will exercise all its powers and duties in accordance with the law and the Council's constitutional documents.

In the event of any conflict or inconsistency between these Standing Orders and legislation, the legislation shall prevail.

Version	1.0
Effective From	30 April 2017
To be Reviewed	April 2018
Application of Policy	Council-wide
Policy Author	Stephanie Dunsmuir

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COUNCIL

FIRST COUNCIL MEETING FOLLOWING AN ELECTION – THE STATUTORY MEETING

1. Calling Of Statutory Meeting

- 1.1 In a local government election year, the Council will hold its first meeting within 21 days of the election, on a date set by the Head of Legal and Democratic Services.

2. Items Of Business

- 2.1 The Returning Officer will chair the meeting until the Lord Provost is elected.
- 2.2 The agenda will include the following business:-
 - 2.2.1 Receipt of notice of election of Councillors
 - 2.2.2 Election of Lord Provost, Depute Provost, Leader of the Council and Depute Leader of the Council
 - 2.2.3 Appointment of a Convener for each Committee of the Council, and a Vice Convener where applicable
 - 2.2.4 Appointment of Members to Committees
 - 2.2.5 Nomination or appointment as the case may be of representatives to Boards, Joint Committees and Outside Bodies
 - 2.2.6 Approval of Senior Councillor allowances

3. Nomination Or Appointment Of Members To Office

- 3.1 When nominating or appointing Members to any office or position where there are a greater number of candidates than vacancies, the decision will be taken by a vote.
- 3.2 In addition to the nominator and seconder, Members may speak in support of their own candidacy for a maximum of 5 minutes.
- 3.3 Where only one vacancy requires to be filled and one candidate has an absolute majority of votes cast, that candidate will be declared elected, nominated or appointed, as the case may be.

- 3.4 Where there are more than two candidates and the first vote does not produce an absolute majority in favour of any candidate, the candidate with fewest votes will be removed, and a fresh vote will take place between the remaining candidates.

This process will continue until one candidate has a majority of votes cast.

- 3.5 Where there is an equal number of votes for the candidates with fewest votes, an extra vote will be taken between those candidates.

The name of the candidate with the fewest votes will be removed from the process.

If an equal number of votes remains, the candidate to be removed will be determined by lot using a method decided upon by the Clerk.

- 3.6 Where there is more than one vacancy and the number of candidates exceeds the number of vacancies, then the "first past the post" method of voting shall apply, subject to the following provisions:-

- 3.6.1 The number of candidates matching the number of vacancies that receive the highest number of votes cast will be duly elected, nominated or appointed, as the case may be.

- 3.6.2 Where there is an equal number of votes between two or more candidates, an extra vote will be taken between those candidates. The candidate(s) receiving the highest number of votes cast will be duly elected, nominated or appointed, as the case may be.

- 3.6.3 In the event that Standing Order 3.6.2 still produces an equality of votes, the decision will be by lot using a method decided upon by the Clerk, whereby the first named candidate drawn will be elected, nominated or appointed, as the case may be, followed by the second named candidate, should there be more than two candidates with an equality of votes, until the number of candidates amounts to the same number of vacancies.

4. Duration Of Appointments

- 4.1 Each appointment made under Standing Order 3 will stand until the next Council election, unless a Member resigns from that appointment or is removed by the Council.

5. Removal From Office

- 5.1 Any motion to remove from office the Lord Provost, Depute Provost, Leader, Depute Leader or a Convener or Vice Convener will, if proposed and seconded, be referred without discussion to the next Council meeting.

- 5.2 Any motion in terms of Standing Order 5.1 above will form the first item of business at the next applicable meeting.

Following debate, a decision as to whether to remove from office the Lord Provost, Depute Provost, Leader of the Council, Depute Leader of the Council or a Convener or Vice Convener will be voted on by way of a secret ballot and decided by simple majority.

COUNCIL AND COMMITTEE MEETINGS

6. Ordinary Meetings

- 6.1 Meetings of the Council, its Committees and Sub Committees will be held in line with the Council meeting timetable.

No meetings will be held on a Saturday or Sunday or on public holidays observed by the Council.

7. Special Meetings

- 7.1 A special meeting of the Council, a Committee or Sub Committee may be called at any time by its Convener, or by at least a quarter of the Members of the Council, Committee or Sub Committee.

In such instances a special meeting will be held within fourteen days of a written request being received by the Head of Legal and Democratic Services.

The written request must set out the business of the meeting and be signed by the relevant Convener or by least a quarter of the members of the Council, Committee or Sub-Committee.

8. Place Of Meetings

- 8.1 All meetings of the Council, its Committees and Sub Committees will, unless otherwise determined by the Head of Legal and Democratic Services in consultation with the Convener, take place in the Town House.

9. Notice Of Meetings

- 9.1 At least five Clear Days before a meeting of the Council, Committee or Sub Committee, a notice of the time and place of the meeting will be published at the Council's offices.

- 9.2 A Summons to attend the meeting with an agenda will be delivered:-

- 9.2.1 by post to their normal place of residence;
- 9.2.2 to such other address as a Member may specify; or
- 9.2.3 by email to address provided by the council

- 9.2 If a summons is not sent to or received by any Member, the meeting will still be valid.

10. Order Of Business

10.1 COUNCIL MEETINGS

10.1.1 At an ordinary meeting of Council, the business shown on the agenda will (unless otherwise determined by the Convener) proceed in the following order:-

- 10.1.1.1 Admission of Burgesses
- 10.1.1.2 Determination of Urgent Business
- 10.1.1.3 Determination of Exempt Business
- 10.1.1.4 Declarations of Interest
- 10.1.1.5 Requests for Deputation
- 10.1.1.6 Minutes of Previous Meeting(s) of Council
- 10.1.1.7 Referrals from Committees
- 10.1.1.8 Committee Business Statement and Motions List
- 10.1.1.9 General Business
- 10.1.1.10 Notices of Motion
- 10.1.1.11 Exempt / Confidential Business

10.2 COMMITTEE MEETINGS

10.2.1 At an ordinary Committee meeting, the business shown on the agenda will (unless otherwise determined by the Convener) proceed in the following order (if applicable):-

- 10.2.1.1 Determination of Urgent Business
- 10.2.1.2 Determination of Exempt Business
- 10.2.1.3 Declarations of Interest
- 10.2.1.4 Requests for Deputation
- 10.2.1.5 Minutes of Previous Meeting
- 10.2.1.6 Committee Business Statement and Motions List
- 10.2.1.7 Notices of Motion
- 10.2.1.8 Referrals from Council, Committees and Sub Committees
- 10.2.1.9 Finance, Performance, Risk and Service Wide Issues
- 10.2.1.10 General Business
- 10.2.1.11 Exempt / Confidential Business

GENERAL OPERATION OF COUNCIL AND COMMITTEE MEETINGS

11. Notices Of Motion

- 11.1** A Member can submit a Notice of Motion to a Council, Committee or Sub Committee.
- 11.2** Notices of Motion should be submitted to the Clerk at least three weeks prior to the meeting.
The Clerk will then be responsible for collating the views of the relevant Director(s), Head of Legal and Democratic Services, the Head of Finance and any other relevant Chief Officer(s) and presenting these to the Elected Member.
- 11.3** Following the conclusion of the consultation set out in Standing Orders 11.1 and 11.2, the final written motion must be submitted by the Member to the Clerk by 12 noon two weeks prior to the meeting, along with any relevant correspondence.
- 11.4** Precise deadlines for all Council and Committee meetings will be made available to Members on the internal website.
- 11.5** A Notice of Motion submitted to the Clerk outwith the deadlines referred to above, can only be accepted onto the agenda at the discretion of the Convener.
- 11.6** When submitting a Notice of Motion, outwith the deadlines referred to above the Member will be required to specify why the motion should be considered as a matter of urgency.
- 11.7** Prior to a Notice of Motion appearing on an agenda, the Convener will determine competency following advice from officers.
- 11.8** A Notice of Motion will be determined incompetent if :-
- 11.8.1** The judgement of the relevant Director(s) is that the matter is already being pursued. In such circumstances, the Member may only resubmit the motion after a period of six months.

- 11.8.2 The terms of the motion could result in a breach of the Council's statutory duty.
- 11.8.3 The motion proposes expenditure and does not identify a source of funding; or
- 11.8.4 A motion in similar terms has already been submitted for the same meeting by another Member.
- 11.9 If the Convener rules the motion incompetent, it will not appear on the agenda for the meeting.
- 11.10 If the motion is ruled incompetent, the Member may submit a revised version, subject to adhering to the process outlined in Standing Orders 11.1, 11.2 and 11.3 above.
- 11.11 If a Member who has submitted a Notice of Motion is absent from the meeting when the motion is due to be considered, the motion will not be considered at that meeting but will be put on the agenda for the next meeting.
If the Member is absent on the second occasion, the motion will fall.
- 11.12 If a Member is not a member of the Committee or Sub Committee where their motion is to be considered, they will be invited to the meeting to move or speak to the motion and sum up; however they will **not** be entitled to vote on the matter.
- 11.13 Members are permitted to submit joint notices of motion, however the 10 minute time limit for moving the motion will remain unchanged, which can be split between any or all of the Members who submit the joint motion.
- 11.14 A Member can make minor alterations to their motion prior to speaking to it with the consent of the Convener.
- 11.15 Any motion proposing a nomination for Freedom of the City must be signed by at least two thirds of the Members of the Council (see Glossary for calculation).

12. Reports By Officers

- 12.1 Reports to the Council, Committees or Sub Committees will be in the name of the Chief Executive, Directors, Statutory Officers or by the Council's Internal or External Auditors.
- 12.2 Reports must be provided in draft to the following officers for consultation in accordance with the published timetable:-
- 12.2.1 Head of Finance
 - 12.2.2 Head of Legal and Democratic Services
 - 12.2.3 Head of Service – Office of Chief Executive
 - 12.2.4 Clerk
 - 12.2.5 Council Leader
 - 12.2.6 Convener of the Finance, Policy and Resources Committee
 - 12.2.7 Convener and Vice Convener
- 12.3 Reports must also be provided in draft to the following officers for consultation, in cases where the report contains matters within their professional remit:-
- 12.3.1 Chief Social Work Officer
 - 12.3.2 Head of Human Resources and Customer Service
 - 12.3.3 Head of IT and Transformation
 - 12.3.4 Head of Commercial and Procurement Services
 - 12.3.5 Head of Land and Property Assets
 - 12.3.6 City Centre Director
- 12.4 A report author must consult the local Members of a ward where the report contains proposals which will have an impact on that particular ward.
- 12.5 Where a Notice of Motion has been considered and an initial report is prepared, the report author must consult the Member(s) who has submitted the Notice of Motion.
- 12.6 A report will only be submitted for consideration by the Council, Committee or Sub Committee where the Clerk, Head of Finance and the Head of Legal and Democratic Services have responded to the consultation on that report.

- 12.7** Subject to Standing Order 12.8 below, final reports to be included on an agenda for a meeting of the Council, Committee or Sub Committee must be submitted to the Clerk by 10am on the day specified in the timetable published by the Head of Legal and Democratic Services.
- 12.8** If the agenda circulation is missed, the relevant Director must submit a Late Docquet to the Clerk explaining why the report is late and why it should be considered.
- 12.9** The Head of Legal and Democratic Services may refuse to allow any item of business on to the agenda or may withdraw any item of business from an agenda, following consultation with the Convener and Vice Convener.

13. Deputations

- 13.1** Every request for a deputation must be in writing and received by the Clerk at least two full working days (Monday to Friday) before the meeting to which it relates.
- For example, for a meeting on a Thursday, requests must be received by the end of the Monday; and for a meeting on a Tuesday, requests must be received by the end of the previous Thursday.
- 13.2** In the event that a report has not been published to enable a deputation request to comply with the deadline set out in Standing Order 13.1, deputation requests may still be submitted and put on to the agenda.
- In such instances, Standing Order 13.1 would require to be suspended at the meeting for the deputation to be heard.
- 13.3** The request must relate to a report on an agenda.
- 13.4** The request must state the report on which the deputation wants to be heard and the action (if any) the deputation would like the Council, Committee or Sub Committee to take in relation to the report.

- 13.5** The following deputation requests are not competent:-
- 13.5.1** Deputations which fail to comply with Standing Order 13.1
 - 13.5.2** Deputations which relate to reports containing confidential information (see Standing Order 20)
 - 13.5.3** Deputations which relate to the annual budget
 - 13.5.4** Deputations which relate to a petition before the Petitions Committee
 - 13.5.5** Deputations which relate to a planning or licensing application
 - 13.5.6** Deputations which relate to matters that have alternative procedures for representation
- 13.6** Competency in respect of Standing Order 13.5 will be determined by the Convener following consultation with the Head of Legal and Democratic Services.
- 13.7** Subject to Standing Order 13.2, if any of the criteria at Standing Order 13.5 apply, the deputation request will not be put on the agenda for consideration.
- 13.8** Deputations cannot consist of more than three people.
- 13.9** No individual may form part of more than one deputation on the same matter.
- 13.10** A deputation request will be submitted to the relevant meeting of the Council, Committee or Sub Committee.
- At the start of the meeting, the Members will decide whether or not to hear the deputation.
- 13.11** If, having heard the deputation, the Council, Committee or Sub Committee defer consideration of the report, no further request will be accepted from the same body or individuals in relation to the matter unless a new report containing substantially different information is submitted to a future meeting.
- 13.12** Competency in respect of Standing Order 13.11 will be determined by the Convener following consultation with the Head of Legal and Democratic Services.

- 13.13** If a report is referred on which a deputation has been heard, in order for the same body or individuals to be heard, a fresh request for a deputation must be submitted.
- 13.14** Deputations will be given a maximum of ten minutes to present their case, irrespective of the number of speakers.
- 13.15** Following the conclusion of the deputation, Members will be given the opportunity to ask questions of the deputation for a maximum of ten minutes. No questions can be asked of officers during this time period, and no debate or discussion will take place until the report is considered as part of the agenda.

14. Rights Of Members To Attend Meetings

- 14.1** Subject to Standing Orders 11.12 and 14.2, any Member will be entitled to attend any Committee or Sub Committee meeting of which they are not a member and will, with the consent of the Convener, be entitled to ask questions or address the meeting.
- The Member may not propose or second any motion or amendment or vote.
- 14.2** A Member cannot be present at a meeting of a Committee or Sub Committee for which they are not a member when:-
- 14.2.1** The press and public have been excluded from the meeting;
 - 14.2.2** The meeting is likely to involve the taking of a decision which may affect the interests of any person or body following a hearing; and
 - 14.2.3** The person or body has a right in terms of the law, Standing Orders or other administrative procedure, to be heard at that meeting in person or through a representative.

15. Substitute Members

- 15.1** Members or Groups will be entitled to nominate substitutes to attend meetings of Committees and Sub Committees on their behalf, providing those substitutes have received relevant training as determined by the Council.
- 15.2** Bodies appointing External Members shall be permitted to appoint a substitute for their substantive member.

16. Failure To Attend Meetings

- 16.1 If a Member does not attend any meeting of the Council within a period of six consecutive months, the Chief Executive must report this to Council, unless leave of absence has been granted to the Member.
- 16.2 If the Council is not satisfied as to the cause of the failure to attend, the Member will cease to be a Member of the Council.
- 16.3 The Member will not cease to be a Member of the Council if the absence is due to the Member having been suspended by the Standards Commission. No report from the Chief Executive is required in these circumstances.

17. Chairing Of Meetings

- 17.1 At any meeting of the Council, its Committees or Sub Committees, the chair will be taken by the Convener, or where the Convener is absent, the Vice Convener.
- In the absence of both, the Members present will appoint a Convener.

18. Quorum

- 18.1 The quorum of Council, Committees and Sub Committees will be one quarter of the total number of members of the Council, Committee or Sub Committee, or three members, whichever is the higher.

19. Attendance At Meetings By Chief Officers

- 19.1 All meetings will normally have advice available from the Head of Finance and Head of Legal and Democratic Services.
- 19.2 The attendance of all other officers is at the discretion of the appropriate Head of Service, taking into account the business of the meeting and the Working Time Regulations 1998.

20. Exempt And Confidential Information

- 20.1 Agendas and reports containing Exempt Information (exempt items) will contain a declaration that the report is 'Not for Publication' because it contains Exempt Information as defined in Schedule 7A of the Local Government (Scotland) Act 1973.

- 20.2 The public **may** be excluded from a meeting when an item of business is being considered, if it is likely that, if the public were present, Exempt Information would be disclosed.
- 20.3 The public **must** be excluded from a meeting when an item of business is being considered and it is likely that, if the public were present, Confidential Information would be disclosed to them in breach of an obligation of confidence.

21. Declarations Of Interest

- 21.1 Any Member making a declaration of interest should:-
 - 21.1.1 indicate whether it is a financial or non-financial interest;
 - 21.1.2 include some information on the nature of the interest; and
 - 21.1.3 confirm whether or not they intend to withdraw from the meeting room.
- 21.2 A Member must withdraw from the meeting room, including from the public gallery, where they have declared an interest that prevents them from participating in the discussion of, and voting on, the item.

22. Introducing Reports

- 22.1 The Convener may identify that a report requires introduction from an officer, following which, Members will be given the opportunity to ask questions of officers.
- 22.2 To promote the effective management of the meeting, Members should seek clarification or advice on any points from officers in advance of the meeting.
- 22.3 When, in the opinion of the Convener, Members have had a reasonable opportunity to ask questions, the Convener will move to determination of the matter.

23. Order Of Debate

- 23.1 If consensus cannot be reached on an item, the order of debate will be as follows:-
 - 23.1.1 Motion moved and seconded
 - 23.1.2 Amendment(s) moved and seconded
 - 23.1.3 Debate
 - 23.1.4 Summing up for the amendment(s)
 - 23.1.5 Summing up for the motion
 - 23.1.6 Vote

- 23.2 Any Member wishing to speak at any meeting will address the Convener and restrict their remarks to the item of business before the meeting through:-
 - 23.2.1 Asking questions
 - 23.2.2 Moving, seconding or supporting a motion or any relative amendment
 - 23.2.3 Moving or seconding a Procedural Motion; and
 - 23.2.4 Raising a Point of Order

24. Points Of Order

- 24.1 A Point of Order is a verbal objection made to the Convener that a statement or proposed procedure or action at the meeting may be in breach of the law or Standing Orders.

- 24.2 Any Member may raise a Point of Order at any point in the meeting, and must specify which Standing Order or law will be, or has been, breached.

- 24.3 The Convener will decide how the Point of Order will be dealt with.

25. Procedural Motions

- 25.1 A Procedural Motion is a motion on the procedure being proposed or undertaken at the meeting, including, but not restricted to:-
- 25.1.1 Moving exempt business to the public section of the agenda
 - 25.1.2 Proposing a change to the minute
 - 25.1.3 Proposing that an item be deferred to a later date
 - 25.1.4 Proposing that an item be referred to another Committee or directly to full Council
 - 25.1.5 Proposing that no further debate take place
 - 25.1.6 Proposing the suspension of a Standing Order;
 - 25.1.7 Determining whether or not a deputation should be heard: and
 - 25.1.8 Proposing an alternative method of voting
- 25.2 A Procedural Motion has to be moved and seconded, and Members will then vote on whether to support or oppose it.
- 25.3 When a Procedural Motion has been moved and seconded, it will be put immediately to the vote, without any debate.
- 25.4 If a Procedural Motion is not seconded, it will fall and this will be recorded in the minute.
- 25.5 Subject to Standing Order 38, for a Procedural Motion to be successful, it requires a simple majority of the vote.

26. Motions And Amendments

- 26.1 Where a motion and amendments are proposed prior to a Council, Committee or Sub Committee meeting, Members should provide a copy of the proposed wording to the Clerk.
- 26.2 The Clerk will then be responsible for collating the views of the relevant Director(s), Head of Legal and Democratic Services, the Head of Finance and any other relevant Chief Officer(s) and presenting these to the Member.

- 26.3** The Convener will have the prior right to the motion, except:-
- 26.3.1** where he/she waives this right and allows another Member to have the prior right to the Motion.
 - 26.3.2** where a written Notice of Motion submitted by a Member is moved; or
 - 26.3.3** the Council is meeting to consider its annual budget, in which case the Leader of the Council will have the prior right to the Motion, following which the spokesperson of the biggest political Group will have the right to propose an amendment.
- 26.4** When moving any motion or amendment, a Member will provide its terms in full, which will then require to be seconded by another Member.
- No Member will speak in support of a motion or amendment until it has been seconded.
- 26.5** All amendments must be relevant to the motion and must differ from it and from each other substantially.
- 26.6** The Convener will offer any relevant officer an opportunity to address the meeting on the competency or implications of any motion or amendment.
- 26.7** A motion or amendment is incompetent if it would require the incurring of expenditure and the source of funding is not identified.
- 26.8** A motion or amendment which identifies the source of funding as the Council's reserves will not be competent without advice being provided to the meeting by the Head of Finance.
- 26.9** The Convener will determine whether a motion or amendment is competent, and may seek advice from officers in this regard.
- 26.10** A motion or amendment moved but not seconded, or which has been ruled by the Convener to be incompetent will not be put to the vote but will be recorded in the minute.
- 26.11** If a motion or amendment is withdrawn, the mover and seconder can move or second and speak in support of a further motion or amendment.

- 26.12** No Member will speak more than once (except on a Point of Order, by asking a question or by moving a Procedural Motion) in a debate, except for the Members who moved the motion / amendment(s), who will have the right to sum up.
- 26.13** When there is only one amendment to the motion, the vote will be taken between the motion and the amendment.
Whichever is carried will be the resolution of the meeting.
- 26.14** Where there is more than one amendment to the motion, a vote will be taken between the last two amendments, and this process will be repeated until only one amendment remains.
A vote will then be taken between the motion and the remaining amendment.
Whichever is carried by majority will become the resolution of the meeting.
- 26.15** If an amendment proposes that no decision be taken, the first vote will be between it and the motion.
If the amendment is carried, the meeting will proceed to the next item of business.
If the amendment is not carried, it will be eliminated from the amendments which, with the motion, will be voted on in the usual way.

27. Time Allowed For Speaking

- | | | |
|-------------|-----------------------------------|---------------|
| 27.1 | Moving a motion or amendment – | 10 minutes |
| 27.2 | Seconding a motion or amendment – | 5 minutes |
| 27.3 | Speaking in debate – | 5 minutes |
| 27.4 | Summing up – | 5 minutes |
| 27.5 | Moving a Council budget – | no time limit |
| 27.6 | Seconding a Council budget – | 10 minutes |

28. Closure Of Debate

28.1 After eight or more Members have spoken (including the movers and seconders of motions and amendments), any Member who has not spoken can move as a Procedural Motion that no further debate take place.

If the Procedural Motion is agreed, the movers of the original motion and amendment(s) will have the right to sum up and the matter will thereafter be put to the vote.

If the Procedural Motion is defeated, the debate will continue.

28.2 Subsequent Procedural Motions that no further debate take place can be made after a further three Members have spoken.

29. Method Of Voting

29.1 Votes will be taken by means of the electronic voting system at Council, and by roll call at Committees or Sub Committees, subject to Standing Order 5.2 and 29.2.

29.2 A Member can move that an alternative method of voting is used, such as secret ballot or show of hands, by means of a Procedural Motion.

29.3 The Clerk will conduct the vote.

No one will interrupt the proceedings (except to draw attention to an omission in the calling of a Member's name or to a Point of Order) until the result of the vote has been announced.

29.4 With the exception of Standing Order 38.1, a simple majority of those present and voting will decide the result of any vote between motions and amendments.

29.5 Subject to Standing Order 30.1, a Member who is absent when their name is called will be entitled to vote if they enter the meeting before the result of the vote is announced.

29.6 In the event of a tied vote, the Convener will have the casting vote, subject to the provisions of Standing Order 3.

If the Convener chooses not to exercise their casting vote, lots will be drawn using a method decided upon by the Clerk.

29.7 Any Member wishing to record their dissent against the decision after a vote should do so immediately after the result has been announced, and this will be recorded in the minute.

30. Quasi-Judicial Items Of Business

- 30.1 Where the Council, Committee or Sub Committee is required to determine as item of business which is of a Quasi-Judicial nature, a Member must be present in the meeting room for the duration of the item.
- 30.2 If a Member has left the room at any point during discussion of the item, they will not be permitted to participate in the determination of the item, nor any vote.

31. Referrals

- 31.1 Immediately following a vote at Committee or Sub Committee, one third of the membership of the Committee or Sub Committee may state that they wish the matter to be referred to the Council or Committee for a decision (see Glossary for calculation).
- 31.2 Subject to Standing Orders 31.3 and 31.5, the Clerk will then arrange for the item to be referred to the next meeting of Council or Committee for determination.
- 31.3 Standing Order 31.2 will not apply where, in the view of the Convener, following advice from the Head of Legal and Democratic Services and the relevant Head of Service, this would result in the Council or relevant Committee considering the item after any relevant deadline for determination of the matter has passed.
- 31.4 Standing Orders 31.1 and 31.2 will not apply to any proceedings relating to:-
 - 31.4.1 The appointment of or retirement of staff
 - 31.4.2 Grievance or disciplinary appeals by staff
 - 31.4.3 School attendance
 - 31.4.4 Bursaries
 - 31.4.5 Admission of any particular child to school
 - 31.4.6 Provision of school transport for any particular child
 - 31.4.7 The granting of any licence, registration or certificate
 - 31.4.8 Assumption of parental rights or adoption in the case of any individual
 - 31.4.9 Aids and adaptations to premises for the benefit of social work clients

- 31.5** Where an item is referred to a meeting of the Council, Committee or Sub Committee, and it is not possible for the item to be open to the public for inspection at least three Clear Days before the meeting, the referring Committee or Sub Committee must specify why the item should be considered as a matter of urgency.

The Convener of the Council, Committee or Sub Committee to which the matter is referred will then determine whether the item is added to the agenda.

32. Minutes

- 32.1** The Clerk will prepare the minutes of meetings of the Council, its Committees and Sub Committees and any other meetings at which Members are represented, as may be determined by the Head of Legal and Democratic Services.
- 32.2** The minutes will record the names of the Members who attended the meeting and will contain a summary of the business of the meeting as determined by the Clerk.
- 32.3** The Convener and Vice Convener will normally propose and second the minute as a true record unless either were not present, in which case any Member present at the meeting can either propose or second the minute as a true record.
- 32.4** At the meeting, if any Member challenges the accuracy of the minute, they can move a Procedural Motion that a correction is made.
- Any corrections to the minute will be outlined in the subsequent minute.

33. Powers Of Convener

- 33.1** To preserve order and ensure that Standing Orders are followed.
- 33.2** To decide on the order of business and matters of competency and relevancy, unless otherwise specified.
- 33.3** To accept urgent business onto the agenda in terms of Section 50B(4)(b) of the Local Government (Scotland) Act 1973.
- The reason(s) why the matter must be considered urgently will be recorded in the minute of the meeting.
- 33.4** To ensure that all Members are given the opportunity to speak and to decide on the order in which they speak.

- 33.5 To rule on all Points of Order.
- 33.6 To adjourn the meeting at any time for any reason, and to determine the length of the adjournment.
- 33.7 When the Convener begins to speak, all other Members must stop speaking.
- 33.8 The decision of the Convener on all matters in Standing Order 33 will be final.

34. Behaviour

- 34.1 All Members must behave respectfully at any meeting and should not behave in a manner that is improper, offensive or deliberately obstructs the business of the meeting.

All Members are bound by the **Councillors' Code of Conduct** and are responsible for complying with it at all times.
- 34.2 If a member of the public interrupts any meeting, the Convener may issue a warning to the person creating the disturbance or may order them to leave the meeting.
- 34.3 If there is general disturbance during any part of the meeting, the Convener may order that the public leave the meeting.

35. Suspension Of Members

- 35.1 If any Member disregards the authority of the Convener, obstructs the meeting or, in the opinion of the Convener, acts in an offensive or disruptive manner at a meeting, the Convener may move, as a Procedural Motion, that the Member be suspended for the remainder of the meeting.
- 35.2 If seconded, the motion will be put to the vote immediately.

If the Procedural Motion is carried, the suspended Member will leave the meeting room immediately.
- 35.3 If the Procedural Motion is not carried, the Convener may call for an adjournment in the meeting.

36. Filming, Photographing And Recording Of Meetings

- 36.1 Other than the live webcasting of Council and Committee meetings by Aberdeen City Council, any video or sound recordings or broadcasting of meetings, or the taking of any photographs, will be at the Convener's discretion.

37. Length Of Meetings

- 37.1 The Convener can call a break in proceedings at any time.
- 37.2 Meetings will last no longer than four hours.
- 37.3 If the meeting is adjourned to another date, the Convener, in consultation with the Clerk, will determine the time and date that the meeting will resume.

38. Suspending Standing Orders

- 38.1 Any Standing Orders may be suspended at any meeting with the agreement of two thirds of the Members present and entitled to vote (see Glossary for calculation).

This will be done by means of a Procedural Motion.

- 38.2 The Member must specify which Standing Order they are proposing to suspend.

39. Altering Previous Decisions

- 39.1 It will not be competent for the Council, Committee or Sub Committee to alter or reverse a previous decision within a period of six months.

- 39.2 Standing Order 39.1 does not apply:-

39.2.1 Where a Notice of Motion to that effect has been submitted, of which prior notice has been given in terms of Standing Order 11;

39.2.2 Where the Council, Committee or Sub Committee approves a recommendation contained in a report to alter or reverse a previous decision; or

39.2.3 To ongoing negotiations between the Council and any other party.

40. Amendments To Standing Orders

40.1 Non-material amendments can be made to the Standing Orders by the Head of Legal and Democratic Services, following consultation with the Lord Provost, without the requirement to report to Council.

Such amendments will be notified to all Members once completed.

40.2 Material amendments to the Standing Orders, including the removal or addition of Standing Orders, may only be approved after consideration of a report to the Council by the Head of Legal and Democratic Services.

41. Review Of Standing Orders

41.1 The Standing Orders will be subject to annual review by the Head of Legal and Democratic Services.

42. Monitoring Officer

42.1 A Monitoring Officer's report may be required where any proposal, decision or omission by the Council may breach or has breached the law or any statutory code of practice.

COMMITTEES AND SUB COMMITTEES

43. Delegation And Appointment To Committees And Sub Committees

43.1 The Council may appoint Committees and Sub Committees for any purpose at any time.

43.2 The Council will delegate or refer to these Committees and Sub Committees any matter it thinks fit and these matters will be set out in the Terms of Reference.

43.3 The Council may alter the Terms of Reference of any Committee or Sub Committee at any time.

43.4 Where a matter for consideration is not specifically referred to in the Terms of Reference, it will be competent for it to be considered by the Committee or Sub Committee with the most relevant Terms of Reference, as determined by the Head of Legal and Democratic Services.

43.5 The Council may, at any time, deal with any matter falling within the Terms of Reference of any Committee or Sub Committee.

- 43.6 Similarly, a Committee may, at any time, deal with any matter falling within the Terms of Reference of any of its Sub Committees.
- 43.7 The Council will set the membership for each Committee and must reflect the political composition of the Council.
- 43.8 The Council may establish Working Groups with no delegated powers for such functions as it deems necessary, consisting wholly of Councillors or otherwise.
- 43.9 Any External Member appointed by Council to any Committee or Sub Committee will have full voting rights on all matters considered relevant by the Council, Committee or Sub Committee, unless otherwise agreed by Council.
- 43.10 An External Member will remain as a member of the Committee or Sub Committee until the next ordinary election of Councillors, subject to their right to resign or their removal by the nominating body.

GLOSSARY

Agenda	A list of business to be considered at Council, Committee and Sub Committee Meetings.
Amendment	Where a motion has been put forward in respect of an item on the agenda, a Member may move an alternative proposal. The motion and amendment will then be debated and a vote taken between the two.
Calculation of Quarter or Two Thirds of Members	If the figure is not a whole number it will be rounded up. This is to ensure that a quarter or two thirds will always be met.
Clear Days	This applies to notice of Meetings. For example if a letter is posted on Monday advising of a meeting on Friday, it gives 3 clear days notice (i.e. Tuesday, Wednesday, Thursday) Saturday, Sunday and public holidays are included within the definition of Clear Days
Clerk	The Committee Officer with responsibility for the administration of the Council, Committee or Sub Committee.
Committee	A Committee of the Council appointed in accordance with Standing Orders.
Confidential Information	See Appendix 1 to this document.
Convener	The Chair of the Committee. Where 'Convener' is referred to in this document, this will also include the Lord Provost.
Council	Where 'Council' is referred to in this document, it refers to meetings of the Full Council.
Deputation	A request submitted by a member of the public to address a Council, Committee or Sub Committee meeting in respect of a report on a published agenda.
Depute Provost	The Vice Convener of the Council. The Depute Provost will act as Chair in the absence of the Lord Provost.
Exempt Information	See Appendix 2 to this document.
External Member	A representative appointed to any Committee or Sub Committee from outwith Aberdeen City Council who may have full voting rights.
Group	A number of Councillors who form a group. A group cannot be composed of a single member.
Head of Finance	Where this document refers to the Head of Finance, it should be noted that this may also refer to his/her nominated officer.

Head of Legal and Democratic Services	Where this document refers to the Head of Legal and Democratic Services, it should be noted that this may also refer to his/her nominated officer.
Late Docquet	<p>A document which must accompany all reports that miss the agenda circulation.</p> <p>This contains the reason for lateness and is signed by the Director and Convener.</p> <p>The Convener has ultimate discretion as to whether or not the item will be considered.</p>
Lord Provost	<p>The Convener of the Council.</p> <p>The Lord Provost is the civic head of the Council.</p>
Minute	<p>A summary of decisions from any Council, Committee or Sub Committee meeting prepared by the Clerk.</p> <p>This will not be a verbatim record.</p>
Motion	An initial proposal of action submitted by a Member in respect of an item of business on an agenda.
Non-Material Amendments to Standing Orders	Such amendments may include the change of title for a particular post referred to in the Standing Orders, or an error in the text.
Notice of Motion	A request submitted by a Member in advance of a meeting of Council, a Committee or Sub Committee which may be placed on the agenda for an issue to be discussed and for a decision to be made.
Quasi-Judicial	Where the Council, Committee or Sub Committee has powers and procedures resembling those of a court of law or judge, and is obliged to objectively determine facts and draw conclusions from them so as to provide the basis of an official action.
Quorum	The minimum number of Members at a Council, Committee or Sub Committee meeting who must be present for valid transaction of business.
Sub Committee	A Sub Committee of any Council Committee appointed in accordance with Standing Orders.
Summons	A calling notice advising Members of the date, time and location of a Council, Committee or Sub Committee meeting.
Vice Convener	<p>The Vice Chair of the Committee.</p> <p>The Vice Convener will act as Chair in the absence of the Convener.</p>

Appendix 1

LOCAL GOVERNMENT (SCOTLAND) ACT 1973

SECTION 50(A)

DEFINITION OF CONFIDENTIAL INFORMATION

In accordance with section 50A of the Local Government (Scotland) Act 1973, Confidential Information means:

- information furnished to the authority by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public; and
- information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.

In either case the reference to the obligation of confidence is to be construed accordingly.

APPENDIX 2

LOCAL GOVERNMENT (SCOTLAND) ACT 1973

SCHEDULE 7A

ACCESS TO INFORMATION: EXEMPT INFORMATION

DESCRIPTIONS OF EXEMPT INFORMATION

(INCLUDING QUALIFICATIONS)

Employee/Office Holder:	1. Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office-holder or applicant to become an office-holder under, the authority.
Occupier:	2. Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority.
Recipient Of Council Service:	3. Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.
Recipient Of Financial Assistance:	4. Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority.
Particular Child:	5. Information relating to the adoption, care, fostering or education of any particular child or where any particular child is subject to a compulsory supervision order or interim compulsory supervision order (as defined respectively in sections 83 and 86 of the Children's Hearings (Scotland) Act 2011) information relating to the order. "Child" means a person under the age of 18 and any person who has attained that age and is in attendance as a pupil at a school.
Financial Affairs Of Particular Person:	6. Information relating to the financial or business affairs of any particular person (other than the authority). Information is not exempt if it is required to be registered under the Companies Acts (as defined in section 2(1) of the Companies Act 2006) or similar legislation.
Social Work Relating To A Particular Person:	7. Information relating to anything done or to be done in respect of any particular person for the purposes of any of the matters referred to in section 27(1) of the Social Work (Scotland) Act 1968 (providing reports on and supervision of certain persons).

Proposed Expenditure On Contracts:

8. The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services **if and so long as** disclosure to the public of the amount there referred to would be likely to give an advantage to a person entering into, or seeking to enter into, a contract with the authority in respect of the property, goods or services, whether the advantage would arise as against the authority or as against such other persons.

Contractual Terms:

9. Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services **if and so long as** disclosure to the public of the terms would prejudice the authority in those or any other negotiations concerning the property or goods or services.

Tender For Contract:

10. The identity of the authority (as well as of any other person by virtue of paragraph 6 above) as the person offering any particular tender for a contract for the supply of goods or services.

Labour Relations:

11. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office-holders under, the authority **if and so long as** disclosure to the public of the information would prejudice the authority in those or any other consultations or negotiations in connection with a labour relations matter arising as mentioned in that paragraph.

Legal Proceedings:

12. Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with -
(a) any legal proceedings by or against the authority, or
(b) the determination of any matter affecting the authority.
(whether, in either case, proceedings have been commenced or are in contemplation).

Statutory Notices Etc:

13. Information which, if disclosed to the public, would reveal that the authority proposes -
- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment **if and so long as** disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice, order or direction is to be given or made.
-

Crime:

14. Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
-

Informant:

15. The identity of a protected informant.
-



ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	15 March 2017
LEAD OFFICER	Interim Director of Corporate Governance
TITLE OF REPORT	Education and Children's Services Committee – External Appointment (Roman Catholic Church Representative)
REPORT NUMBER	CG/17/037
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

The report brings before the Council details of a nomination from the Roman Catholic Diocese of Aberdeen for a new Roman Catholic Church representative on the Education and Children's Services Committee following the resignation of Mrs Wischik.

2. RECOMMENDATIONS

That Council approve the appointment of Mr John Murray as the Roman Catholic Church external member on the Education and Children's Services Committee.

3. FINANCIAL IMPLICATIONS

The financial implications associated with this report are minimal. Each external member requires to undertake a PVG Scheme check. Each application to the PVG Scheme costs £59 for new members and £18 if they are existing members staying within the same group. Checks for external members will be processed by HR in line with the procedure for dealing with PVG checks for Elected Members.

4. OTHER IMPLICATIONS

The Council has a statutory obligation to appoint three religious representatives to the Education and Children's Services Committee, the purposes of which include advising the authority on any matters relating to the discharge of their function as education authority. If the Council fails to appoint a Roman Catholic Church representative, it will be in breach of a statutory duty.

5. BACKGROUND/MAIN ISSUES

Section 124 of the Local Government (Scotland) Act 1973 (as amended by the Local Government (Scotland) Act 1994) requires local authorities, in appointing a Committee whose purposes include advising the authority on any matter relating to the discharge of their functions as education authority, or discharging any of those functions of the authority on their behalf, to appoint one representative of the Church of Scotland, one representative of the Roman Catholic Church, and one representative of other churches and denominational bodies, in the selection of whom, the authority shall have regard (taking account of the representation of the churches referred to above) to the comparative strength within their area of all the churches and denominational bodies having duly constituted charges or other regularly appointed places of worship there.

Mrs Wischik has resigned her position as the Roman Catholic Church representative on the Education and Children's Services Committee. Roman Catholic Diocese of Aberdeen has advised that Mr John Murray has been nominated as the replacement representative for this Committee. The Council is asked to agree the appointment of Mr Murray.

6. IMPACT

Appointing religious representatives on the Education and Children's Services Committee is the Council complying with its statutory duty.

The appointment of the replacement Roman Catholic Church religious representative has links with the Council's commitment to progress equalities work in relation to religion/belief.

Beyond this the proposal has no specific impact on customer experience, staff experience or the Council's use of resources.

An Equality and Human Rights Impact Assessment is not required as the proposal does not disproportionately impact on persons with protected characteristics compared to persons without such characteristics

7. MANAGEMENT OF RISK

If the Council fails to appoint a replacement Roman Catholic Church representative, it will be in breach of a statutory duty.

8. BACKGROUND PAPERS

None

9. REPORT AUTHOR DETAILS

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GUILDRY AND MORTIFICATIONS SUB COMMITTEE

1 MARCH 2017

GOVERNANCE REVIEW - GUILDRY TRUST DEED - CG/17/018

3. The Sub Committee had before it a report by the Interim Director of Corporate Governance which provided an update on the ongoing work to finalise a revised constitution for the Guildry and Mortifications Fund for approval by the Office of the Scottish Charity Regulator (OSCR).

The report recommended:

That the Sub Committee –

- (a) note the proposed plans on how funding would be granted in accordance with the revised Charitable purposes; and
- (b) instruct the Council's Head of Finance and Head of Legal and Democratic Services to jointly develop a process for applying for, and awarding funding which would be in compliance with OSCR requirements.

Ms Kundai Phute, Solicitor, advised that following advice and further consideration of the matter, it was recommended that the report be referred to Council for approval of the following revised recommendations:

To recommend that:

- (a) the Council notes the proposed plans for how funding would be awarded by the Guildry and Mortifications Trust in accordance with the Trust's revised Charitable trust purposes;
- (b) the Council instructs the Head of Finance and Head of Legal and Democratic Services jointly, and in consultation with the Convenor of the Sub Committee, to develop a process for applying for and awarding such funding, which process would be in compliance with OSCR requirements;
- (c) The Council amends the Terms of Reference of the Sub Committee to delegate power to it to consider, assess and approve or decline any applications for such funding made to it;
- (d) the Council instructs the Head of Finance and Head of Legal and Democratic Services to work in collaboration with Aberdeen Council of Voluntary Organisations (ACVO) and the Guildry of Aberdeen to raise awareness of the revised Charitable trust purposes and the above process;
- (e) The Council instructs the Sub Committee to report back to it annually on the administration of the Trust, including any such funding awards; and
- (f) the Council instructs the Head of Finance and Head of Legal and Democratic Services jointly, and in consultation with the Convenor of the Sub Committee, to take such other actions as may be necessary or expedient in order to progress and finalise the reorganisation of the Trust.

Ms Phute spoke to the report and advised members that the revised scope of the Guildry and Mortifications Trust Fund would be broadened whilst retaining the 'spirit of the Trust' to enable funds to be awarded to any student residing or studying within the city but not restricted to those students who may be invited to join the Burgesses in the future.

Ms Phute further advised that OSCR were particularly interested in how people could access funds held by the Trust. In this regard, Ms Phute advised that the three main beneficiaries would be students; the Burgesses of the Guild and their family members; and charities and organisations based in the city which aimed to assist elderly people, those with ill health or disability and those suffering from financial hardship, as outlined in Appendix B to the report.

With reference to the revised recommendations, it was proposed that a meeting between the Lord Dean, Finance and Legal and Democratic Services be arranged to prepare a report which would be considered at a special meeting of the Sub Committee before submission to full Council for approval.

The Sub Committee resolved:

- (i) to refer the report and the revised recommendations to Council for approval; and
- (ii) to arrange a meeting with the Lord Dean and key officers to prepare a report in line with recommendations for consideration at a special meeting of the Sub Committee prior to submission to full Council for approval.

ABERDEEN CITY COUNCIL

COMMITTEE	Guildry & Mortification Funds Sub Committee
DATE	1 March 2017
DIRECTOR	Richard Ellis
TITLE OF REPORT	Governance Review – Guildry Trust Deed
REPORT NUMBER	CG/17/018
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

This report outlines the ongoing work to prepare and have adopted a revised constitution for the City of Aberdeen Council Guildry and Mortification Funds (SC011857).

2. RECOMMENDATION(S)

It is recommended that:-

- a) the Sub-Committee note the proposed plans on how funding will be granted in accordance with the revised Charitable purposes and;
- b) the Sub-Committee instruct the Council's Head of Finance and Head of Legal and Democratic Services to jointly develop a process for applying for, and awarding funding which is to be in compliance with OSCR requirements.

3. FINANCIAL IMPLICATIONS

Officers within Finance and Legal Services will be progressing the application for re-organisation with OSCR to its conclusion. The cost of that time will be re-charged to the Guildry and Mortification Fund.

The charges will be in line with the normal charge out rate applied to public bodies.

4. OTHER IMPLICATIONS

The main Services that are involved in the re-organisation process of the trust are Finance and Legal and Democratic Services. Input from other services/groups might be required as the re-organisation process progresses. The funds from the trust will be utilised to recover the cost of the time spent by officers to complete the OSCR application and implementing the re-organisation plans.

5. BACKGROUND/MAIN ISSUES

5.1. Possession of the Guildry funds was transferred to the predecessor of Aberdeen City Council in 1836 by a decree of Declarator of the Court of Session. In 1868, under the Aberdeen Town Council Act possession of the Mortification funds was also transferred to the predecessor of the Council. Since then Council has continued to manage the Guildry and Mortification Funds. It also manages a scheme of financial assistance for Burgesses and their families, as well as the relief of poverty. Over time, with the availability of means tested benefits, the number of people receiving financial assistance from this scheme has reduced to two recipients.

5.2. In 1981, the then Dean of Guild raised concerns that Guildry funds were not being used for the benefit of the community. By 1990 it was agreed between the Burgesses and the Council that a *cy près* petition should be presented to the Court of Session to allow the trust purposes to be widened. In 1997, the Court of Session gave permission for the trust purposes to be broadened to allow the use of funds for financial support to selected citizens through the Guildry Award Scheme. The Guildry Award Scheme provides grants and scholarships to successful applicants. Guidelines for the award state that support will be considered to assist persons born or habitually resident in the City of Aberdeen and intending to pursue careers that, if pursued, would qualify them for admission as Burgesses of Guild of Aberdeen. The number of applications presented to the Guildry through this Award Scheme has declined over the years. The Guildry are currently working with both universities in Aberdeen and the North East Scotland College to see how they can raise awareness of this scheme.

5.3. The City of Aberdeen Guildry and Mortification Funds were registered as a Scottish Charity by the Council in 1992; and subsequently with OSCR in 2003 when the Scottish Charities Office transferred its functions to OSCR. The Council are now working with OSCR to produce a revised constitution that reflects modern charity legislation and the aspiration to use Guildry and Mortification Funds for a wider range of charitable purposes. OSCR will not widen the trust purposes without a clear plan on how the trust assets will be used to meet the

trust purposes. The proposed constitution which has been submitted to OSCR is shown in Appendix A. The current proposal on how the trust assets will be used to meet the charitable purposes is shown in Appendix B.

6. IMPACT

Improving Customer Experience –

Broadening the trust purposes will widen the pool of potential beneficiaries, thus allowing more awards to be made to those meeting the required criteria. Further work is required to develop a fair and equitable application process as described in the report, to ensure that the application process for beneficiaries is streamlined. Further, expanding the Terms of Reference of the Sub-Committee will mean that decisions on the award of funding can be taken timeously.

Improving Staff Experience –

Re-organising the Trust and modernising its Trust purposes will streamline the administration of the Trust and its Funds.

Improving our use of Resources –

Broadening the trust purposes will widen the pool of beneficiaries. This will require publicising so that potential beneficiaries are aware of the trust purposes and grants available. It is recommended that the Council instructs officers to work in concert with the Aberdeen Council for Voluntary Organisations (ACVO) to raise awareness. ACVO is the Third Sector Interface for Aberdeen City. ACVO is able to send weekly E-Bulletins targeted towards organisations and individuals who meet the trust purposes criteria. The E-Bulletin is currently sent to over 2,000 subscribers. It is free for Third Sector organisations to advertise their news, services and events in the E-Bulletin and therefore there will be no financial implications for the trust when using this service.

Corporate -

On 11th May 2016, Council approved the remit of the Governance Review. Its remit is to review all systems of risk and governance in the context of the Council's Strategic Business Plan. This includes the internal governance arrangements in place in respect of the large number of Trusts (both public and private) which Council engages with, has its elected members appointed to, clerks and/or manages. The review and re-organisation of the Guildry and Mortification Funds Trust is compliant with the aims of the Governance Review.

Public –

The Equality and Human Rights Impact Assessment (EHRIA) is attached.

7. MANAGEMENT OF RISK

Failure to endorse the proposals in this report will result in failure to complete the re-organisation process with OSCR. Officers from the Legal and Democratic Service will have to submit a new application to OSCR which will take a further 6 months to be approved.

8. BACKGROUND PAPERS

- Guildry and Mortifications Sub Committee Terms of Reference dated 15 June 1993.
- Reorganisation of your charity guideline by OSCR <http://www.oscr.org.uk/charities/managing-your-charity/reorganisation-of-your-charity>

9. REPORT AUTHOR DETAILS

Kundai Phute

Solicitor

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01224 523 283

Appendix A

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 of the City of Aberdeen Council Guildry & Mortification Funds (the "Trust").

The Trust (constituted and defined by an Extract Decree of Declarator dated 9 March and 22 May 1838 and extracted on 21 June 1838 and an Extract Decree of Declarator and Reduction dated 7 February 1871 and extracted on 18 April 1871 and varied by a scheme under and in terms of s9 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 and approved by the Court of Session by interlocutor dated 7 January 1997) is registered with OSCR with charity reference number SC011857.

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 (i) to relieve financial hardship among the Burgesses of Guild of Aberdeen present and future and their widows and widowers and families (including without prejudice to the foregoing generality children of deceased Burgesses of Guild at Aberdeen) by the payment of annuities of such amounts as the trustees in their absolute discretion may determine;

(ii) to assist persons born or habitually resident in the City of Aberdeen and intending to pursue careers that if pursued would qualify them for admission as Burgesses of Guild of Aberdeen to pursue educational or vocational training courses or otherwise to further their proposed careers, and that by means of grants or scholarships of such number and amounts as the trustees in their absolute discretion (but after consultation with the Lord Dean of Guild and his Assessors as the trustees in their absolute discretion may determine) may determine;

(iii) for the prevention or relief of poverty in the City of Aberdeen;

(iv) for the advancement of education in the City of Aberdeen;

(v) for the relief of those in need by reason of old age, ill health, disability, financial hardship or other disadvantage in the City of Aberdeen;
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 clause 16);

"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 4 preceding pages, is executed as follows:-

SIGNED by the said Aberdeen City Council

At Aberdeen on

in the presence of

Background

The Guildry Fund's purposes are currently for the relief of financial hardship among the Burgesses of the Guild of Aberdeen, their widows and families. It also assists persons resident in Aberdeen to pursue educational or vocational training courses. The trustees would like to extend expenditure to cover wider social issues. The social issues they wish to cover are the prevention and relief of poverty; the advancement of education and the relief of financial hardship for those in need by reason of old age, ill health and disability within the City of Aberdeen.

It is proposed that the beneficiaries under the trust deed be:

- students resident in Aberdeen who are about to enter, or who currently attend, universities or colleges in Aberdeen;
- charities and organisations based in the City of Aberdeen which aim to assist elderly people, those with ill health, those with a disability and people suffering from financial hardship; and
- Burgesses of the Guild of Aberdeen and their family members.

How will funding be granted?

Funding will be granted on the ability of the applicant to prove that they are able to satisfy the criteria outlined in the trust purposes. The requirements for each criterion will be outlined in the application form. It is proposed that there should be specific application deadlines for each beneficiary group and Grant Terms and Conditions should be signed by each recipient. The Grant Terms and Conditions will contain a clause on how the trust will recover the grant if it is not spent in accordance with the charity's terms and conditions.

- *Academic bursary or scholarship*

The application deadline for students resident in Aberdeen who are about to enter or who currently attend universities or colleges in Aberdeen will be June. This will allow for all funding assessments to be done before universities and colleges open for the new academic year in September. Funding under this category would be granted where the applicant can prove that without funding from the trust they will not be able to pursue educational or vocational training courses. Applicants should also be able to provide evidence that they will/are attending a university or college in Aberdeen.

In keeping with the spirit of the original trust purposes, applicants should be informed about the type of careers that will enable them to qualify for admission as Burgesses of the Guild of Aberdeen.

- *Charities and organisations*

Applications will be received from charities and organisations based in the City of Aberdeen that assist people who are disadvantaged due to their age, ill health, disability or financial hardship. Applications for this category will be opened every 6 months. The first round of applications would be submitted in January and the second round in June. Funding will only be granted if applicants are able to provide their last accounts along with their application. Applicants should also be able to provide a report at the end of the funded project to the trust to show how the funds have been used to achieve the trust purposes.

- *Burgesses of the Guild of Aberdeen*

Funding given for the benefit of impoverished Burgesses, their widows, orphans and unmarried daughters will continue. At present there are only two recipients who are receiving funding from the Guildry. Each year the Sub Committee reviews the financial assistance allowances and provides a suitable increase to reflect inflation. The recipients currently receive a sum of £3,000 per annum.

Process

It is envisaged that Council will delegate the power to the Sub Committee to consider, assess and approve all applications. Applications will be addressed to the Clerk of the Burgesses of the Guild of Aberdeen. The Clerk to the Burgesses of the Guild of Aberdeen will distribute applications to the Dean and the Assessors; who will then make recommendations to the Committee. The Guildry and Mortifications Sub Committee will review the recommendations and make decisions on awarding funding based on set criteria for awarding funding which will be approved by OSCR. The Head of Finance will be delegated the power to release funding to the beneficiaries on behalf of the Council as sole Trustee. A bi-annual report outlining the progress of the Trust, Trustee responsibilities and relevant financial information about the Trust will be submitted to Council as the sole Trustee of the Trust for information and action, where necessary.

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	15th March 2017
DIRECTOR	Gayle Gorman
TITLE OF REPORT	Aberdeen International Youth Festival Governance Review
REPORT NUMBER	ECS/17/013
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

To update Elected Members of the current position regarding the proposal to dissolve the existing Aberdeen International Youth Festival (AIYF) and incorporate AIYF within Castlegate Arts Ltd; and the arrangements for AIYF should it not be incorporated within Castlegate Arts Ltd.

2. RECOMMENDATION(S)

- i. That Council agrees to note the contents of the report, in particular that the proposal to incorporate AIYF within Castlegate Arts Limited is no longer a viable option
- ii. To request that the Trustees of AIYF investigate the options laid out in section 5.7, providing an achievable project plan which considers the future governance of the organisation and the delivery model for AIYF
- iii. To request that the Trustees of AIYF submit this project plan to the meeting of Council on 21 June 2017 to ensure that all funding provided by ACC is appropriately spent.

3. FINANCIAL IMPLICATIONS

- 3.1 In the financial year 2016/17, the Council awarded a total of £147,393 to Aberdeen International Youth Festival. In addition, the Council annually provides in-kind support of free office rental within its premises, and accounting and administration services by the Corporate Governance Directorate. AIYF also receive £1,500 to manage the Mary Garden Opera Fund on behalf of the Council.
- 3.2 In the 2016/17 financial year, the Council awarded Castlegate Arts Ltd (CAL) a total of £98,000.

- 3.3 In 2016 a plan was prepared to incorporate AIYF into CAL. AIYF and Castlegate Arts Ltd indicated in this plan that costs of up to £50,000 would be incurred to support the transition. This includes legal and dissolution fees, rebranding costs, software installation and office furniture and café/bar equipment. Officers received a breakdown of these costs and did not consider that it would be appropriate for the Council to support this expenditure through the relevant existing budgets. The steering group have been advised that neither the transition funds nor any potential additional funding to recruit a new Chief Executive to support the transition would be available, with funding for the Chief Executive representing an annual recurring increase (amount not known) to the Castlegate Arts Ltd revenue budget from the City Council.
- 3.4 In September 2015, the Finance, Policy and Resources Committee allocated support of up to £30,000 to undertake a feasibility study of the redevelopment of the Aberdeen Arts Centre and Theatre. The Council were the client for this activity and the final cost of appointing an external consultant was £16, 880. CAL contributed £7,920. This study has been concluded and will form part of the supporting documentation for the CCMP Queens Square development moving forward.
- 3.5 It should be noted that the Head of Finance is the Treasurer of AIYF and financial support is provided by Corporate Governance with costs borne by ACC.

4. OTHER IMPLICATIONS

- 4.1 The Council retains the ability to appoint up to seven Trustees to the Board of the Festival Trust. The other founding partners, the University of Aberdeen and the Local Advisory Committee (Friends of) for AIYF may each appoint three trustees.
- 4.2 The dissolution of the existing AIYF Trust and the establishment of a SCIO (Scottish Charitable Incorporated Organisation) may have implications for the Council in relation to its position as one of the founding parties and existing resources and liabilities. The Head of Legal and Democratic Services and the Head of Finance will assist the Trust in submitting a formal application to OSCR (Office of the Scottish Charity Regulator) to dissolve the Trust.

The establishment of any new organisation will require independent legal and financial advice.

BACKGROUND/MAIN ISSUES

- 5.1 On 8th September 2016 Education and Children's Services Committee agreed to:
- i. Note the outcome of Aberdeen International Youth Festivals' governance review, including the proposal to dissolve the

existing Aberdeen International Youth Festival and incorporate it within Castlegate Arts Ltd, and the associated implications relating to the Council: and

- ii. Request that officers provide bulletin updates to the Education and Children's Services Committee on progress in delivering the new model for AIYF.

- 5.2 Further to this, the Education and Children's Services Committee instructed officers to submit a report to the council meeting on 15th March 2017 detailing:

(1) the current position regarding the proposal to dissolve the existing Aberdeen International Youth Festival and incorporate it within Castlegate Arts Ltd; and (2) the arrangements for AIYF should it not be incorporated within Castlegate Arts Ltd.

- 5.3 The AIYF Business Plan (2015-18) was approved by the Education and Children's Services Committee on the 2nd June 2015. This included a commitment for AIYF to take a decision on, and progress with, a preferred option for the future governance of the Festival.

AIYF subsequently identified that a merger with, or incorporation within, Castlegate Arts Ltd (operators of Aberdeen Arts Centre) stood as a preferred option for the future governance of the Festival. The respective Boards agreed to explore this option further, giving consideration to the relative artistic, administrative and organisational merits and implications.

- 5.4 The Business Case was presented to the Boards of AIYF and Castlegate Arts Ltd in July 2016. Each Board reviewed the Case and independently took the decision that they were satisfied to progress with the recommended incorporation of AIYF into Castlegate Arts Ltd.

Current position

- 5.5 Officers met with members of the Board of Castlegate Arts Ltd, and the project steering group, early in the New Year. At this meeting Officers raised concerns regarding progress with the implementation plan. The Castlegate board members at this meeting expressed their own concerns regarding their ability to continue with the initiative without the transition funding, and that progress with the implementation plan had been impacted by the lack of additional funding.

- 5.6 On 1st February Officers were made aware that the Board of Castlegate Arts Ltd., is withdrawing from the proposed incorporation expressing their concerns regarding the prosperity of the new entity.

Future arrangements for AIYF

- 5.7 At the Board meeting of 23rd January, AIYF agreed that, should no further progress be made by the Board meeting of 20th March, that the AIYF Board would reconsider its position in relation to the incorporation, only remaining committed if there is significant progress by that date.

At the Board meeting of 20th March the AIYF Board should now consider the following in order to decide a way forward:

- Continuing with the existing model and retaining the traditional AIYF delivery programme:
- Dissolving the existing Trust and establishing a SCIO (Scottish Charitable Incorporated Organisation)
- To adopt a scheme of financial delegation to clearly identify the responsibilities of Trustees and Officers of the Trust in relation to trust resources, depending on the agreed course of action
- Widening the membership of the Board of Trustees in order to attract a cohort with relevant professional expertise in the delivery of arts programming
- Identifying financial resource to appoint an independent organisation or individual, financed by the funds of AIYF, to lead a review, in light of the changes required to create a new delivery model, focusing on engagement with young people at a time of year identified to have gaps in cultural programming of mass appeal and contemporary resonance. (2018 being National Year of Young People)
- Updating the current Business Plan to reflect the current position.

Officers are observers and attend Board meetings, advising on legal, financial, strategic and operational matters: however, the Board alone are responsible for decision making on matters pertaining to AIYF, being a legal entity separate from Aberdeen City Council.

Ongoing support for the review of Aberdeen International Youth Festival has been and will continue to be provided by Officers through the use of programme management tools and in ongoing monitoring meetings with the Cultural Policy and Partnerships team.

6. IMPACT

6.1 Improving Customer Experience

Any review of AIYF governance and programming/delivery model will be intended to improve the artistic programming and the overall customer experience received through activity supported by the Council.

6.2 Improving our use of Resources

AIYF requires a significantly revised framework and delivery model to ensure it is fit for purpose and providing best value for the resource allocated.

6.3 Public

It is likely that there will be a level of public interest in the change in the governance of AIYF.

7. MANAGEMENT OF RISK

- 7.1 Given the potential level of risk involved, officers recommend a significant level of cross Directorate scrutiny, to include Finance and Legal officers, in order to monitor the progress of implementing the change in Governance to AIYF, and will report to Elected Members and Senior Officers accordingly. This monitoring currently includes the ongoing review of risk registers for both organisations which consider the scheduled implementation of the initiative and appropriate risk mitigation. Officers support regular meetings with representatives of AIYF and Castlegate Arts Ltd and, where required, attendance at working group meetings. In relation to the Youth Festival itself, regarding the future of the programme, undertaking the review as described will mitigate any potential risk.

8. BACKGROUND PAPERS

- 8.1 Review of External Investment in Culture and Sport – Organisational Findings. Culture and Sport Sub-Committee. 10th January 2013.
- 8.2 Arm's Length External Organisations Tier 2 Review. Audit, Risk & Scrutiny Committee, 26th February 2015.
- 8.3 Aberdeen International Youth Festival - Business Plan. Education and Children's Services Committee. 2nd June 2015
- 8.4 Aberdeen International Youth Festival Governance Review. Education and Children's Services Committee 8th September 2016

9. REPORT AUTHOR DETAILS

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ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	15 th March, 2017
DIRECTOR	Richard Ellis
TITLE OF REPORT	Registration Service – New Services
REPORT NUMBER	CG/17/030
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

The report recommends the provision of new services by the Registration team and the approval of related fees.

2. RECOMMENDATION(S)

That Council approves:

- (i) the introduction of baby naming and renewal of vows services by the Registration team; and
- (ii) the associated fee levels.

3. FINANCIAL IMPLICATIONS

The introduction of these services will generate additional income; whilst expected to be modest initially, it is expected that with promotion, demand will increase.

4. OTHER IMPLICATIONS

There will be a requirement to charge VAT on the fees for the new services as they are not statutory. The services will be accommodated in rooms used at present for weddings which are risk assessed regularly. On this subject, it should be clarified that Registrars will not hold babies during the ceremonies.

5. BACKGROUND/MAIN ISSUES

- 5.1 Over the years, the Registration team has received sporadic enquiries about Renewal of Vows and Baby Naming ceremonies. These are offered by Aberdeenshire Council, though again demand is not great but it is growing.
- 5.2 The Registration teams of both Councils have been working jointly in recent years and in January produced a wedding brochure promoting the services each team offers; this has led to further enquiries about Renewal of Vows ceremonies and two tentative bookings have been taken already (subject to approval of this report).
- 5.3 It is proposed to begin offering the new services from 1st April, 2017. Templates for their existing ceremonies have been provided by Aberdeenshire Council colleagues and these will be developed for our own ceremonies.
- 5.4 At present, the Council has a set fee for weddings based on the numbers of guests, the day and the venue; these incorporate a statutory fee of £70 set nationally to cover the specific administrative requirements. It is proposed that fees for Renewal of Vows and Baby Naming ceremonies be set at the wedding fees less £50, plus VAT. VAT must be charged as the services are not statutory.
- 5.5 This would give a fee scale as follows, based on usage of Marischal College only initially, with all fees exclusive of VAT:

Marischal College	
Up to 4 people, Monday to Friday	£75
5-10 people, Monday to Friday	£125
11-50 people, Monday to Friday	£200
Up to 50 people, Saturday	£300
Ceremonies outwith Registration offices at agreed locations	
Monday to Friday	£320
Saturday	£400
Sunday	£500

6. IMPACT

Improving Customer Experience –

These new services are both offered by Aberdeenshire Council, which has led to limited enquiries from the public asking if this Council also offers them. Following the publication of a joint wedding brochure with Aberdeenshire Council, which promotes the Shire's offerings in these areas, it is expected that we will receive more enquiries and so this proposal will help meet public demand.

Improving Staff Experience –

Staff will be providing new and additional services and so will be trained appropriately prior to the services being introduced. Aberdeenshire Council colleagues have kindly shared the templates for the services which they offer which will be valuable in preparing our own.

Improving our use of Resources –

Offering new and additional services will generate extra income whilst meeting customer demand.

Corporate -

The proposal to offer these services has been driven by developing joint working between the Registration teams in this council and Aberdeenshire Council. It also meets public demand.

Public –

There have been sporadic enquires in recent years asking if the Council offers Renewal of Vows ceremonies, and more limited enquires about Baby Naming ceremonies. The Registrars team staffed a stall, shared with Aberdeenshire Council colleagues, at the recent wedding exhibition held at AECC and a brochure was prepared for this which publicised the services offered by each Council. As a result of this, our Registrars have received enquiries about Renewal of Vows ceremonies and so the current proposal aims to meet that demand, which should increase through active promotion.

7. MANAGEMENT OF RISK

Given the duties undertaken already by the Registration team, neither service should carry additional risk. The accommodation used for existing ceremonies is risk assessed regularly. The Registrars will not be handling babies during naming ceremonies – parents or other family members will do this – and so there will be no additional risk in that area.

8. BACKGROUND PAPERS

Ceremony templates provided by colleagues in Aberdeenshire Council.

9. REPORT AUTHOR DETAILS

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ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	15 March 2017
INTERIM DIRECTOR	Bernadette Marjoram
TITLE OF REPORT	Formation of Joint Committee for Roads Collaboration
REPORT NUMBER:	CHI/17/002
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

The report is to highlight the progress made in the Collaboration Project and the move to a Joint Committee in order to assist in the management of the shared tasks in an open and transparent arrangement

2. RECOMMENDATION(S)

That the Council; for its interest, is recommended to

- 2.1 Agree to join in the establishment of a Joint Committee in terms of Section 56 and 57 of the Local Government (Scotland) Act 1973 with Aberdeenshire Council, Angus Council, Argyll and Bute Council, Comhairle nan Eilean Siar, The Highland Council, The Moray Council, and the Orkney Islands Council to be known as The Northern Roads Collaboration Joint Committee;
- 2.2 Empower the Joint Committee by delegating to it the necessary functions to deliver the collaboration programme as outlined in Appendix A of this report
- 2.3 Amend the constitutional documents (including any Scheme of Delegation or equivalent) to give effect to the establishment of the Joint Committee including the delegation of powers to it as set out in Part 1 of the Schedule in Appendix A; and in doing so has incorporated the wording set out in Part 1 of the Schedule into its constitutional documents in identical form. Member Councils acknowledge that this is necessary to ensure consistency in the delegation of powers by each Member Council to the Joint Committee.

- 2.4 Approve the Joint Committee adopting standing orders based on the terms of the Inter Authority Agreement to be adopted by the Joint Committee at its first meeting (“the Standing Orders”) subject to review and approval by Head of Legal and Democratic Services following consultation with the Head of Public Infrastructure and Environment and the Convenor of the Communities Housing and Infrastructure Committee, which may be reviewed and amended from time to time. The Standing Orders shall govern proceedings at meetings of the Joint Committee and any sub-committees.
- 2.5 Agree that the Communities, Housing & Infrastructure Committee appoint two named members from the council and appoint two named substitute members to the Joint Committee;
- 2.6 Amend the Communities, Housing & Infrastructure Committee Terms of Reference to permit that Committee to receive, and make decisions on, recommendations from the Northern Roads Collaboration Joint Committee in respect of any document, agreement or other matter; as set out in Appendix B
- 2.7 Authorise the Head of Legal and Democratic Services to agree the governance and administrative arrangements for the Joint Committee, following consultation to enter into an inter-authority agreement with the other member Councils following consultation with Head of Public Infrastructure and Environment, and the Convenor of the Communities, Housing and Infrastructure Committee; (Draft Copy attached as Appendix A)
- 2.8 Note that decisions on whether a Council participates in roads collaboration projects will be reserved to the Councils and not delegated to the proposed Joint Committee; and
- 2.9 Agree that Aberdeenshire Council take the role of Lead Authority for year 1 of the Joint Committee.

3. FINANCIAL IMPLICATIONS

The fundamental financial consideration within this proposal is the requirement to provide assurances to each Council that within the governing body, although investment may at times be directed for the benefit of collective service provision and for driving efficiencies, every investment benefit will be clearly focused and identifiable for each Council’s own budget. The establishment of governance to lead the development of collaborative activity does not in itself have any financial implications. If a Joint Committee is to be formed at some stage, a Lead Authority will be needed and there may be some limited financial contribution required from partners to that. Each

collaborative activity will be subject to a high level business case assessment prior to seeking approval from Elected Members.

Based on three meetings of the Joint Committee a year with associated production of papers, expenses associated with room provision and travel/ICT plus staff time it is estimated that the costs to support the Joint Committee should not exceed £8000 a year. This assumes that any staff/member time beyond attendance at and preparing for the Joint Committee is absorbed by each authority. If split equally then the direct cost per authority should not exceed £1000 a year.

4. OTHER IMPLICATIONS

Equalities, Staffing and Financial Implications

4.1 An equality impact assessment is not required because the recommended actions don't have a differential impact on people with protected characteristics.

4.2 The establishment of governance to lead the development of collaborative activity does not have any HR implications. The HR implications of each collaborative activity will be included in the business case work.

5. BACKGROUND/MAIN ISSUES

5.1 National Reviews

National Roads Maintenance Review 2012

A continuation of the 2011 Phase 1 report made a number of recommendations to Roads Authorities. In particular there was an increased expectation of collaboration.

“The Option 30 study report has been produced by a dedicated Task Group led by senior industry figures.

The report concludes that improvement on the current arrangements can be achieved and that sharing of services should be explored by all roads authorities in the short term. Structural reform of roads authority arrangements is also worthy of further study but the realisation of benefits will take longer to achieve.

The report therefore recommends that the sharing of services are explored

further by roads authorities now and that structural reform can be explored further in the future if the anticipated benefits of shared services are not sufficiently realised. It also recommends the provision of an appropriate central resource to drive and support change.”

Maintaining Scotland’s Roads 2016

This audit follows up previous audit reports in 2012 and 2013.

It reviewed:

- changes in road condition and spending on roads maintenance since the 2011 report
- progress made against previous audit recommendations
- progress in implementing the actions set out in the NRMR, in particular Option 30.

“Ensure that they work closely with the Roads Collaboration Programme and regional group partners to determine the extent of shared service models for roads maintenance operations”

- 5.2 Aberdeen City: Aberdeenshire Council, Moray Council, Angus Council, Argyll and Bute Council, Highland Council, Orkney Council and Western Isles Council have all been in discussion about collaboration and sharing of services relating to Roads since late 2014.
- 5.3 On 20 January 2016 the CH&I Committee considered a report on the formation of a Northern Roads Collaboration Forum
- two members of the CH&I Committee, Ross Grant and Ramsay Milne, were nominated to represent the Council on the Northern Roads Collaboration Forum.
 - the Forum was considered a precursor to forming a Joint Committee to support formal sharing/collaboration across roads services;
 - the proposal for ACC to sign up for the Joint Committee was to be submitted to a future meeting of the Council.
- 5.4 The first meeting of the Forum was held in the Moray Council Chambers on the 30th September 2015; further meetings of the Forum took place in January June and October 2016 with members from all authorities attending.
- 5.5 Head of Service (PI&E) had a meeting in October 2017 with the Director of Infrastructure Services at Aberdeenshire Council to discuss how the two councils could collaborate more on Roads Operations, Aberdeenshire Council had approved becoming a member of the Joint Committee and as such considered that all roads collaboration should be through this committee.

- 5.6 Currently there are three authorities that have not agreed membership of the Joint Committee, Aberdeen City and the Orkney Isles. Orkney have decided to defer their report until June 2017.
- 5.7 Aberdeen City Council, along with other Roads Authorities, has for many years, sought and introduced a range of local and national collaborative and shared service/capacity initiatives, recognising the value of working with others to improve resilience and to reduce costs. Much of this work to date has been informal, but does illustrate a positive culture of co-operation, and good starting point for more formal arrangements.
- 5.8 Although collaboration exists, particularly among neighbouring councils, Local Authorities are in some cases struggling to overcome barriers to fully benefit from increased collaborative activity, due in the main to the perceived complexities of EU procurement law.
- 5.9 Scotland has an ageing population and, by extension, an ageing work force. This is a recognised issue within the demographic of road services professionals. This, coupled with a reduced workforce 'pool' of specialised skills, and difficulties in succession planning, means that it is necessary to address workforce planning strategies now to provide a resilient workforce in the future. There is a need to look at opportunities to pool resources, up-skill staff, encourage new people to work in this service area, and increase local employment opportunities at all levels as part of future collaborative work. The ability of local authorities to work together is considered essential, not only to deliver long term efficiencies, but to provide resilience in this key frontline service for Scotland's communities.
- 5.10 Officers and members of the respective Councils met as a Forum on 3 March 2016 and members agreed to move to the establishment of a Joint Committee.

6. IMPACT

Improving Customer Experience –

The actions which on from the formation of a joint committee should have no initial visible effect on the customer experience, as the work and collaboration increase then service delivery should be improved.

Improving Staff Experience –

Staff will be working with service deliverers from other parts of Scotland, this will assist in the sharing of best practise and procedures

Improving our use of Resources –

Shared resources will assist in improved service delivery..

Corporate -

Corporate direction in the delivery of a service will not change

Public –

Public should see a better use of council finance and project delivery.

7. MANAGEMENT OF RISK

A Risk Action Plan will be prepared for all projects that proceed through the Joint Committee

8. BACKGROUND PAPERS

<http://councilcommittees.acc.gov.uk/documents/g3790/Public%20reports%20pack%2020th-Jan-2016%2014.00%20Communities%20Housing%20and%20Infrastructure%20Committee.pdf?T=10>

<http://www.audit-scotland.gov.uk/report/maintaining-scotlands-roads-a-follow-up-report-0>

9. REPORT AUTHOR DETAILS

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APPENDIX A

2016

Agreement between

Aberdeen City Council

Aberdeenshire Council

Angus Council

Argyll and Bute Council

Comhairle nan Eilean Siar

The Highland Council

The Moray Council

The Orkney Islands Council, and

all incorporated by either the Local Government
(Scotland) Act 1973 or the Local Government etc.
(Scotland) Act 1994

Date of Delivery _____

MINUTE OF AGREEMENT

BETWEEN:

- (1) **Aberdeen City Council**, a local authority constituted under the Local Government etc. (Scotland) Act 1994 and having its head office at Marischal College, Broad Street, Aberdeen which expression shall include their successors, permitted assignees and transferees;
- (2) **Aberdeenshire Council**, a local authority constituted under the Local Government etc. (Scotland) Act 1994 and having its head office at Woodhill House, Westburn Road, Aberdeen which expression shall include their successors, permitted assignees and transferees;
- (3) **Angus Council**, a local authority constituted under the Local Government etc. (Scotland) Act 1994 and having its head office at Angus House, Orchardbank Business Park, Orchardbank, Forfar which expression shall include their successors, permitted assignees and transferees;
- (4) **Argyll and Bute Council**, a local authority constituted under the Local Government etc. (Scotland) Act 1994 and having its head office at Kilmory, Lochgilphead, Argyll which expression shall include their successors, permitted assignees and transferees;
- (5) **Comhairle nan Eilean Siar**, a local authority constituted as the Western Isles Islands Council in terms of the Local Government (Scotland) Act 1973, thereafter designed and known as the Western Isles Council in terms of the Local Government etc. (Scotland) Act 1994 and having changed its name in terms of the Local Government (Gaelic Names) (Scotland) Act 1997, having its principal offices at Council Offices, Sandwick Road, Stornoway, Isle of Lewis which expression shall include their successors, permitted assignees and transferees;
- (6) **The Highland Council**, a local authority constituted under the Local Government etc. (Scotland) Act 1994 and having its head office at Glenurquhart Road, Inverness which expression shall include their successors, permitted assignees and transferees;
- (7) **The Moray Council**, a local authority constituted under the Local Government etc. (Scotland) Act 1994 and having its head office at Council Office, High Street, Elgin which expression shall include their successors, permitted assignees and transferees;
- (8) **The Orkney Islands Council**, a local authority constituted under the Local Government etc. (Scotland) Act 1994 and having its head office at School Place, Kirkwall KW15 1NY which expression shall include their successors, permitted assignees and transferees; and

(Each a “**Member Council**” and together the “**Member Councils**”).

WHEREAS:

1. The Member Councils wish to make arrangements for the joint discharge of road and road related functions, including ports and harbours, and have agreed to appoint a Joint Committee under section 56 of the Local Government (Scotland) Act 1973 for the purpose of overseeing the discharge of those functions; and
2. The Member Councils have agreed to enter into this Minute of Agreement to protect and further their respective road, flood and coast related interests, to further co-operate and collaborate in road service management, planning and delivery, and to seek consistency of compliance with the requirements of all relevant legislation and Government guidance.

THE PARTIES AGREE as follows:

DEFINITIONS AND INTERPRETATION

In this Agreement, the following expressions shall have the following meanings:-

“Agreement”	Means this Agreement including the Schedule
“Appointed Member”	Means an elected member appointed by a Member Council to the membership of the Joint Committee
“Confidential Information”	Means information concerning any Member Council or the Roads Collaboration that ought to be considered as confidential (however it is conveyed or on whatever media it is stored) which is not publically known and which is used in or otherwise relates to the Roads Collaboration or any Member Council’s business, affairs, finances, costs, developments, arrangements, governance, know-how, personnel and in each case regardless of whether such information is marked as “confidential”. Such information shall include (but without limitation to) all Intellectual Property Rights, information whose disclosure would or would be likely to, prejudice the commercial interests of any Member Council or the Roads Collaboration, and all personal data within the meaning of the Data Protection Act 1998
“Council Decision”	Means any matter which has been referred for determination by the Member Councils in accordance with this Agreement
“Effective Date”	Means the date this Minute of Agreement comes into force, being the last date of execution of this Minute of Agreement by all Member Councils or, where this Minute of Agreement has been executed in Counterparts, the date upon which the Member Councils agree that the Counterparts are to be treated as delivered in terms of Clause 22 hereof

“Environmental Information Regulations”	Means the Environmental Information (Scotland) Regulations 2004
“FOISA”	Means the Freedom of Information (Scotland) Act 2002
“Joint Committee”	Means the Northern Roads Joint Committee established by the Member Councils under section 56 of the Local Government (Scotland) Act 1973
“Lead Authority”	Means the Member Council appointed to support the Joint Committee in the discharge of its functions
“Officers Group”	Means the group comprised of officer membership governed by the Joint Committee
“Officer Members”	Means the officers of Member Councils appointed to the Officers’ Group
“Operating Costs”	Means all costs and expenses reasonably incurred in providing support to the Joint Committee to enable it to carry out its functions excluding Project Initiative Costs
“Ordinary Election”	Means an ordinary election of councillors for local government areas
“Project Initiative”	Means a specific road or road related project identified for collaborative working including, but not limited to those set out in Part 2 of the Schedule
“Project Initiative Costs”	Means all costs and expenses associated with the delivery of a Project Initiative
“Project Initiative Budget”	Means any budget allocated to the Joint Committee by the Member Councils for the progression or delivery of a Project Initiative
“Project Lead Authority”	Means the Member Council appointed to host or lead in the co-ordination or delivery of a specific Project Initiative
“Roads Collaboration”	Means the joint commitment of the Member Councils to work collaboratively for the joint discharge of road and road-related functions, including ports and harbours
“Roads Collaboration	Means any budget allocated to the Joint Committee by the Member Councils for the progression of Roads Collaboration, but

Budget”	not including any costs associated with a specific Project Initiative
“Supplementary Agreement”	Means any agreement entered into by any of the Member Councils to set out the detailed terms and conditions of a Project Initiative

In this Agreement, except where the context otherwise requires:-

the masculine includes the feminine and vice-versa;

the singular includes the plural and vice-versa;

a reference to any Clause, sub-Clause, paragraph, Schedule Part, recital or Annex is, except where expressly stated to the contrary, a reference to such Clause, sub-Clause, paragraph, Schedule Part, recital or Annex of and to this Agreement;

save where otherwise provided in this Agreement, any reference to this Agreement or to any other document shall include any permitted variation, amendment or supplement to this Agreement and/or such other document;

any reference to any enactment, order, regulation or other similar instrument shall be construed as a reference to the enactment, order, regulation or instrument (including any EU instrument) as amended, replaced, consolidated or re-enacted;

a reference to a person includes firms, partnerships and corporations and their successors and permitted assignees or transferees;

headings are for convenience of reference only;

words preceding “include”, “includes”, “including” and “included” shall be construed without limitation by the words which follow those words;

a reference to a time of day is a reference to the time in Scotland;

any obligation on a Member Council to do any act, matter or thing includes, unless expressly stated otherwise, an obligation to procure that it is done; and

Subject to any express provisions to the contrary, the obligations of any Member Council are to be performed at that Member Council’s own cost and expense.

Schedules

The Schedule (including all of its parts thereto) to this Agreement forms part of this Agreement.

DURATION

This Agreement and the rights and obligations of the Member Councils set out in this Agreement shall commence on the Effective Date and, subject to Clause 11 (Consequences of Termination), shall remain in force until the date this Agreement is terminated in accordance with Clause 10 (Termination) of this Agreement.

KEY PRINCIPLES

Save as expressly provided in this Agreement or where otherwise agreed in writing, the Member Councils agree that they shall each adhere to the following principles for so long as this Agreement subsists:-

Each Member Council shall work together with the other Member Councils in good faith and each will act reasonably in all matters pertaining to the Roads Collaboration and this Agreement;

Each Member Council shall co-operate fully with the other Member Councils at all times and shall, except where there is just cause, not act in a manner which would prevent, or cause unnecessary delay to, the Member Councils' achievement of Roads Collaboration and the Project Initiatives in accordance this Agreement;

Each Member Council shall be transparent in its dealings with each other Member Council and shall, without prejudice to Clause 12 (Confidentiality and Freedom of Information), endeavour to respect matters of confidentiality and political sensitivities of the other Member Councils;

Each Member Council shall not act in a manner which would cause the other Member Councils to incur unnecessary expense in relation to Roads Collaboration or Project Initiatives;

Each Member Council shall ensure that individuals with relevant expertise are appointed as members (including any replacements thereto) to the Joint Committee and Officers' Group;

Each Member Council shall not make any representations, give any warranties or incur any liabilities on behalf of another Member Council unless expressly authorised to do so by the Member Council upon whose behalf the representation is made or the warranty given or the liability incurred, or unless acting in the capacity of Lead Authority;

Subject always to the right to withdraw in accordance with Clause 7, the Member Councils agree that where they agree to participate in a Project Initiative, that they shall take all steps necessary to agree the terms of the Project Initiative, which may include, but is not restricted to, the Project Initiatives specified in Part 2 of the Schedule, to enable Supplementary Agreement(s) to be drafted and agreed in a timeous manner;

Each Member Council shall use its reasonable endeavours to act in the best interests of the Roads Collaboration at all times; and

Each Member Council shall not seek to be recompensed by the other Member Councils for expenditure which has not been agreed to by the Member Councils, without having first

obtained approval from the Joint Committee and the other Member Councils (where the approval of the other Member Councils is required) prior to the incurrence of said expenditure.

The Member Councils acknowledge and agree that each Member Council shall work in partnership with every other Member Council to this Agreement to achieve the agreed objectives of the Roads Collaboration and Project Initiatives in accordance with this Agreement.

Each Member Council hereby warrants to each of the other Member Councils that it has obtained all necessary authorities to authorise the creation of the joint working arrangements including the establishment of a Joint Committee under section 56 of the Local Government (Scotland) Act 1973 contemplated by this Agreement including the delegation of powers to the Joint Committee as set out in

PART 1 of the Schedule.

The Member Councils agree that the procurement of external advisors shall be conducted using open tendering or through a suitable framework agreement if appropriate.

GOVERNANCE

Establishment of Joint Committee

Each Member Council warrants that it has:

- a) approved the establishment a Joint Committee under section 56 of the Local Government (Scotland) Act 1973 which shall be known as the “The Northern Roads Collaboration Joint Committee”; and
- b) amended its constitutional documents (including any Scheme of Delegation or equivalent) to give effect to the establishment of the Joint Committee including the delegation of powers to it as set out in Part 1 of the Schedule; and in doing so has incorporated the wording set out in Part 1 of the Schedule into its constitutional documents in identical form. Member Councils acknowledge that this is necessary to ensure consistency in the delegation of powers by each Member Council to the Joint Committee.

The aims, objectives and remit of the Joint Committee shall be as follows:

- a) The provision of direction, leadership and strategic planning to Roads Collaboration;
- b) To identify suitable projects and initiatives for Roads Collaboration and to make recommendations to Member Councils;
- c) To deliver Project Initiatives (following approval of Project Initiatives by Member Councils);
- d) To monitor the effectiveness of the Roads Collaboration and Project Initiatives and to identify potential improvements and efficiencies;

- e) To make recommendations to Member Councils in respect of resource contribution, funding arrangements and budget setting for Roads Collaboration and specific Project Initiatives;
- f) To provide direction to, and oversight of, the Officers Group;
- g) To create sub-committees as deemed appropriate and appoint the Chair and Vice Chair of any sub-committee; and
- h) The approval of an annual performance report and financial statement which shall be published and made available to the Member Councils.

4.1.3 For the avoidance of doubt, the Roads Collaboration does not involve a general transfer of roads or roads related functions by the Member Councils to any of the other Member Councils or to the Joint Committee.

Appointment of Members to the Joint Committee

4.2.1 Each of the Member Councils shall appoint two elected members as substantive members of the Joint Committee and two elected members as substitute members of the Joint Committee (such members are referred to herein as “Appointed Members”). Those appointments shall be made in accordance with the following provisions.

4.2.2 Such appointment shall be before or as soon as practicable after execution on behalf of the Member Council of this Minute of Agreement and/or as soon as practicable after an Ordinary Election.

4.2.3 An Appointed Member shall cease to be a member of the Joint Committee when he ceases to be a member of the Member Council which appointed him.

4.2.4 A Member Council may opt to change an Appointed Member or Members at any time. Notification of any changes to the Appointed Member(s) shall be intimated in writing to the Chair of the Joint Committee within one month of the decision by the Member Council to change the appointment.

4.2.5 Where a casual vacancy occurs in the case of an Appointed Member of the Joint Committee, the Member Council which appointed the Appointed Member shall appoint a new member from among its Elected Members and shall notify the Chair of the Joint Committee in writing within one month of the decision to appoint by the Member Council.

4.3 Appointment of Chair and Vice Chair of Joint Committee

4.3.1 The Joint Committee shall appoint a Chair and Vice Chair from within its membership. The term of office of the first Chair and Vice Chair shall be for a period of twelve months from the date of appointment. Subsequently the term of office of Chair and Vice Chair shall be twelve months.

- 4.3.2 The offices of Chair and Vice Chair cannot be held by Appointed Members from the same Member Council.
- 4.3.3 Following the end of the term of Chair, the Joint Committee shall appoint the Vice Chair as the next Chair and shall then appoint a new Vice Chair from within its membership.
- 4.3.4 If a Chair ceases to be a member of the Joint Committee prior to the end of the term of Chair, the Vice Chair shall be appointed as Chair and a new Vice Chair shall be appointed from within the membership of the Joint Committee. The new Chair shall begin a term of 12 months from the date of appointment as Chair.
- 4.3.5 The office of Chair shall not be held by the same Appointed Member for a second/subsequent time within any consecutive 5 year period. The office of Vice Chair shall not be held by the same Appointed Member for a second/subsequent time within any consecutive 5 year period.

4.4 **Quorum and Voting**

- 4.4.1. The quorum of the Joint Committee shall comprise of six Appointed Members. Appointed Members attending remotely by video or telephone conferencing shall be counted in the quorum. Voting shall be by a majority of those who are present and voting. In the case of an equality of votes, the Chair shall have a casting vote.

4.5 **Standing Orders**

- 4.5.1 The Joint Committee shall adopt standing orders at its first meeting (“the Standing Orders”) and may review and amend these from time to time. The Standing Orders shall govern proceedings at meetings of the Joint Committee and any sub-committees.

4.6 **Committee Clerk and Finance Officer**

- 4.6.1 The Joint Committee shall, from time to time, invite the Lead Authority to appoint an appropriate Senior Officer to act as Committee Clerk to the Joint Committee. Similarly, the Joint Committee shall as deemed necessary, invite the Lead Authority to appoint an appropriate Senior Officer to act as Finance Officer to the Joint Committee. The Committee Clerk and Finance Officer shall continue in those respective offices until their employers or the Joint Committee shall otherwise determine. The Lead Authority’s reasonable costs arising from the duties undertaken by the Committee Clerk and Finance Officer shall form part of the Operating Costs of the Joint Committee.

4.7 **Advisors to the Joint Committee**

- 4.7.1 The Joint Committee may, from time to time, request the attendance at any of its meetings by advisors, such as legal advisors, or technical experts. The Joint Committee may invite the Lead Authority to arrange the provision of such advisors in the first instance and the Lead Authority’s reasonable costs arising from the provision of such advisors shall form part of the Operating Costs of the Joint Committee.

4.8 **Meetings**

4.8.1 The Joint Committee shall meet at least three times each year, the timing of the meetings being related to the consideration of the expected business and annual performance report. Meetings will be convened in accordance with the Standing Orders. Appointed Members may attend meetings by video or telephone conferencing by prior arrangement with the Committee Clerk.

4.9 **Officers' Group**

4.9.1 The Joint Committee shall be supported in its functions by the Officers' Group, which shall be known as "the Northern Roads Collaboration Officers' Group".

4.9.2 The Officers' Group shall act under the direction of the Joint Committee.

4.9.3 The aims, objectives and remit of the Officers' Group shall be as follows:

- a) To manage the development, planning and implementation of collaborative initiatives including, but not limited to, the Project Initiatives set out in Part 2 of the Schedule;
- b) The setting of priorities and timescales with regard to the development, planning and implementation of collaborative activity;
- c) Building-in best value requirements into all initiatives;
- d) To report to the Joint Committee on achievement of any key milestones for the implementation of Project Initiatives;
- e) To report to the Joint Committee on the performance, effectiveness and efficiencies of the delivery of Project Initiatives;
- f) To co-ordinate any Council Decision required by a Member Council for the Roads Collaboration.

4.10 **Membership of Officers' Group**

4.10.1 The membership of the Officers' Group shall comprise of two officer members from each Member Council, which shall include the Chief Officer (or equivalent) with responsibility for Roads (or his representative) and the Manager of the Roads Service (or equivalent) or his representative (to be known as "Officer Members").

4.10.2 The Officers Group will, on an annual basis, appoint one of its Officer Members as Chair of the Officers Group and one as Vice-Chair (referred to herein as "the Chair of the Officers' Group" and "the Vice-Chair of the Officers' Group" respectively).

4.10.3 In the absence of the Chair of the Officers' Group and Vice Chair of the Officers' Group from any meeting of the Officers Group, the other Members present shall appoint one of their number to take the Chair of the Officers' Group for the duration of that meeting.

4.10.4 The Officers Group will meet at least six times each year. Officer Members may attend meetings by video or telephone conferencing upon with the prior agreement of the Chair of the Officers' Group.

- 4.10.5 The Chair of the Officers' Group or Vice Chair of the Officers' Group shall, and the other members of the Officers' Group may: attend, provide reports and advice at; and make recommendations to; meetings of the Joint Committee but none of those Officers shall have a vote at those meetings.
- 4.10.6 The Finance Officer of the Joint Committee shall attend meetings of the Officers' Group to advise on financial matters upon the request of the Chair of the Officers' Group.
- 4.10.7 The Officers' Group shall be entitled to engage the services of any specialist, consultant or expert during the term of this Agreement for the provision of advice where the Officers' Group considers that such engagement is necessary for the progression of Roads Collaboration and provided that the expenditure falls within the Roads Collaboration Budget.
- 4.10.8 The Officers' Group shall be entitled to engage the services of any specialist, consultant or expert during the term of this Agreement for the progression of a Project Initiative where the Officers' Group considers that such engagement is necessary, provided that expenditure is within the agreed Project Initiative Budget.
- 4.10.9 Any requirement for additional budget in excess of the overall limit of the Roads Collaboration Budget or Project Initiative Budget will be referred back to the Member Councils for determination as a Council Decision.

BUSINESS SUPPORT AND OPERATING COSTS

The Operating Costs for the Joint Committee shall be borne equally by all Member Councils from the date of establishment of the Joint Committee.

The Operating Costs shall include:

- a) Committee Clerk support
- b) Finance Officer and financial management support
- c) Audit function including internal and external auditors
- d) Legal advice and support
- e) Technical (including procurement) expertise and advice (unless included in the Project Initiative costs)
- f) Any other general administration costs or costs incidental to the Joint Committee.

The Finance Officer shall provide a financial forecast to the first meeting of the Joint Committee. Each Member Council shall pay the amount(s) allocated to it on a quarterly basis 6 months in advance. The first instalment will be due to the Lead Authority within 1 month of the date of the meeting.

The Finance Officer shall report to the Joint Committee with a financial statement at the meeting of the Joint Committee following the end of every quarter and an updated financial

forecast will be provided. Any over-payments will be offset against future payments and any underpayments will be added to the next payment due.

The Officers' Group shall provide the Finance Officer with all reasonable information and assistance during the preparation of financial statements and forecasts.

Any costs associated with the delivery of Project Initiatives will be agreed separately between all participating Member Councils. If there is uncertainty as to whether a cost should be considered an Operating Cost or a Project Initiative cost, the matter will be referred to the Joint Committee for a determination.

Any dispute as to the allocation of the Operating Costs shall be resolved in accordance with Clause 21 (Dispute Resolution Procedure) of this Agreement.

PROJECT INITIATIVES

Participation in Project Initiatives

It shall be for each Member Council to take a Council Decision on whether to participate in a Project Initiative. The Joint Committee shall identify suitable projects for collaborative working. The Joint Committee shall first consider the scope, objectives, costs and financial benefits to a Project Initiative, however it shall be for each Member Council to determine if it wishes to partake in each Project Initiative.

A Project Initiative shall require participation by 2 or more Member Councils to proceed under the remit of the Joint Committee.

Where less than 5 Member Councils agree to take part in a Project Initiative, a Sub-Committee of the Joint Committee shall be formed for the specific Project Initiative. The membership of the Sub-Committee shall comprise of at least one member of the Joint Committee from every participating Member Council. The Sub-Committee shall appoint its own Chair and Vice-Chair. The Joint Committee shall delegate powers to the Sub-Committee in respect of the specific Project Initiative and thereafter shall not take any decision in respect of that particular Project Initiative.

Following the necessary Council Decisions to participate in a Project Initiative, those participating Member Councils shall enter into a Supplementary Agreement as soon as is reasonably practicable. The Supplementary Agreement shall set out such details as are required to enable the Project Initiative to proceed and may include, but will not be restricted to, the following: costs or a formula for costings; resource commitments/inputs; timescales; and outputs.

Project Lead Authority

The participating Member Councils to a Project Initiative may agree to appoint a Project Lead Authority to host or lead in the co-ordination or delivery of a specific Project Initiative. For the avoidance of doubt, the Project Lead Authority may be the same or a different Member Council to the Lead Authority or to another Project Lead Authority.

Where a Sub-Committee is established to oversee a Project Initiative, the terms of Clause 5 (Business Support and Operating Costs) shall apply but only to the participating Member

Councils in so far as it relates to the operating costs of the Sub-Committee. For the avoidance of doubt, the Operating Costs of any Sub-Committee shall be borne equally by the Member Councils participating in that specific Project Initiative and Member Councils not taking part in that specific Project Initiative shall not be liable for any Operating Costs of the Sub-Committee.

Budget Setting and Project Initiative Costs

The Joint Committee shall provide all necessary financial information to the Member Councils when making a recommendation for participation in a Project Initiative to that Member Council to allow it to consider necessary financial implications, risk, budget and costs associated with the delivery of the Project Initiative.

Each Member Council must make a financial or resource contribution (which may include funding or provision of staff or equipment) to a Project Initiative in order to take part in it.

No Member Council shall make, or attempt to make a profit, gain or financial advantage from the outcome of any Project Initiative. Each Member Council undertakes to inform the Joint Committee of any unplanned profit, gain or financial advantage deriving as a direct result of a Project Initiative as soon as practically possible so that the Joint Committee may consider and review any financial or resource arrangements for the Project Initiative.

WITHDRAWAL FROM ROADS COLLABORATION

Each Member Council acknowledges and agrees that its withdrawal from the Roads Collaboration (and thereby this Agreement) or from a Project Initiative may result in the remaining Member Councils either incurring additional costs for ongoing collaborative activities, or abortive costs having been required to abandon an activity or Project Initiative(s).

A Member Council shall be entitled to withdraw from this Agreement (and thus from the Joint Committee) at any time upon providing written notice, in accordance with Clause 0 (Notices), to each of the other remaining Member Councils under this Agreement. Such notice under this Clause shall state the following:-

The date upon which the withdrawal is to be effective; and

The reasons for its withdrawal.

Without prejudice to Clauses 0 (Member Council Liabilities), 0 (Termination) and 0 (Consequences of Termination) of this Agreement, where a Member Council has withdrawn from the Roads Collaboration:-

The withdrawing Member Council shall not recover any contributions made by it in connection with any Project Initiative which it is taking part in prior to the date of its intimation of withdrawal;

the withdrawing Member Council shall be liable for its share of the Operating Costs of any Sub-Committee established in connect with a Project Initiative which it is taking part in for a further 6 months from the date of its intimation of withdrawal;

The withdrawing Member Council shall be liable for its share of the Operating Costs of the Joint Committee for a further 6 months from the date of its intimation of withdrawal;

the withdrawing Member Council shall be required to pay any projected costs which it is due to provide in accordance with the terms of any Project Initiative which it is taking part in for a further 6 months from the date of the withdrawal, unless the Joint Committee agrees otherwise;

the remaining Member Councils shall not be entitled to receive any compensation from the withdrawing Member Council for any additional costs, claims and expenses which the remaining Member Councils have incurred or will incur in connection with the withdrawing Member Council's withdrawal from the Roads Collaboration, unless the Joint Committee (acting reasonably) determines otherwise.

Save as otherwise agreed by the Member Councils, the withdrawing Member Council's rights and obligations in relation to the delivery and governance of the Roads Collaboration shall cease forthwith.

Withdrawal from a Project Initiative

A Member Council shall be entitled to withdraw from a Project Initiative, but remain in the Roads Collaboration by providing notice of withdrawal as set out in clause 7.2.

Clauses 7.3.1 and 7.3.2 and 7.3.4 shall apply in respect of the Project Initiative which has been withdrawn from. Clauses 7.3, 7.3.5 and 7.3.6 shall apply with the substitution of the words "Project Initiative" in place of "Roads Collaboration".

ABANDONMENT OF ROADS COLLABORATION

Pursuant to Clause 0 below, the Member Councils shall be entitled to abandon the Roads Collaboration provided that there is a unanimous decision by the Joint Committee.

Following such a decision of the Joint Committee, the Officers' Group shall be required to seek instructions from the Member Councils (by referring the matter as a Council Decision) as to whether they wish to abandon the Roads Collaboration and dis-establish the Joint Committee.

Where all Member Councils agree to dis-establish the Joint Committee, a final financial statement for Operating Costs, staffing costs and Project Initiative Costs shall be prepared and submitted to the Member Councils which shall settle all sum due within one month from the date of dis-establishment of the Joint Committee.

MEMBER COUNCIL LIABILITIES

Subject to Clause 0, each Member Council's total liability under this Agreement (including, but without limitation to, Clauses 7 (Withdrawal from Roads Collaboration), 0 (Termination) and 0 (Consequences of Termination)) whether in contract, delict (including negligence or breach of statutory duty) or otherwise arising out of or in connection with this Agreement shall be limited to their proportion set out in accordance with this Agreement (and any subsequent Supplementary Agreement(s) which that Member Council may enter into).

Nothing in this Agreement shall exclude or limit:

Any Member Council's liability for fraud or fraudulent misrepresentation; or

Any Member Council's liability for death or personal injury caused by its (or its agent's or sub-contractor's negligence).

Each Appointed Member shall be deemed to be acting on behalf of the Member Council in respect of which they are appointed, regardless of whether the particular matter under consideration by the Joint Committee or relates to their particular Member Council or another Member Council.

Subject to Clause 0 below, each Officer Member and any other officer employed by a Member Council and engaged in connection with the Roads Collaboration shall be required to act in the best interests of the Roads Collaboration at all times.

Subject to Clause 0 below and without prejudice to Clause 0 above, each Officer Member shall be deemed to be acting on behalf of the Member Council in respect of which they are an employee, regardless of whether the particular matter under consideration by the Officers' Group relates to their particular Member Council or another Member Council and shall be entitled to report all matters to their Member Council.

Where an Officer Member considers at any time that their compliance with the obligation under Clause 0 above could (one) conflict with their duties as an employee of a Member Council or (two) adversely affect their Member Council's commercial or financial interests, such member shall be required to promptly relay their concerns to the Chair of the Officers' Group and withdraw from participation in the Roads Collaboration until further notice. The Chair of the Officers' Group shall, thereafter, promptly refer the matter to the Joint Committee for consideration.

The Joint Committee and the Officers' Group shall, when working on the Roads Collaboration, be deemed to be made available and working on behalf of all Member Councils in accordance with the powers granted to each Member Council under Sections 56 and 57 of the Local Government (Scotland) Act 1973.

No Member Council or any of its members, directors or officers shall be liable to any other Member Council for any loss such Member Council incurs as a result of any act or omission by any such member, director, or officer during their engagement with the Roads Collaboration.

TERMINATION

Without prejudice to Clause 11 (Consequences of Termination) below, this Agreement shall terminate on the earliest of:-

The date upon which a Member Council has exercised its rights to withdraw under Clause 0 (Withdrawal from Roads Collaboration) which has resulted in only one Member Council remaining a party to this Agreement;

The date upon which all Member Councils agree in writing to its termination; and

The date upon which the Member Councils collectively decide to abandon the Roads Collaboration in accordance with Clause 8 (Abandonment of Roads Collaboration).

CONSEQUENCES OF TERMINATION

The termination of this Agreement pursuant to Clause 10 (Termination) above shall:-

Be without prejudice to any other rights or remedies which any Member Council may be entitled to under this Agreement;

Not affect any accrued rights or liabilities which any Member Council may then have; and

Not affect any provision of this Agreement that is expressly or by implication intended to come into or continue in force on or after such termination. Such provisions shall include but not be limited to Clauses 7 (Withdrawal from Roads Collaboration), 8 (Abandonment of Roads Collaboration), 9 (Member Council Liabilities), 11 (Consequences of Termination) and 12 (Confidentiality and Freedom of Information).

CONFIDENTIALITY AND FREEDOM OF INFORMATION

The Member Councils agree that the provisions of this Agreement shall not be treated as Confidential Information and may be disclosed without restriction.

The Member Councils shall keep confidential all Confidential Information received by one Member Council from the other Member Council(s) relating to this Agreement and shall use all reasonable endeavours to prevent their employees and agents from making any disclosure to any person of any such Confidential Information.

Clause 0 above shall not apply to:

Any disclosure of information that is reasonably required by any person engaged in the performance of their obligations under the Agreement or under a Supplementary Agreement for the performance of those obligations;

Any matter which a Member Council under this Agreement can demonstrate is already or becomes generally available and in the public domain otherwise than as a result of a breach of this Clause 12 (Confidentiality and Freedom of Information);

Any disclosure to enable a determination to be made under Clause 21 (Dispute Resolution Procedure);

Any disclosure which is required pursuant to any statutory, legal (including any order of a court of competent jurisdiction) or Parliamentary obligation placed upon the Member Council making the disclosure or the rules of any stock exchange or governmental or regulatory authority;

Any disclosure of information which is already lawfully in the possession of the receiving Member Council(s), prior to its disclosure by the disclosing Member Council;

Any provision of information to the Member Council's own professional advisers or insurance advisers;

any disclosure of information by any Member Councils to any other department, office or agency of the Government or their respective advisers or to any person engaged in providing services to the Member Council for any purpose related to or ancillary to this Agreement;

Any disclosure for the purpose of:

the examination and certification of any of the Member Council's accounts;

any examination pursuant to the Local Government in Scotland Act 2003 of the economy, efficiency and effectiveness with which the Member Council has used its resources;

complying with a proper request from any Member Council's insurance adviser, or insurer on placing or renewing any insurance policies; or

(without prejudice to the generality of Clause 0 above) compliance with the FOISA and/or the Environmental Information Regulations;

provided that, for the avoidance of doubt, neither Clause 0 nor Clause 00 above shall permit disclosure of Confidential Information otherwise prohibited by Clause 0 above where that information is exempt from disclosure under section 36 of the FOISA.

Where disclosure is permitted under Clause 0 (other than Clauses 0, 0, 0 and 0 above), the Member Council providing the information shall procure that the recipient of the information shall be subject to the same obligation of confidentiality as that contained in this Agreement.

The Member Councils acknowledge and agree that they are subject to the requirements of the FOISA, the Environmental Information Regulations, the INSPIRE (Scotland) Regulations 2009 and the Data Protection Act 1998 and shall facilitate the other Member Councils' compliance with their legal obligations or information disclosure requirements pursuant to the same in the manner provided for in Clauses 12.6 and 12.7 below.

Further information should reasonably be provided in order to identify and locate the information requested.

The obligations in this Clause 12 (Confidentiality and Freedom of Information) shall survive the termination of this Agreement.

OMBUDSMAN AND COMPLAINTS

4.10 Where a Member Council receives a complaint in respect of a matter pursuant to the Roads Collaboration or a Project Initiative, that Member Council shall, as soon as reasonably practicable, inform the other Member Councils of the nature of the complaint and of any proposed investigation or action required to allow a response to be issued. Member Councils shall provide all necessary assistance as reasonably requested to enable a response to be issued within statutory timescales.

4.11 Where a Member Council under this Agreement receives a request for comments or information from the Scottish Public Services Ombudsman regarding a complaint which the Scottish Public Services Ombudsman has received and such complaint

relates to matters pursuant to the Roads Collaboration or a Project Initiative, that Member Council shall:-

- (a) notify the other Member Councils as soon as practicable after receipt and in any event within two (2) Business Days of receiving a request for comments and/or information; and
- (b) provide the Member Councils with a copy of its draft response to the complaint within five (5) Business Days or such other time period considered necessary by the Member Councils (provided that such period does not exceed any time limit imposed by the Scottish Public Services Ombudsman in which the Member Council receiving the request for comments or information ("the Receiving Member Council") is required to respond).

4.12 The Member Councils shall provide all necessary assistance as reasonably requested by the Receiving Member Council to enable it to respond to the complaint within the time for compliance set by the Scottish Public Sector Ombudsman.

4.13 The Member Councils shall provide comments and any relevant information requested by the Receiving Member Council no later than five (5) Business Days of receiving such request.

4.14 The Receiving Member Council shall forward the final copy of the response (incorporating as appropriate the comments and information from the Member Councils) to the Member Councils upon sending such response to the Scottish Public Services Ombudsman.

4.15 Where the Scottish Public Services Ombudsman issues a report under sections 15 or 16 of the Scottish Public Services Ombudsman Act 2002, the Member Councils shall provide all reasonable assistance and information to ensure that the Receiving Member Council complies with its obligations under such Act and shall, where requested, assist that Member Council in remedying the issue pursuant to the complaint.

NOTICES

Subject to Clause 0, any notice given under or in connection with this Agreement is to be in writing and signed by or on behalf of the Member Council giving it.

Any notice under Clause 0 is to be served by delivering it personally or by commercial courier or sending it by pre-paid recorded delivery or registered post or by electronic mail to the address and the attention of the member of the Officer Group, as set out in Part 3 of the Schedule.

Any notice served under Clause 0 shall be deemed to have been received:-

If delivered personally or by commercial courier, at the time of delivery;

in the case of pre-paid recorded delivery or registered post, two (2) Business Days from the date of posting;

in the case of e-mail, on the day of transmission if sent before 4.00 pm on any Business Day and otherwise at 9.am on the next Business Day, subject to confirmation of completion of transmission (which shall, for the avoidance of doubt, include the sender not receiving an error message indicating failure to deliver after sending such e-mail).

WAIVER

No failure or delay by any Member Council to exercise any right or remedy provided under this Agreement is to constitute a waiver of that (or any other) right or remedy, nor preclude or restrict its further exercise. No single or partial exercise of such right or remedy is to preclude or restrict the further exercise of that (or any other) right or remedy. Any express waiver of any breach of this Agreement shall not be deemed to be a waiver of any subsequent breach.

ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the Member Councils and supersedes any prior drafts, agreements, undertakings, understandings, representations, warranties and arrangements of any nature between the Member Councils, whether or not in writing, in relation to the subject matter of this Agreement.

ASSIGNATION

No Member Council shall be entitled to assign, novate, sub-contract, transfer or dispose of any of its rights or obligations under this Agreement.

VARIATION

No variation of this Agreement shall be valid unless recorded in writing and signed by a duly authorised representative on behalf of each of the Member Councils.

SEVERANCE

If any provision (or part of a provision) of this Agreement is or becomes, or is declared to be invalid, unenforceable or illegal by the courts of any competent to which it is subject, such invalidity, unenforceability or illegality shall not prejudice or affect the remaining provisions (and parts of that provision) of this Agreement which shall continue in full force and effect notwithstanding such invalidity, unenforceability or illegality.

THIRD PARTY RIGHTS

It is expressly declared that no rights shall be conferred under and arising out of this agreement upon any person other than the parties hereto and, without prejudice to the generality of the foregoing, there shall not be created by this agreement a jus quaesitum tertio in favour of any person whatsoever.

DISPUTE RESOLUTION PROCEDURE

Any disputes or differences arising between the Member Councils in relation to this Agreement shall be resolved in accordance with this Clause 21 having regard to their obligation under Clause 0 to act in good faith.

Where a dispute or difference is considered by the Officers' Group to be incapable of swift and satisfactory resolution, the matter shall be referred to the Joint Committee for determination. The Joint Committee shall refer the matter to the Member Councils for determination as a Council Decision where the members of the Joint Committee are unable to reach a consensus on the matter.

COUNTERPARTS AND DELIVERY

This Agreement may be executed in any number of counterparts and by each of the Member Councils on separate counterparts.

Where executed in counterparts:

This Agreement shall not take effect until each of the counterparts has been delivered;

Each counterpart shall be held as undelivered until the Member Councils agree a date upon which the counterparts are to be treated as delivered; and

The Member Councils acknowledge and agree that the date of delivery pursuant to 0 above shall be inserted (whether on typewritten or handwritten form) as the "Date of Delivery" on the first page of this Agreement.

GOVERNING LAW AND JURISDICTION

This Agreement and any dispute or claim arising out of, or in connection with, its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of Scotland.

The Member Councils unconditionally and irrevocably agree that the courts of Scotland have exclusive jurisdiction to settle any disputes or claims arising out of or in connection with this Agreement or its subject matter or formation (including non-contractual disputes or claims).

IN WITNESS WHEREOF these presents consisting of this and the preceding 19 pages together with the Schedule of 3 parts are executed as follows:

SUBSCRIBED for and on behalf of

.....

At

On

In the presence of:

.....
Signature

.....
Name

.....

.....

.....
Address

THIS IS THE SCHEDULE REFERRED TO IN THE FOREGOING
AGREEMENT BETWEEN

ABERDEEN CITY COUNCIL,
ABERDEENSHIRE COUNCIL,
ANGUS COUNCIL,
ARGYLL AND BUTE COUNCIL,
COMHAIRLE NAN EILEAN SIAR,
THE HIGHLAND COUNCIL,
THE MORAY COUNCIL, AND
THE ORKNEY ISLANDS COUNCIL

PART 1

1.1 The Member Councils hereby agree the following terms for the Northern Roads Collaboration Joint Committee and undertake to incorporate the following wording into their constitutional documents to create the Joint Committee and provide it with the powers as set out below (appropriate paragraph referencing may be added):

“The Northern Roads Collaboration Joint Committee

The Northern Roads Collaboration Joint Committee is a Joint Committee established by Aberdeen City Council, Aberdeenshire Council, Angus Council, Argyll and Bute Council, Comhairle nan Eilean Siar, The Highland Council, The Moray Council and The Orkney Islands Council (the “Constituent Authorities”) under sections 56 and 57 of the Local Government (Scotland) Act 1973.

The Joint Committee undertakes to appoint two named representatives from each Constituent Authority to its membership.

The creation of the Joint Committee represents the joint commitment of the Constituent Authorities to work collaboratively for the joint discharge of road and road-related functions, including ports and harbours (the “Roads Collaboration”).

In particular it shall have the following powers:

- To identify suitable projects and initiatives for Roads Collaboration and to make recommendations to Constituent Authorities.
- To make recommendations to Constituent Authorities in respect of resource contribution, funding arrangements and budget setting for projects and initiatives for Roads Collaboration.
- To manage resources and approve operational expenditure within agreed Joint Committee budgets for Roads Collaboration.
- To monitor the effectiveness of the Roads Collaboration and to identify potential improvements and efficiencies.
- To approve an annual performance report and financial statement for the reporting year on Roads Collaboration.

- To approve and amend Standing Orders for the Joint Committee and any of its Sub-Committees.
- To appoint the Chair and Vice Chair of the Joint Committee and any of its Sub-Committees.
- To make arrangements for the provision of business support services for the Joint Committee and any of its Sub-Committees.

PART 2

PROJECT INITIATIVES

Activity 1: Ports/Harbours and Marine Opportunities

This proposal presents five broad areas within the ports/harbours and marine sector where collaboration has the opportunity to bring cashable savings and also to share expertise and resource. Typically responsibility for these lies within a Council's Road Service, often utilising existing bridges//structures teams within each local authority.

It was recommended that Members of the Forum note the initial case for collaboration in the various duties and responsibilities associated with ports, harbours and marine opportunities and to await a further, more detailed, report which will recommend a single, preferred option, bases on further analysis and market scanning. The Forum members saw clear benefits around potential sharing of physical resources e.g. dredging equipment.

Activity 2: Workforce

This business case is to support the sharing of workforce where one roads authority has a capacity or skills shortfall which can be offset by the provision of in house resources from another roads authority. Such arrangements as agreed by a joint Committee (the Northern Roads Collaboration Committee) would have a memorandum of understanding (MOU) which would apply to each sharing arrangement. Such an arrangement would save the need for formal procurement. The memorandum of understanding would be subject to annual review by the joint committee. This activity concerns potential sharing of front line workforce but it could equally apply to specialist technical staff functions such as design of structures, site supervision or traffic engineering.

Activity 3: Road Signage

This activity outlines the case for extending the current collaborative arrangements between councils around the design and fabrication of road signs for planned and emergency use, to enhance the viability of the current facilities and provide improved service to participating authorities.

It was recommended that Members of the Forum note the initial case for collaboration in the design and fabrication of road signs and to await a further more detailed report to show the implications and benefits to each participating authority, prior to each council taking a formal decision to participate or otherwise. The purpose of this collaborative activity, is to provide an opportunity for Councils outwith the current agreement to benefit from sign fabrication facilities managed within the public sector. Any decision to participate will depend on a best value comparison which will shortly be undertaken by those wishing to explore the opportunity further.

Activity 4: Training

The purpose of this activity is to outline the case for sharing of training requirements and resources. In particular it is looking at the opportunities available in the procurement and delivery of joint training opportunities, potentially as a centre of excellence for training and

cross border health and safety collaboration ensuring that a uniform and high level of skill is provided and maintained.

It was recommended that Members of the Forum note the initial case for sharing resources involved with training and health and safety compliance across the Forum area, and instruct officers to develop further the preferred option and submit a more detailed report to show the implications and benefits to each participating authority, prior to each council taking a formal decision to participate or otherwise.

PART 3

CONTACT DETAILS FOR MEMBERS OF OFFICERS' GROUP

1. Ports/Harbours and Marine Opportunities Working Group

Jim Smith,
Head of Roads and Amenity Services,
Development and Infrastructure Services,
Argyll and Bute Council,
Kilmory,
Lochgilphead, Argyll,
PA31 8RT

Tel: 01506 604324
Email: jim.smith@argyll-bute.gov.uk

2. Workforce and Training Working Group

Michael Cheyne,
Roads Infrastructure Manager,
Communities, Housing and Infrastructure,
Aberdeen City Council,
2nd Floor, Business Hub 11,
Marischal College,
Broad Street,
Aberdeen,
AB10 1AB

Tel: 01224 522984
Email: MCheyne@aberdeencity.gov.uk

3. Road Signage Working Group

Bill Lennox,
Roads Quality and Resources Manager,
Infrastructure Services,
Aberdeenshire Council,
Harlaw Way,
Inverurie,
AB51 4SG

Tel: 01467 536293
Email: bill.lennox@aberdeenshire.gov.uk

4. Resources Working Group

Robin Pope,
Policy and Programmes Manager,
Roads and Transport, Community Services,
The Highland Council,
Glenurquhart Road,
Inverness,
IV3 5NX

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APPENDIX B

ABERDEEN CITY COUNCIL

COMMUNITIES, HOUSING AND INFRASTRUCTURE COMMITTEE

ORDERS OF REFERENCE

1. To be accountable for all services provided by the Communities, Housing and Infrastructure Service, except where delegated to the Planning Development Management Committee.
2. To receive and scrutinise performance information for the Communities, Housing and Infrastructure Service, except where delegated to the Planning Development Management Committee.
3. To take financial decisions concerning the Communities, Housing and Infrastructure Service budget where there will not be an adverse impact.
4. To ensure that it delivers the services within the overall resources and management strategies as set by the Council and overseen by the Finance, Policy and Resources Committee; and to ensure that it achieves maximum value for money and Best Value in service delivery; except where delegated to the Planning Development Management Committee.
5. To develop and approve service policies.
6. In respect of Aberdeen Exhibition and Conference Centre Ltd and its subsidiary companies, the Committee shall receive from the governance hub twice yearly progress reports on matters such as operational performance (including financial performance), people performance, risk management and service quality (including single outcome agreement achievements, customer feedback, and health and safety); and an annual presentation on the ALEO business plan, which will be used to approve funding for the subsequent year.
7. In respect of the Council's responsibilities in relation to the Scottish Police Authority, the Police Service of Scotland and the Scottish Fire and Rescue Service under the Police and Fire Reform (Scotland) Act 2012, the Committee will:-
 - (a) comment on the strategic police plan and the strategic fire and rescue plan when consulted by the relevant national authority;

- (b) respond to consultation by the Chief Constable on the designation of a local commander and by the Scottish Fire and Rescue Service on the designation of a local senior officer;
- (c) be involved in the setting of priorities and objectives for the policing of Aberdeen and for the Scottish Fire and Rescue Service for the undertaking of its functions in Aberdeen;
- (d) specify policing measures the Council wishes the local commander to include in a local policing plan;
- (e) approve a local police plan submitted by the local commander and to approve a local fire and rescue plan prepared by the local senior officer and submitted by the Scottish Fire and Rescue Service;
- (f) monitor service provision and delivery in Aberdeen and provide feedback to the local commander and the local senior officer;
- (g) consider reports, statistical information and other information about the policing of Aberdeen and the undertaking of the Fire and Rescue function in Aberdeen provided in response to the Council's reasonable requests;
- (h) agree, with the local commander, modifications to an approved local police plan at any time; and
- (i) liaise with the local commander and local senior officer with regard to the undertaking by them of the community planning duties of the Chief Constable and the Scottish Fire and Rescue Service.

8. The Committee will consider such reports on the following tier 2 and 3 organisations, and any tier 4 organisation, as may be submitted from the governance hub:-

- North East Scotland Transport Partnership (NESTRANS)
- Strategic Development Planning Authority (SDPA)
- Visit Aberdeen
- Grampian Venture Capital Fund Ltd
- Aberdeen City and Shire Economic Forum (ACSEF)
- Aberdeen Heat and Power (AHP)
- Grampian Housing Association
- Care and Repair
- Aberdeen Lads Club

- Fersands and Fountain Project
- Middlefield Community Project
- St Machar Parents Support Project

9. Representatives from external organisations are required, when requested, to attend and contribute to meetings.

10. Following recommendation by the Northern Roads Collaboration Joint Committee, to consider and make decisions on proposals for participation in Roads Collaboration activities.

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ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	15 March 2017
ACTING DIRECTOR	Bernadette Marjoram
TITLE OF REPORT	Proposed Supplementary Guidance to accompany Aberdeen Local Development Plan 2017
REPORT NUMBER	CHI/17/015
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

- 1.1 This report updates Members on a recent period of public consultation on proposed Supplementary Guidance on a selection of planning policy matters and development sites and masterplan zones, and asks for approval to send these documents to the Scottish Ministers for formal ratification to become adopted Supplementary Guidance to accompany the Aberdeen Local Development Plan 2017.
- 1.2 The report presents a summary of the representations received during the recent public consultation period, Officer responses to these representations, and outlines any resulting modifications made to the documents.

2. RECOMMENDATIONS

- 2.1 It is recommended that Members:
 - a. Note the representations received on the Proposed Supplementary Guidance documents, and approve Officers' responses to these representations (where relevant) (Appendices 2 and 3);
 - b. Where documents have been revised, approve the revised Proposed Supplementary Guidance documents as Interim Planning Advice from 16th March 2017;
 - c. Agree that the Loirston Development Framework will not go forward as Supplementary Guidance at this time, but will instead be reported back to Members at a later date for further consultation and approval; and,
 - d. Instruct Officers to send a copy of all approved Supplementary Guidance documents to the Scottish Ministers for formal ratification to become adopted Supplementary Guidance to accompany the Aberdeen Local Development Plan 2017.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no immediate financial implications arising from this report. The cost of preparing and adopting the Supplementary Guidance can be met from existing budgets.

4. OTHER IMPLICATIONS

- 4.1 As a major landowner in the city, proposals for the development of land and assets owned by Aberdeen City Council will, where this is applicable, be subject to assessment in line with the principles and standards set out in Supplementary Guidance. This may have financial implications for the Council as a developer.

5. BACKGROUND/MAIN ISSUES

- 5.1 Statutory Supplementary Guidance forms part of the Local Development Plan and has the same status for decision making in line with Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 5.2 The Aberdeen Local Development Plan 2012 had 66.no associated statutory Supplementary Guidance documents covering a number of different topic areas and sites. Following the adoption of the Aberdeen Local Development Plan 2017 on 20th January 2017, all of these 66.no documents have now 'fallen' and therefore can no longer be used in the consideration of planning applications. Officers have been preparing replacement Supplementary Guidance for the last 18 months, and this Report represents the final stage in this process.
- 5.3 In January 2015, Members of the Communities, Housing and Infrastructure Committee were presented with a single suite of Proposed Supplementary Guidance documents on planning policy matters to support the Proposed Local Development Plan. A period of public consultation on the Proposed Supplementary Guidance Policy Suite was held from 20th March 2015 to 1st June 2015. A total of 23.no representations were received during this period. Officer responses to these representations, as well as revised versions of the Policy Supplementary Guidance documents, were agreed at the Council Meeting of 14th December 2016 (Report Number CHI/15/158, Agenda Item 7(j)).
- 5.4 Members agreed at the December 2016 Council meeting to undertake an additional period of public consultation on the revised policy documents, as well as a number of updated Site Specific documents. The consultation period ran from 16th December 2016 to 30th January 2017. Normally documents of this type would be subject to a 4 week consultation period however, given the Christmas break, a longer period was agreed in order to ensure as many people had the opportunity to engage in the consultation process as possible.

- 5.5 A total of 21.no representations were received during the recent consultation period. A number of representations commented on multiple Supplementary Guidance documents. Officers have reviewed the representations received and, where necessary, have made changes to the Supplementary Guidance documents.
- 5.6 Appendix 1 presents the final versions of all documents which we recommend go forward to Scottish Ministers for formal adoption. Our responses to the comments received during the recent consultation process are presented in Appendix 2. Full, un-summarised copies of the representations received are provided in Appendix 3.
- 5.7 The primary changes made to the Policy Supplementary Guidance documents are summarised below and are discussed in further detail in Appendix 2.

Title	Summary of Change
The Repair and Replacement of Windows and Doors	Minor changes have been made to the document to clarify terminology and correct typographical errors. A link has also been added to the Council's web resource on 'Traditional and Historic Buildings Conservation Advice'.
Shops and Signs	Additional text has been added to clarify when the guidance is to be used, and to refocus the guidance to have a wider focus.
Big Buildings	No amendments made. Document to go forward as currently drafted.
Stonecleaning	No amendments made. Document to go forward as currently drafted.
Temporary Buildings	No amendments made. Document to go forward as currently drafted.
Landscape	Text inserted to clarify guidance relating to green buffers and the siting and design of development.
Energetica	No amendments made. Document to go forward as currently drafted.
Householder Development Guide	Minor changes have been made to the document to clarify terminology.
Sub-Division and Redevelopment of Residential Curtilages	Minor changes to correct typographical errors.

Conversion of Buildings in the Countryside	No amendments made. Document to go forward as currently drafted.
Hierarchy of Centres	No amendments made. Document to go forward as currently drafted.
Union Street Frontages	No amendments made. Document to go forward as currently drafted.
Harmony of Uses	No amendments made. Document to go forward as currently drafted.
Serviced Apartments	No amendments made. Document to go forward as currently drafted.
Children's Nurseries	No amendments made. Document to go forward as currently drafted.
Planning Obligations	<p>Section 3 – Amendment to introductory text to emphasise contribution requirements will vary from site to site with exact requirements for each site being assessed on a case by case basis.</p> <p>Section 3.2 – Information included to reflect the use of a standard Section 75 template.</p> <p>Section 4.1 – Updated position provided on Strategic Transport Fund.</p> <p>Section 4.4 – The worked example for Education removed as the supporting text describes the process more clearly.</p> <p>Paragraph 4.6.1 – Clarification made to ensure consistency with Policy NE4, Text amended to clarify that contributions to open space can be used towards the creation of both new open space and enhancement of existing open space provision.</p>
Affordable Housing	Modification to the period for using Affordable Housing Credits from 5 years to 7 years to align with the period the Council has for using Planning Obligations.
Gypsy and Traveller Sites	No amendments made. Document to go forward as currently drafted.
Transport and Accessibility	Parking requirement for residential dwelling in the inner city and housing association/social housing has been amended to reflect the Supplementary

	<p>Guidance's vision of reducing car dependency.</p> <p>Text in Section 3.1 amended to clarify that sites should be designed to allow for public transport penetration, and where public transport is not accessible, developers may be required to contribute financially to services as per SPP.</p> <p>Text in Section 3.2 amended to clarify that developers are required to provide both minimum active and minimum passive provision when it comes to electrical vehicle charging infrastructure.</p> <p>Text in Section 3.4 amended to clarify that a combination of factors will be regarded when justifying low or no car development.</p> <p>Text has been amended regarding garages in rear lanes so the wording in Section 5.86 reflects that on Paragraph 6.4.</p> <p>Minor typographical errors corrected.</p>
Air Quality	Minor typographical errors corrected.
Noise	No amendments made. Document to go forward as currently drafted.
Natural Heritage	Minor amendments made throughout to provide better clarity and strengthen the SG following comments from SNH and the RSPB.
Trees and Woodlands	Additional text added in regard to ancient woodland to ensure developers are aware of their importance and the presumption against their removal.
Flooding, Drainage and Water Quality	Document amended to take into account the fact that the North East Flood Risk Management Plan has now been published.
Green Space Network and Open Space	No amendments made. Document to go forward as currently drafted.
Resources for New Development	Clarification of the calculation method for Low and Zero Carbon Generating Technology has been included, as has the acceptance of other calculation methods for more complex buildings.
Wind Turbine Development	Change made to reflect Scottish Government request to amend how the Wind Spatial Framework was prepared, specifically that the Greenbelt cannot be identified as a constraint

	<p>within the Wind Spatial Framework. This change does not however prevent the Council from setting appropriate uses within the Greenbelt. To this end, the Council's policy excludes the development of Wind Turbines in the Greenbelt meaning the end result remains that there are no locations suitable for large Wind Turbines within the Councils administrative area.</p>
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5.8 The primary changes made to the Site Specific Supplementary Guidance documents are summarised below and are discussed in further detail in Appendix 2.

Title	Summary of Change
Countesswells Development Framework and Phase One Masterplan	<p>As part of the Section 75 process for securing developer contributions for this site at planning application stage, the school area (N7) has been reduced (from 3.00 hectares to 1.43 hectares) in accordance with the requirements of the Council's Education Service. As a result, the development area of Block N6 has increased from 1.87 hectares to 4.04 hectares.</p> <p>A layout for this area has been provided by the Site Developer / Agent as part of the consultation process. Officers are satisfied with the content, and agree that this land is appropriate for residential development in accordance with the surrounding uses and the land allocation. The proposed residential density for the revised N6 block is identified as 30-40 units per hectare to reflect the location adjacent to the Neighbourhood Centre. This results in an increase of 90 units from the numbers within the original Development Framework, which Officers consider to be acceptable.</p> <p>The details of the Masterplan for N6 can be seen on pages 158 and 159 of the revised Development Framework, as well as pages 140- 149. Table 1 on page 132 shows the revised housing numbers and block sizes.</p>
Dubford Development Framework	No amendments made. Document to go forward as currently drafted.
Former Davidson's Mill (Bucksburn) Development Framework and Phase One Masterplan	No amendments made. Document to go forward as currently drafted.

Friarsfield Development Framework	No amendments made. Document to go forward as currently drafted.
Grandhome Development Framework	No amendments made. Document to go forward as currently drafted.
Kingswells (Prime Four) Development Framework and Phase One Masterplan	No amendments made. Document to go forward as currently drafted.
Kingswells (Prime Four) Phases Two and Three Masterplan	No amendments made. Document to go forward as currently drafted.
Kingswells (Prime Four Expansion) OP63 Development Framework	No amendments made. Document to go forward as currently drafted.
Maidencraig Masterplan	No amendments made. Document to go forward as currently drafted.
Newhills Development Framework	Statement about drainage services in the infrastructure section was not accurate and did not reflect Scottish Waters processes. The relevant section has been amended to reflect this.
Oldfold Development Framework and Masterplan	No amendments made. Document to go forward as currently drafted.
Persley Den / Woodside Masterplan	No amendments made. Document to go forward as currently drafted.
West Huxterstone Masterplan	No amendments made. Document to go forward as currently drafted.
Stoneywood Development Framework and Masterplan	Statement about drainage services in the infrastructure section was not accurate and did not reflect Scottish Waters processes. The relevant section has been amended to reflect this.
Aberdeen Harbour at Bay of Nigg	No amendments made. Document to go forward as currently drafted.
Replacement AECC - Rowett North Masterplan	No amendments made. Document to go forward as currently drafted.

Existing AECC - Bridge of Don Development Framework	No amendments made. Document to go forward as currently drafted.
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5.9 In addition to the above, a representation was received from the agents representing the Loirston Development Framework, suggesting that changes in circumstances since its initial preparation mean that the document would benefit from a thorough and meaningful review prior to it being recommended as Supplementary Guidance to support the new Local Development Plan. Officers agree that such a review would be beneficial, as a number of different, additional, options for development are now required to be considered which were not known at the time of initial preparation.

5.10 As such, this document has been removed from the list of Supplementary Guidance to support the Aberdeen Local Development Plan at this time. Instead, we recommend that Members agree that the Development Framework for this site will be reviewed and updated (in line with the Aberdeen Masterplanning Process), and be reported back to a future meeting of the Communities, Housing and Infrastructure Committee to recommend further public consultation on the revised proposals, before proceeding to become Supplementary Guidance at a later date. Comments received on the document as part of the recent public consultation period will be rolled forward to be considered as part of this review exercise.

Strategic Environmental Assessment (SEA)

5.11 An Environmental Report has been prepared for the Local Development Plan, and this includes the Habitats Regulation Assessment for the River Dee Special Area of Conservation. This document is available to view on the Aberdeen City Council website at: www.aberdeencity.gov.uk/localdevelopmentplan.

5.12 All Proposed Supplementary Guidance documents have now completed the Strategic Environmental Assessment Screening Process, and no documents require any further SEA to be undertaken.

Next Stages

5.13 Should Members agree the proposed Supplementary Guidance (Appendix 1), Officers would proceed to send the documents to the Scottish Ministers for their ratification to become adopted Supplementary Guidance to the Aberdeen Local Development Plan 2017. Formal adoption would be advertised via the Council's website, Social Media and the LDP Newsletter.

5.14 Before submission to Ministers, the text / images agreed by Members for the Planning Policy suite would be put into a standard template and be enhanced visually by the Council's Corporate Communication

Team. A Glossary and Further Reading List would also be provided at the end of the Policy suite to enhance usability.

- 5.15 In order to ensure that the most up-to-date documents are used in the determination of planning applications, where revised documents have been agreed by Members at this meeting, we recommend that Members agree to adopt these revised documents as Interim Planning Advice from 16th March 2017. All other documents which have not been amended as a result of the consultation would retain their status as Interim Planning Advice, as established on 20th January 2017.
- 5.16 Taking this approach will ensure that any applications to be determined by the planning authority can be considered in the context of the Council's agreed planning policy position, as adopted Interim Planning Advice (as a type of non-statutory planning guidance) can be afforded some weight as a material consideration in determining planning proposals.

6. IMPACT

- 6.1 **Improving Customer Experience** – statutory Supplementary Guidance, as part of the Local Development Plan provides certainty for the public, agencies and development industry.
- 6.2 **Improving Staff Experience** – statutory Supplementary Guidance provides guidance to staff dealing with planning matters and helps to ensure that applications are dealt with in a consistent manner.
- 6.3 **Improving our use of Resources** – the Local Development Plan states that development should be encouraged in the right places, be efficient, and make the best use of existing infrastructure capacity. Where that capacity does not exist, developers will be expected to provide the infrastructure, services and facilities which are required as a result of the development. Guidance on doing so is provided within the Supplementary Guidance.
- 6.4 **Corporate** – the statutory Supplementary Guidance will support the Smarter City Vision in helping to make Aberdeen a great place to live, bring up a family, do business and visit. They promote the future growth of the city, encourages a sustainable approach to 21st century living, the city centre, new communications technology and transport.
- 6.5 **Public** – Given the wide range of policy areas the statutory Supplementary Guidance covers, an Equality and Human Rights Impact Assessment has been carried out. It shows that there will be some positive impacts of the Plan on a range of equalities groups.

7. MANAGEMENT OF RISK

- 7.1 Supplementary Guidance contains policies aimed to improve the quality of development and ensure a consistent approach in deciding planning applications. Not having an up to date policy framework in

place could lead to a higher risk of planning by appeal, meaning less certainty for developers, agencies and the public.

8. BACKGROUND PAPERS

- Appendix 1 – Proposed Supplementary Guidance to accompany Aberdeen Local Development Plan 2017 (Policy and Site Specific)
- Appendix 2 – Summary of Representations Received, and Officer Responses
- Appendix 3 – Full Copies of Representations Received

Further Reading:


- Aberdeen Local Development Plan 2017

9. REPORT AUTHOR DETAILS

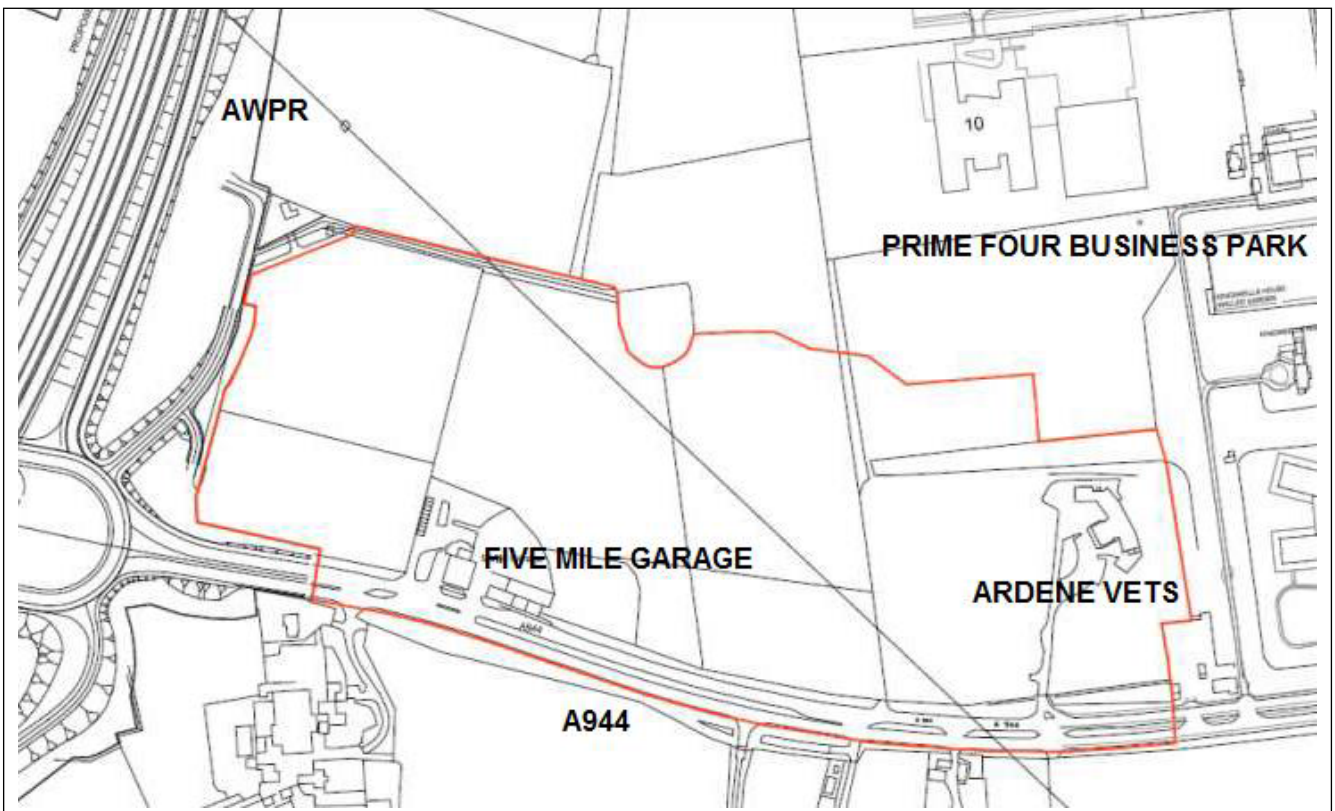
Claire McArthur
Senior Planner – Development Plan Team
CMcArthur@aberdeencity.gov.uk
01224 523098

6- EHRIA Summary and Action Planning				
Report Title	Aberdeen Local Development Plan 2017 and supplementary guidance (policy and site specific)			
Assessment not required	Evidence N/A			
Assessment completed	As a result of completing this assessment, what actions are proposed to remove or reduce any risks of adverse outcomes which were identified.			
Identified Risk and to whom:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:
None identified	N/A	N/A	N/A	N/A

7: Sign off	
Completed by (Names and Services) :	Andrew Brownrigg Planning and Sustainable Development
Signed off by (Head of Service) :	Eric Owens
<p>Only sections 6 and 7 will be attached to the committee report</p> <p>The full EHRIA will be published on Aberdeen City Council's website under http://www.aberdeencity.gov.uk/xeq_EHRIA_Search.asp</p> <p>Please send an electronic format of the full EHRIA without signature to: SHoward@aberdeencity.gov.uk</p>	

 ABERDEEN CITY COUNCIL	<h2 style="margin: 0;">Full Council</h2>
Report by Interim Head of Planning and Sustainable Development	
15 March 2017	

Application Type:	Planning Permission in Principle
Application Reference:	P161429/PPP
Application Submission Date:	4 October 2016
Application Description:	Major Development mixed use commercial (up to 30,000m ²) including retail (class 1), food and drink (class 3), other ancillary uses (such as offices) and associated landscaping, infrastructure and access works.
Site Address:	Site OP40, Prime Four Business Park, Kingswells, Aberdeen
Ward:	Kingswells / Sheddocksley / Summerhill
Community Council:	Kingswells Community Council
Case Officer:	Matthew Easton



RECOMMENDATION: Refuse

Executive Summary

From before the 'Main Issues' stage, through the drafting and then subsequent adoption of the Local Development Plan ('LDP') in January this year, the Council has already considered and rejected the concept of large scale retail development at Prime Four and confirmed that the site should remain as employment land available for high quality business park use. Prime Four is the region's premier business park and allowing an alternative use in the most highly visible part of the site, would remove an opportunity to compete nationally and internationally for high quality businesses that are looking for sites within such an environment. The Council's established position should be given considerable weight.

Although it has been argued by the applicant that Aberdeen has a lack of out-of-town retail parks, any comparison with Glasgow and Edinburgh, with their individual characteristics, circumstances and separate planning policies, should not be relied upon to justify an out-of-town retail park in Aberdeen, particularly in this case where the location is inherently unsustainable, being separated and distant from nearly all centres of population within the city and primarily reliant on the use of the private car. In contrast, Aberdeen has benefited from the Council's implementation of the 'town centre first' principle which has provided investors with confidence to progress with significant developments over the past decade, such as the opening of Union Square, extension and refurbishment of the Bon Accord Centre and investment in the St.Nicholas Centre. The city centre's dominance in the region should be seen as strength to build upon and as a catalyst for further sustainable economic investment and growth within and around that city core.

The Aberdeen City and Aberdeenshire Retail Study ('ACARS'), undertaken on behalf of the Council in 2013, was a wide-ranging analysis of the retail situation in the north east of Scotland. It considered a range of factors in coming to a recommendation to inform the drafting of the LDP with a suitable retail strategy for the city. Since that time, the regional economic downturn and lower national economic growth rates are expected to result in lowered population projections and therefore lower available retail expenditure within the region than set out in ACARS. It is therefore considered that the retail floor space identified within the LDP and the space already coming forward will be more than sufficient to address any retail deficiencies within the city. It is also clear there is an appetite for delivering significant levels of retail space within the city centre, evidenced through the live applications and pre-application work underway with developers. It is important to note that this city centre retail development could be at risk if investor confidence is undermined. Furthermore, approval of the application would send the undesirable message that the Council is not serious about implementing the City Centre Master Plan ('CCMP'), a strategy which requires significant level of private investment to achieve its aims. To summarise, it is considered that the applicant has failed to demonstrate that there is a proven need or deficiency in provision which would justify the kind of retail development that is proposed.

A further factor of significant importance is the current health of the city centre. In this regard indicators of vitality, such as a reduction in the number of retailers and increase in the number of non-retailing uses, suggest that parts of the city centre may be struggling.

When considered jointly with the significant levels of trade which the proposed development would divert away from the city centre, estimated to be 5.7% (£66m) by the applicant or 9% (£88m) by the Council's own consultant, the conclusion is that there would likely be a significant adverse impact on the vitality and overall viability of Aberdeen city centre if the proposed development were to proceed.

The planned Aberdeen growth model sees the creation of large new communities around the periphery of the urban area; this eventuality was identified by ACARS as creating retail deficiencies in the convenience shopping sector. The granting of planning permission for the proposal at Prime Four would jeopardise delivery of mixed use centres within the new communities at Countesswells and Newhills, as there is a high potential that retailers would be attracted to the Prime Four development rather than the sustainably positioned mixed use centres within the new communities.

The proposed development fails to meet the policy test with regards to accessibility, as it would not be easily accessible by regular, frequent and convenient public transport services and would largely be dependent solely on access by private car, encouraging trips which otherwise may not occur and thus increasing pressure on the road network and exacerbating air quality levels. Finally, the Council's roads officers have objected to the application due to lack of information on the extent and scale of the development's impact on the road network.

It is for these reasons that the recommendation is one of refusal.

APPLICATION BACKGROUND

Site Description

The site comprises 13.3 hectares of predominately agricultural land located to the south-west of the existing Prime Four Business Park ('Prime Four'), itself located to the west of Kingswells. The southern part is relatively flat at 140m AOD whereas the northern part rises steeply to 155m AOD at the site boundary, beyond which the land continues to rise.

Ardene House Veterinary Practice is located at the eastern end and is enclosed by mature woodland belts to the north and east. Beyond this are Kingswells House (dating from 1666 and category B-listed) and Prime Four, comprising several large modern office buildings and a hotel with associated parking and landscaping.

The southern boundary features the Five Mile Garage, Five Mile Caravan Park and vacant cottages and post office, all accessed from the A944 (Skene Road) which forms the southern boundary. To the south of the road is the Backhill of Broadiach Farm, where the land raises up towards Kingshill Wood.

The Aberdeen Western Peripheral Route ('AWPR') and its South Kingswells Junction is currently under construction around 100m to the west and when finished will join the A944

at this point. The Borrowstone Road (Kingsford to Clinterty) forms the west boundary and is to be stopped up as part of the AWPR works and thereafter only provide access to East Kingsford Cottage, which is on the edge of the north western boundary.

The land beyond the northern boundary is agricultural with pockets of woodland, and is allocated for specialist employment use as Opportunity Site 69 ('OP69') and likely to form phase 4 of Prime Four. A category C-listed 17th century dry-stone wall enclosure, known as 'Friends Burial Ground' is some 150m to the north.

High voltage power lines cross the site from south-east to the north-west.

Relevant Planning History

- Previously greenbelt, the site was released for development in the Aberdeen Local Development Plan 2012 ('LDP 2012') as part of the wider 50 hectare OP40 allocation, which has now become Prime Four.
- In June 2013, at the developer bid stage of the Proposed Aberdeen Local Development Plan 2015 ('PLDP 2015'), a proposal (ref: B0309) was made by the applicant to alter the OP40 allocation to allow a mix of employment, retail and leisure uses. The bid was not carried forward as a preferred proposal to the Proposed LDP 2015 and the reasons for this are considered in the evaluation section of this report.
- The Aberdeen Local Development Plan 2017 ('the LDP') was adopted in January this year, within which the site and Prime Four are zoned for specialist employment use. A further 13 hectares, immediately to the north of the application site, has been allocated as an extension to Prime Four and is known as OP63.
- A proposal of application notice (PoAN) in relation to this application was submitted for this proposal in June 2016 and a public consultation event took place on 31st August 2016.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission in principle is sought for the development of the site for a retail park of up to 30,000sqm (gross) of retail space. This is proposed to including class 1 (retail), class 3 (food and drink) and other ancillary uses such as offices, along with associated landscaping, infrastructure and access works.

It is intended that 26,013sqm (gross) of the retail space would be for comparison goods. Initially the applicant indicated that the development would focus on clothing and fashion retailers, however more recently this has changed to general comparison goods and bulky goods retailers. The comparison space would be accompanied by a 3,716sqm (gross) convenience retail goods store, or in other words, a supermarket.

Food & drink premises such as restaurants or coffee shops are also proposed.

At planning permission in principle stage it is not expected that detailed design of the layout of buildings would be submitted. However an indicative layout of how the development could look has been provided, which shows units of varying sizes in a retail warehouse format with large areas of surface car parking situated adjacent, all fronting the A944. Although it appears that a significant level of the floor space is missing from this indicative layout, it does show –

- One very large retail unit of 7,432sqm (80,000sqft), suitable for a 'department store' type retailer.
- One large retail unit of 3,252sqm (35,000sqft)
- Nine retail warehouse units of between 697sqm to 3,252sqm (7,500sqft to 35,000sqft)
- Ten retail units of between 279sqm and 465sqm (3,000sqft – 5,000sqft)
- Four food and drink units totalling 1,115sqm (12,000sqft)

The applicant reports confirmed occupier interest from various comparison retailers: Boots, JD Sports, Cotswold Outdoors, Next and Superdrug, all of whom have stores in Aberdeen city centre.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at www.publicaccess.aberdeencity.gov.uk, apart from the Ecological Impact Assessment. The following supporting documents have been submitted –

- Archaeological Desk Based Assessment
- Ecological Impact Assessment (*restricted access only*)
- Drainage Assessment
- Design Statement
- Flood Risk Assessment
- Geo-Environmental Desk Study
- Landscape and Visual Assessment
- Planning Statement
- Pre-Application Consultation Report
- Retail Impact Assessment ('RIA')
- Socioeconomic Report
- Transport Assessment ('TA')
- Tree Survey
- Utility Infrastructure Design Statement

Pre-Application Consultation

A public event was held by the applicant on Wednesday 31st August 2016 from 1pm to 7pm at the Prime Four management suite. It took the form of a drop-in session where display

materials were available and members of the applicant's design team were there to answer questions. Twenty-two people are reported to have attended. The applicant states that there was mixed feedback to the proposal, with most agreeing the concept was acceptable but having significant reservations with regards to traffic and amenity.

Pre-Determination Hearing

Following the submission of the planning application a public hearing was held on the 18th January 2017. The hearing afforded the applicant and other interested parties the opportunity to address and be questioned by councillors prior the matter being referred to the Full Council for determination. The minutes of the meeting are available at <http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=5558&Ver=4>.

Reason for Referral to Council

The application is before members of the Full Council because under section 38A of the Town and Country Planning (Scotland) Act 1997, any application where a pre-determination hearing has been held, must be determined by the Full Council. Such hearings are required in respect of applications for major developments which are considered to be significantly contrary to the vision or wider spatial strategy of the development plan, which in this case comprises the Aberdeen Strategic Development Plan 2014 and the Aberdeen Local Development Plan 2017.

CONSULTATIONS

Aberdeenshire Council – Object on the basis that it has not been demonstrated that the proposed development would not adversely impact upon the vitality and viability of existing town centres within Aberdeenshire. On review of the applicant's revised retail assessment, the objection is maintained.

Aberdeen City and Shire Strategic Development Planning Authority – Consider the application contrary to the Aberdeen City and Shire Strategic Development Plan, which is up-to-date and relevant to the application. It is advised that the proposal will result in the loss of strategically important employment land and have a negative impact on the city centre, which itself is able to accommodate significant retail growth if demand exists. Further the application is in an unsustainable location in that it will have a very small catchment in terms of access by walking, cycling and public transport, compared to the city centre.

Aberdeen Western Peripheral Route Managing Agent – No response.

ACC – City Centre Masterplan (CCMP) Team – There are no planning policy grounds on which the Prime Four proposals should be granted, there is clear substantiated evidence of identified proposals and land available for retail development within the City Centre – both through the CCMP and current proposals before the City Council and a risk that within the

established statutory planning framework. There would be adverse impact on the city centre which is the prime regional retail centre in the north east of Scotland - and for which the CCMP remains a material consideration – if the Prime Four proposal were to be granted planning permission.

ACC – Economic Development Service – In relation to the applicant’s RIA submitted initially and the revised RIA –

- The study likely understates the vacancy rate in Aberdeen City centre and thus the retail health of the area.
- Unlike both initial socio-economic impact reports submitted for the development, all assumptions relating to employment creation have been removed from the latest submission both for jobs created and for lost jobs as a result of trade divergence.
- Three assumptions regarding trade divergence impact to other retail centres have been included within the report. The higher assumptions now added are far more substantial than the previous estimates.
- The analysis and business case, underlying the assumptions regarding retail need, have been calculated using relatively optimistic assumptions regarding the UK’s departure from the EU (soft-Brexit).
- It is likely that that the turnover and economic potential of the site has been overstated.
- Initial assumptions relating to population and expenditure from the development have not been sufficiently modified to reflect Aberdeen’s short to medium-term economic outlook and likely overstate the growth potential.

ACC – Environmental Health Service – No objection but raise the following matters that would need to be addressed through conditions.

- Should the development involve the decommissioning and demolition of the Five Mile Garage, it will be necessary for conditions to be attached to any planning permission granted requiring a risk based site investigation to be carried out in accordance with best practice.
- If the development were to be operational 24 hours a day then the potential for noise to affect nearby residential properties would need to be taken into account. Offices at Prime Four could also be affected by noise.
- Any catering premises may create odour issues which would need to be addressed.
- During construction measures should be taken to limit noise and dust.

ACC – Flooding and Coastal Protection Team – Further detailed information on flooding and drainage issues requested. No objection in principle.

ACC – Roads Development Management Team – Object due to lack of information on the extent and scale of the development's impact on the road network. Full comments are attached to this report however in summary advice and comments are also provided on the following matters –

- Access by foot will be effectively limited to the southern ends of Kingswells. A segregated cycle facility with separate pedestrian provision should be provided either through the site or along the site frontage and through the site to allow for pedestrian and cycle access to potential future development to the north.
- A link for bus services between the proposed retail development and the existing Prime Four development is required. The applicant has proposed to include bus laybys on the A944 close to the site access, with a signalised pedestrian crossing connecting to the westbound bus stop. However, it would not be desirable to introduce a further set of traffic signals on the A944 in this location. Therefore the crossing provision should initially be at the access junction and once this junction is signalised, incorporated within the signal phasing.
- Parking is proposed at 10% below the Councils maximum parking standards, which in principle is acceptable and details of disabled, motorcycle and cycle parking should be required.
- It is proposed to construct a new junction with the A944 to access the development. Roads officers are unwilling to consent to a full 'all ways' signalised junction at the early stages of the development. Therefore only a left in/ left out arrangement will be permitted until such time as either: 25% of the non-food retail is occupied; or any amount of food retail is occupied
- The modelling exercise shows that the impact of the development on the local road network is smaller in the peak hour, in terms of queuing and delay, with the introduction of traffic signals as opposed to a left in/ left out operation. Roads officers however retain concern in respect of the additional delay to the primary route (A944) that vehicles will experience out with the peak times, on introduction of additional traffic signals.
- Roads officers retain concerns that the trip generation of the development will be higher than that reported given the methodology applied to establishing this and the reported potential occupiers. However it is acknowledged that the application is for a use class and that the trip attraction calculations are within this classification.
- Concerns also relate to the base traffic methodology used; however given the unknowns surrounding the impact of the AWPR the approach is accepted. The assessment has also likely underestimated the volume of trips attributed to surrounding committed developments by using flows from the LDP process and not updating these with the

more accurate planning application (supporting more detailed transport information) flows. Nonetheless committed development has, to an extent, been accounted for.

Archaeology Service – Conditions should be attached requiring a standing building survey and a programme of archaeological works.

Developer Obligations Team – New developments are required to install or upgrade core paths that are designated within the site and contribute to any cumulative impacts on surrounding core paths. This would be determined by the proposed layout which would be examined at matters specified in conditions (MSC) stage.

Kingswells Community Council – In general agreement that retail is a suitable use on the site. However, the following concerns are raised –

- Considering the areas identified for development, it is unlikely that a retail development of this scale and the associated car parking and landscaping could be facilitated on this site in a manner that complies with the key objectives identified in the Development Framework. A smaller development should be considered.
- All possible access solutions should be investigated and the selected option should address the needs of the community during off peak times as well as the needs of commuters during peak times. The transport assessment should consider all traffic from all phases of Prime Four and all other known developments. All future upgrades should be considered to avoid a piecemeal approach.
- The Council should determine the effects that an out-of-centre retail development would have on the city.

Scottish Environment Protection Agency (SEPA) – No objection but raise the following matters that should be addressed.

- Wetlands in the southern section of the site contain a natural spring which is thought to act as primary source of water for the Den Burn. The Ecological Assessment states that within this area is an example of a ground water dependant terrestrial ecosystem, which is moderately groundwater dependant and therefore should be protected. A condition should be attached to any consent requiring further survey work be carried out, demonstrating that the water environment would be protected.
- The initial details of permanent surface water drainage are acceptable in principle and it has been demonstrated that there is space within the site. However it is yet to be confirmed how this will be achieved in detail; a condition should require a detailed scheme.
- A condition should require a Construction Method Statement.

- Part of the site lies within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map and may therefore be at medium to high risk of surface water flooding. SEPA agree with the flood risk assessment (FRA) that development should not be located in low points in the topography that have been identified by the Flood Map as being at risk of flooding. SEPA support the recommendation that finished floor levels should be raised above ground levels and for ground profiling to mitigate any potential overland flows.
- The proposed utilisation of existing combined sewer structures in the area is acceptable.

Scottish Water – No response received.

Transport Scotland – Advises that conditions relating to a restriction on the amount of floor space permitted (to tie in with that proposed in the application) and the submission of a travel plan, be attached to any permission the council may give

REPRESENTATIONS

Twelve letters of representation have been received from eleven different organisations, predominately with interests in retailing or the city centre. They are –

- Aberdeen Civic Society
- Aberdeen Inspired (Business Improvement District for the city centre)
- BMO Real Estate (owners of Bon Accord and St. Nicholas Centres)
- CDL Countesswells (developer for the Countesswells mixed use development)
- Columbia Threadneedle (owners of Kittybrewster and Lower Berryden Retail Parks)
- Ellandi LLP/ Lone Star (managers and owners of the Trinity Centre)
- Union Square Developments / Hammerson (owners of Union Square)
- Knight Property Group (owners of the Capitol office development)
- Rockspring (owners of the former BHS building and Aberdeen Indoor Market)
- Standard Life Assurance (owners of Beach Boulevard and Denmore Road Retail Parks)

All representations object to the proposal and the matters which they raised and grouped together and summarised below.

Failure to Comply with National, Regional and Local Policy

1. The proposal is contrary to the ‘town centre first principle’ in National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP).
2. An out-of-town retail development is contrary to the aim of the Strategic Development Plan (SDP) to regenerate Aberdeen city centre.

3. The site is not allocated for retail development and represents a significant departure from the LDP and is contrary to retail policy by failing to meet any of the requirements identified.
4. Retail development at the site has already been promoted by the applicant through the LDP review process and was rejected by the Council.
5. The appropriate way to promote such a significant departure from the LDP would be through the next review of the LDP, not a speculative planning application.

Retail Impact and Sequential Test

6. The Council has set out a clear and comprehensive strategy for the delivery of additional retail floor space up to 2035 – supported by the 2013 Aberdeen City and Aberdeenshire Retail Study (ACARS). There is therefore no requirement for the proposed development.
7. The development would be in direct competition with the city centre and any benefit from the development would be at the city centre's expense, in terms of retail and spin-off expenditure.
8. Approval of the development would undermine the role of the city centre and cast doubt on the Council's commitment to regenerating the city centre through the City Centre Masterplan (CCMP). This would send out a concerning message to investors and operators.
9. The retail assessment submitted is not fit for purpose, due to significant deficiencies in the methodology and figures used, assumptions made and conclusions drawn. It underestimates the level of quantitative trade diversion from the city centre and implications on turnover.
10. The applicant's sequential test is simplistic, does not adhere to the process set out in SPP and misinterprets case law. No effort has been made to demonstrate that the development cannot be reasonably altered or reduced in scale to allow it to be accommodated in a sequentially preferable location.
11. Comparisons of the retailing situation in other parts of Scotland, such as Glasgow and Edinburgh, are not appropriate and no way justify the proposal.

Transportation and Sustainability

12. The A944 is an important route into Aberdeen and traffic management in the area must be considered in detail.
13. The validity and robustness of the applicant's transport assessment is questioned.

14. An out-of-town retail park of the size proposed would significantly undermine the Council's aim of encouraging modal shift towards more sustainable methods of transport.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Due to the objection which has been received from Aberdeenshire Council, should members wish to approve the application, the Council would be required to notify Scottish Ministers of its intention so that Ministers can decide whether to call-in the application for their own determination.

National Planning Policy

- National Planning Framework 3 (2014)
- Scottish Planning Policy (2014)

Regional Planning Policy

- Aberdeen City and Shire Strategic Development Plan (2014)

Local Planning Policy

- Aberdeen Local Development Plan (2017)
 - Policy D2: Landscape
 - Policy NC1: City Centre Development - Regional Centre
 - Policy NC4: Sequential Approach and Impact
 - Policy NC5: Out of Centre Proposals
 - Policy I1: Infrastructure Delivery & Planning Obligations
 - Policy T2: Managing the Transport Impact of Dev
 - Policy T3: Sustainable and Active Travel
 - Policy T4: Air Quality
 - Policy NE1: Green Space Network
 - Policy NE5: Trees and Woodlands
 - Policy NE6: Flooding, Drainage and Water Quality
 - Policy NE8: Natural Heritage

New retail development is identified in the LDP at: Marischal Square, Crooked Lane/George Street, Aberdeen Market and Upper/Basement Floors of 73-149 Union

Street, alongside further expansion and improvements to the existing retail stock in the City Centre Retail Core. Further opportunities for retail expansion within the city centre are identified through the City Centre Masterplan as outlined below.

Interim Planning Guidance

Guidance relevant at the Planning Permission in Principle Stage –

- Hierarchy of Centres Interim Planning Guidance

Other Material Considerations

Aberdeen City and Aberdeenshire Retail Study (ACARS) – Produced in 2013, ACARS provided an up to date assessment of retail provision within Aberdeen City and Aberdeenshire and provided an assessment of potential future demand and supply for retail floor space within this area for the next 15 years. The primary purpose of ACARS was to provide a basis for the development of plans and proposals for retail and related activities in the SDP and LDPs being prepared for the Aberdeen City and Aberdeenshire Councils.

With regard to Aberdeen City, the study recommended a retail development strategy which identifies up to 30,000sqm (gross) of new retail floor space to be located in the city centre, alongside new floor space within new communities and Counteswells, Grandholm and Newhills.

Aberdeen City Centre Masterplan (CCMP) – Approved by the Full Council in June 2015, the CCMP outlines a 20 year development strategy for Aberdeen City Centre. It identifies a series of projects that will support future economic growth and will secure more benefits and opportunities for the communities of Aberdeen City and Shire. The projects are complemented by a robust, costed and achievable delivery programme and together these provide a framework for managing city centre type development up to 2035.

There are seven projects which are expected to focus on increased retail activity in the city centre –

- Aberdeen Indoor Market (CM06)
- Bon Accord Centre (CM07)
- Independent Aberdeen (CM08)
- St Nicholas Centre (CM09)
- Trinity Centre (CM10)
- Union Street Conservation Area Improvement Scheme (CM11)
- Union Square (CM12)

In combination with other identified projects with the masterplan it is expected that around 50,000sqm of retail and leisure floor space could be delivered within the CCMP area.

Strategic Investment Plan (SIP) - The Council's Strategic Infrastructure Plan focuses on the development of the enabling infrastructure needed to realise the city's aspirations to be an

even more attractive, prosperous and sustainable city and deliver growth. Regeneration of the city centre is identified as a key goal of the SIP.

EVALUATION

National Planning Policy

Scottish Ministers, through Scottish Planning Policy ('SPP'), expect the planning system, amongst other things, to focus on outcomes, maximising benefits and balancing competing interests; play a key role in facilitating sustainable economic growth, particularly the creation of new jobs and the strengthening of economic capacity and resilience within communities; and be plan-led, with plans being up-to-date and relevant.

SPP emphasises that it is important that planning supports the role of town centres (a generic term which includes city centres) to thrive and meet the needs of their residents, businesses and visitors for the 21st century. The 'town centre first' principle, stemming from the Scottish Government's 'Town Centre Action Plan', promotes an approach to wider decision-making that considers the health and vibrancy of town centres and limits situations where out-of-centre locations are regarded as acceptable for uses which generate significant footfall.

The above principles are replicated in the Aberdeen Local Development Plan 2017 ('LDP') which promotes a strong and thriving city centre as a key attribute in delivering the wider strategic aims of the Aberdeen City and Shire Strategic Development Plan 2014 ('SDP') and in this regard the LDP policies and proposals seek to enhance its role as a key commercial centre.

Spatial Strategy of the Development Plan

Application Site – Background

The SDP has a target of having at least 20 hectares of marketable employment land¹ available of a standard which will attract high-quality businesses or be suitable for company headquarters. With the SDP target in mind, 50 hectares of land at Kingswells was allocated in the LDP 2012 for specialist employment use. Part of this has now become Prime Four, the success of which has seen an extended allocation carried forward into the newly adopted LDP.

Prime Four has an attractive environment with high quality buildings at which several global companies, predominately involved in the North Sea oil and gas industry, have opted to locate their office premises. Prime Four is also home to several facilities which directly

¹ *Marketable employment land* means land that as well as meeting business requirements, has a secure planning status, can be serviced within five years and is accessible by walking, cycling & public transport.

support the business park, such as the 'Village Urban Resort' hotel, 'Kingswellies' Nursery and the 'Fresh Café'.

Drafting of the Aberdeen Local Development Plan 2017

In June 2013, at the developer bid stage of the Proposed LDP 2015, a proposal (ref: B0309) was made by the applicant to alter part of the existing OP40 allocation, to allow a mix of employment, retail and leisure uses.

In considering that proposal, the Council discounted the option as it was considered there was no quantitative deficiency of convenience retail provision in the west of the city. Rather it was considered that new communities such as Countesswells will require retail space to meet day-to-day and occasional main food shopping requirements. However, such provision should be made within a more convenient location within those new communities, in order to reduce the need to travel and to support wider sustainability objectives. It was also found that a retail development in this location had the potential to have a wide catchment area, given its prominence and location next to the new AWPR junction. It was considered that small scale retail development that would support the employment development at Prime Four and that could, to a limited extent, serve residents in Kingswells may have been appropriate, but that there was no justification for a larger retail use. Therefore the proposal was not carried forward to the Proposed LDP 2015 or indeed the now adopted LDP.

The Council has therefore already assessed the principle of the proposals and taken the position that it wishes to see specialist employment use remain at Prime Four, in order that the city can respond to any increase in demand for high quality employment land. This desire is supported by the Aberdeen City and Shire Strategic Development Planning Authority, which in their representation to this application, highlight that it is vital that short-term decisions are not made in response to the current economic climate, without reflecting on the long-term consequences. Additionally, it is not considered that the proposed retail development is either required or sustainable.

Even if an argument was made for additional retail space being allowed within the city, beyond that identified in the LDP, the Council's established position is that Prime Four is not a suitable location.

Policy B2 (Specialist Employment Areas)

The existing LDP zoning as specialist employment land sees Policy B2 explain that within such areas, in order to maintain a high quality environment only class 4 (business) uses shall be permitted. Principally Class 4 activities associated with research, design and development, knowledge-driven industries and related education and training will be encouraged. There is no provision within Policy B2 for large scale retail developments. Therefore the proposal conflicts with this aspect of the policy.

However, other facilities which would directly support the business park are permitted by Policy B2. Such facilities should be aimed primarily at meeting the needs/catchment of businesses and employees within the specialist employment area itself. In this case it is apparent that the type and scale of the retail development proposed would have a significantly larger catchment area than simply the business park itself. In fact what is proposed would attract consumers from across the north east of Scotland. The proposal therefore also conflicts with this aspect of Policy B2.

Extension to Prime Four Business Park

The Proposed LDP, published in March 2015, included a 13 hectare expansion of Prime Four, which is located immediately to the north of the application site and was previously green belt. In the Scottish Government reporter's examination of the Proposed LDP 2015, it was concluded that the site should be allocated for specialist employment use, given the economic success and quality of the existing Prime Four Business Park and the likelihood that the development would deliver significant economic benefit. This expansion site was therefore allocated as OP63 for specialist employment use on adoption of the LDP. Whilst it is accepted that the economic climate has changed during the period within which the LDP was drafted, as already emphasised, any acceptance by the Council that large scale retail use is acceptable at Prime Four would undermine the arguments made to have further land allocated at Prime Four and also undermine the potential for the city to respond to any upturn in demand for high quality business land. 'Internationalisation', in particular promoting the investor readiness of the region across global markets, is a key strand of the Regional Economic Strategy, approved by the Council in December 2015. Reducing the availability of immediately developable commercial space could compromise the overall competitiveness of the region and the success of the economic strategy.

To summarise, through the drafting and adoption of the LDP, the Council has already considered and rejected the concept of retail development at Prime Four and confirmed that the site should remain as employment land available for high quality business park use. Furthermore, the proposed development is contrary to Policy B2 (Specialist Employment Areas) of the LDP on account that it proposes a use which is not considered acceptable within such areas. The Council's position on the uses it sees appropriate for the site has only recently been confirmed through the adoption of the LDP and considerable weight should be given to this.

Aberdeen Local Development Plan (2017) – Retail Strategy

In 2013 the 'Aberdeen City and Aberdeenshire Retail Study' ('ACARS') was commissioned jointly by Aberdeen City Council, Aberdeenshire Council and the Aberdeen City and Shire Strategic Development Planning Authority ('SDPA'). The recommendations in ACARS supported the drafting of the 2017 LDP and the retail allocations within it. It

ACARS shows, based on a set of assumptions, there is potential for developing an additional 30,000-35,000sqm of retail floor space in the city centre by 2022. This potential was driven by a combination of then predicted expenditure growth per capita and large

population increases within the catchment area served by the city centre. Additional floor space would also help to prevent excessive expenditure leakage and maintain the city centre as the primary retail area in the North East. It is important to note however that unlike for housing or employment land, the Council is not required to have a certain level of new retail floor space available within the city, the potential therefore identified does not represent a 'shortfall' which must be met. However in the interests of the economic development of the city, it is clearly desirable to be able to meet any demand there is for new retail space.

In order to inform the retail strategy of the new LDP, a number of potential scenarios were considered. Each were evaluated in a relatively sophisticated way, taking account of the extent to which they would address retail deficiencies (both quantitative and qualitative), the overall impacts on the level of retailing within the study area which provides the basis for identifying overall net economic benefit and finally the different potential adverse retail impacts on identified retail centres which may arise.

The preferred scenario recommended by ACARS was the creation of retail space within new housing sites at Countesswells, Newhills and Grandholme and the development of approximately 30,000sqm of new floor space for comparison goods within the city centre. It was acknowledged however that this the scenario would result in adverse retail impact on Fraserburgh and Torry town centres and have potential adverse impacts on Peterhead Town Centre and existing District Centres in north Aberdeen and Kittybrewster Retail Park. The total amount of floor space proposed in the study area was significant and would require innovation in its delivery. As such this was the scenario which informed the LDP and the allocations within in it.

One of the scenarios discounted by ACARS featured a further 30,000sqm of new comparison floor space to be located out-with the city centre and mirrors the current proposal. That scenario was rejected on the grounds that it would have high adverse impacts on the city centre and other retail centres and for its potential to undermine city centre retail investment. It is important to note that developers and retailers are likely to see out-of-centre sites as being more attractive, as they would be easier and cheaper to develop in comparison with sites in the city centre – but would not have the same cumulative benefits and sustainable credentials. For these reasons and the belief that the level of floor space was beyond anything required to address the deficiency identified, saw the scenario discounted.

However, the applicant incorrectly claims that ACARS finds the two scenarios to have the same impacts, whereas as outlined above, this is clearly not the case. The applicant thus appears to base their case for the retail park on the second scenario, despite it being disregarded by ACARS and subsequently the Council in adoption of the LDP.

City Centre First Principle

Both the SDP and LDP recognise that the city centre plays a major role in the commercial, economic, social, civic and cultural life of Aberdeen and beyond into the wider North East

region. A target is set by the SDP of ensuring Aberdeen city centre remains one of the top-20 retail areas in the UK. In this context it is vital for the future prosperity of Aberdeen that the city centre is enhanced and promoted as a resilient, safe, attractive, accessible and well-connected place which contributes to an improved quality of life.

Retailing is identified by the LDP as a major activity in the city centre and, as the region's main shopping destination, it is important to maintain and improve the visitor experience on offer to maintain Aberdeen's strength and competitiveness. The LDP supports the delivery of this vision through applying policies which positively promote what can happen and where, further informed by the City Centre Masterplan and Delivery Programme ('CCMP').

LDP Policy NC1 (City Centre Development – Regional Centre) states that the city centre is the preferred location for retail, office, hotel, commercial leisure, community, cultural and other significant footfall generating development serving a city-wide or regional market. Proposals for such uses (unless on sites allocated for that use in the LDP) shall be located in accordance with the sequential approach. This approach is known more generally as the 'town-centre first principle' and it offers a range of benefits over out-of-town development, including making developments highly accessible rather than only being available to those with cars, as well as generating spin-off trade for other city centre uses such as leisure, cultural, and food & drink. It is therefore clear that for a development of the type and size proposed, the preferred location is the city centre, or if that is not possible, one of the existing town, district or neighbourhood centres located within the city.

In this case the proposal must be considered as an out-of-centre proposal, as it is not within any existing retail centre or identified for new retail development, triggering the requirements of Policy NC5 (Out-of-Centre Proposals). NC5 establishes that all significant footfall generating development appropriate to designated centres, when proposed on a site that is out-of-centre, will be refused planning permission unless all of the following five requirements are met.

1. No other suitable site in a location that is acceptable in terms of Policy NC4 (Sequential Approach and Impact) is available or likely to become available in a reasonable time.
2. There is in qualitative and quantitative terms, a proven deficiency in provision of the kind of development that is proposed.
3. There will be no adverse effect on the vitality or viability of any centre listed in Supplementary Guidance.
4. The proposed development would be easily and safely accessible by a choice of means of transport using a network of walking, cycling and public transport routes which link with the catchment population. In particular, the proposed development would be easily accessible by regular, frequent and convenient public transport services and would not be dependent solely on access by private car.

5. The proposed development would have no significantly adverse effect on travel patterns and air pollution.

In order to assess retail issues and policies, the applicant has submitted a retail impact assessment ('RIA'), produced by Lambert Smith Hampton ('LSH'). In response the independent retail planning consultancy that produced ACARS on behalf of the Council, Hargest Planning Ltd. ('HPL') was appointed to review the RIA for the Council. This has helped inform officer's assessment of the RIA and wider consideration of the application. In terms of the five requirements of Policy NC5, each is considered separately in the following sections.

Sequential Approach

Requirement 1 – No other suitable site in a location that is acceptable in terms of Policy NC4 is available or likely to become available in a reasonable time.

Policy NC4 requires developers to undertake what is known as a sequential test, a process for choosing sites for retail and other significant footfall generating developments. The approach first looks for sites in city centre, then edge of city centre, then town and district centres, then sites on the edge of these centres, and as a least preferable option finally out-of-centre sites which are accessible by public transport.

In carrying out the test, recent case law and SPP requires the developer to take a flexible approach in applying the test and to consider whether the proposal could reasonably be altered or reduced in scale, to allow it to be accommodated at a sequentially preferable location or locations.² In response the LSH report considered ten sites within and on the edge of the city centre. All were found to be unsuitable or unavailable. Seven town and district centres were considered but again discounted, largely due to the constraints of existing development around the centres which limits expansion opportunities. All sites considered are shown in appendix 1.

There were initial concerns over the sequential test approach the applicant had taken and the lack of information on what format the proposal would take. Further information and explanation indicated that the parameters applied were too limited and an updated test was subsequently undertaken.

The Council's retail consultant and officers have reviewed the sequential test carried out and agree that there are no sequentially preferable sites within the Aberdeen City boundary which could accommodate the form and scale of development proposed. However, that is not to say that there are not more appropriate alternative locations out-with identified centres in other parts of the city, which for example are in more accessible locations.

Furthermore although the applicant in their revised assessment reduced the site area of the proposed development by the use mezzanine floors to accommodate part of the floor

² *Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13

space, no attempt has been made at disaggregating any of the elements, such as the convenience floor space, to determine if the same quantum of development could be accommodated across a number of sites and still be successful with a smaller floor space in a more sequentially preferable location. This may have opened up a number of other more sustainable locations for consideration.

Additionally, although the LDP does not require applicant's to consider sites located out-with the city boundary, such as within Aberdeenshire, due to the regional catchment area the proposal would have, officers consider it worth investigating. With that in mind, Aberdeenshire Council have advised that they would consider there to be no sites within Aberdeenshire which would be capable of accommodating the proposed development. It is reported however that there are smaller sites allocated at Inverurie, Ellon and Blackdog, which could accommodate some of the floor space proposed.

To conclude, although the case for a retail park has not been justified; officers consider that the applicant has demonstrated there are no sequentially preferable sites within Aberdeen's existing retail centres which would be capable of accommodating the development strictly as proposed. However, because no attempt has been made to disaggregate elements of the proposal, the sequential test carried out is not considered robust. Although not considered as part of the applicant's own assessment, neither would it appear that there are any suitable sites within Aberdeenshire that may be sequentially preferable in terms of being located within an identified centre.

Retail Capacity and Deficiency

Requirement 2 – There is in qualitative and quantitative terms, a proven deficiency in provision of the kind of development that is proposed.

This aspect of the policy requires the applicant to demonstrate that there is a deficiency in the retail offer in Aberdeen and that the development would address that deficiency. In this regard the applicant's position on quantitative need is that the scale of expenditure in the Aberdeen catchment area is more than sufficient to justify the retail floor space proposed, whilst also accommodating the other emerging and proposed retail floor space in the city identified in the LDP. In concluding this the applicant relies on the ACARS study to suggest that there is a quantitative retail deficiency in Aberdeen, that is to say consumers are spending money out-with the city/catchment because there is insufficient retail provision within it to accommodate a higher level of expenditure. It is also contended that the proposals in the LDP are unlikely to deliver the floor space expected by 2022 and even if they managed to do so, they would not address the level of deficiency that exists.

In order to consider this issue in full and to determine whether there is in fact a deficiency which needs to be addressed; estimates of existing and future population and available expenditure need to be determined along with the level of existing retail floor space and turnover. This assessment is undertaken below.

Quantitative – Population and Expenditure Growth

It is acknowledged that since ACARS was undertaken in 2013, the economic situation in the Aberdeen and north east of Scotland has changed considerably. Since mid-2014 the region has experienced a protracted economic downturn as a result in of the significant drop in the price of North Sea oil and gas. The economic boom which occurred between 2010 and 2014 is unlikely to be replicated in the near to mid-term, if at all.

One indicator of the economic performance of the area is population growth, this is also an important factor in retail impact assessment as it is the base on which assumptions regarding increases in available expenditure are made.

Since 2013, the National Records of Scotland ('NRS') 2012 based population growth projections for the period of 2017 – 2022 have been published and indicate an expected growth of 5.7% for Aberdeen City and 4.6% for Aberdeen City and Aberdeenshire together. In the most recent projection, based on 2014 data, this reduced to 3.5% and 4.0% respectively, which would result in a regional population of 521,022 in 2022. Whilst it is significant that these projections represent an apparent slowdown in population growth, it must also be noted that they were produced using data related to the period before the dramatic downturn in the regional economy and the result of the referendum on leaving the European Union. Currently all the indications are that as a result of these factors, actual growth and migration into the region will be substantially lower than the 2014 based estimates, with NRS data suggesting that the 2015 mid-year figure has been overestimated by 0.3%, which may appear small but when related to one year is significant. It is the position of officers that the regional economic slow-down coupled with an expectation that wider national economic growth will slow over coming years as the United Kingdom's exit from the EU approaches. This all leads to the conclusion that the population estimates (thus expenditure levels available) used by the applicant are significantly over optimistic.

As a reducing population would result in lower levels of available expenditure in the region, this has two implications, in terms of retail impact assessment. The first is that the estimated retail capacity would be reduced and the second is that existing stores will have lower turnover, as there are less consumers to spend money. This would result in the proposed development having a higher impact on existing centres than estimated by the applicant, using the outdated data.

A second set of population growth data, used by the applicant, has been supplied by information services group Experian. This suggests growth of 4.4% in the period of 2017 – 2022, resulting in a significantly higher predicted population of 633,204 in 2022. With a 2011 census population of 476,000, the Experian figures utilised by the applicant appear to be wildly inaccurate and do not appear to take into account the reality of the economic situation in the north east of Scotland. To explain, the 2014 data predicted figure would be exceeded by 112,182, whilst the 2011 population in itself would require to grow by 157,204. This shows the variances in data and the need to use reliable and up to date sources.

In reviewing the RIA, the HPL considered that the applicant has made unrealistic assumptions with regards to population forecasts and thus appears to have made significant errors in calculating the available expenditure per capita. The HPL review of the RIA found that total available expenditure within the ACARS area is overestimated by 2-5%. Although this may appear to be a small figure, retail impact assessments are highly sensitive to small variations.

The applicant also claims that the comparison goods turnover of the proposed development would be entirely consumed by their predicted growth in comparison goods expenditure in the ACARS study area between 2017 and 2022. However, this is considered unlikely given the economic conditions and wider discussion above.

The conclusion is that the RIA overestimates existing and future turnover in existing and proposed floor space, which results in a significant underestimate of the potential retail impact.

Quantitative – Overtrading

The applicant also relies heavily on the notion that retailers in the city centre are 'overtrading'. That is to say existing city centre stores are successful but cannot meet customer demand due to expansion constraints which would allow additional floor space to be developed, and thus latent expenditure is available which should be directed to new stores at Prime Four, without a significant impact on the city centre. However, whilst 'overtrading' is a useful concept for identifying quantitative deficiencies, HPL conclude that the applicant has underestimated average turnover of retailers, with the difference between what the applicant suggests and what ACARS estimated, being £152.3m. This in combination with the overall health of the city centre as a whole, and the opportunities to expand the retail offer - all result in that the extent of overtrading in the city centre is significantly overestimated. It therefore follows that any impact on the city centre as a result of Prime Four would be significantly greater than suggested by the applicant. Notwithstanding, even if an element of over trading exists, as national and local policy promotes, it would be better addressed by the creation of further space within the city centre, rather than in and out-of-centre retail park.

Quantitative – Expenditure Leakage

ACARS identified that there is around £110m per annum of retail expenditure leakage from the whole study area (Aberdeen City and Aberdeenshire). However, it is important to note that whilst this is a significant figure, much of it is attributed to outlying areas close to Moray and Angus. For example someone living in north Aberdeenshire may travel to Elgin in Moray to complete their weekly shop, rather than going to somewhere within Aberdeenshire, equally people may choose to undertake destination based shopping such as by visiting larger national or international destinations. Thus it is not reasonable to expect that all expenditure available within a catchment can be retained therein. Moreover, this leakage is the gross figure and does not take into account the inflow of expenditure from out-with the study area (such as from consumers living in Elgin or Dundee), which

when taken into account results in a far lower net-outflow figure of £14.1m in 2013 and an estimated outflow in 2017 of £20.8m. Although it should again be reiterated, that these predictions pre-date the current economic situation.

Perhaps more significantly, the applicant's retail study, in support of their position that there is a retail deficiency in Aberdeen, incorrectly attributes the £110m figure to Aberdeen City only, rather than the whole ACARS study area. For Aberdeen City, there is in fact a net-inflow of expenditure from outside the ACARS area of £60.85m. The gross leakage identified by ACARS therefore does not, in any way, support the applicant's position that there is a quantitative retail deficiency in Aberdeen which has not been addressed.

Qualitative – Comparisons with Other Scottish Cities

The applicant takes the view that when compared to Edinburgh or Glasgow, Aberdeen suffers from a lack of out-of-town retail parks; however this argument ignores the differences between such cities. To explain, whilst Aberdeen is relatively isolated and is the regional focus of the north east, Edinburgh and Glasgow are large conurbations with multiple retail centres which are sustained by the significantly larger surrounding populations. It should also be appreciated that different regions will also be subject to different planning policies, tailored for the region's own specific circumstances. Whilst SPP requires planning authorities to support sustainable economic growth, there is no requirement to have out-of-town retail parks, as appears to be suggested by the applicant. In essence it appears to be the argument, that because there are out-of-town retail parks elsewhere, that this is justification for the same to happen in Aberdeen.

If any comparison is made, it would be important to note that it is apparent that there are concerns in both Edinburgh and Glasgow with the growth of out-of-town retail parks and their impacts. In 2013, Edinburgh City Council refused an application for an extension to the Fort Kinnaird Retail Park, which would have allowed a new Debenhams department store to open. A subsequent appeal to the Scottish Government was dismissed, as it was found that the increase in turnover at Fort Kinnaird would increase the impact that the retail park already had on Edinburgh city centre.³ Concern also exists in Glasgow with the expansion of Braehead Shopping Centre in Renfrewshire, where Glasgow City Council objected to the proposal by Renfrewshire Council to designate Braehead as a 'Town Centre', due to the impact it would have on Glasgow city centre. Otherwise out-of-town centres (Springburn and Glasgow Fort) were developed to address identified retail deficiencies in particular areas of Glasgow and identified in the Glasgow LDP, which in its production would have considered the impact these new centres would have on the city centre. In comparison, there is no identified requirement for a new retail park at Kingswells, or indeed elsewhere within the ACARS catchment – with the 'town centre first' approach having seen retail requirements accommodated.

From this it can be concluded that large retail parks, by and large, rather than complementing the city centres of Edinburgh or Glasgow, are in fact in direct competition.

³ DPEA Appeal Decision Notice PPA-230-2113

Therefore, whilst the applicant argues that Aberdeen's lack of out-of-town retail is a weakness, in contrast it should be seen as a strength which reinforces the city centre's dominance in the region and focus for sustainable economic growth anchored by retail attractions. Indeed Aberdeen has benefited from the Council's implementation of the town centre first principle which has provided investors with confidence to proceed with significant developments over the past decade, such as the opening of Union Square and expansion of the Bon Accord Centre, with further additions programmed. Therefore it is recommended that no weight is given to comparisons with the situation in terms of retail parks found in Edinburgh or Glasgow.

Summary

In summary, the ACARS study was a wide-ranging analysis of the retail situation in the north east of Scotland, which considered a range of factors in coming to a recommendation to inform the LDP. Through the adoption of the LDP the council have been through a process of determining a suitable retail strategy for the city. This process assumed a realistic yet optimistic outlook in terms of population and expenditure growth, based on the data available and circumstances at that time. Now, the regional economic downturn and lower national economic growth estimates are expected to result in lower population projections and therefore lower available retail expenditure within the region. It is therefore considered that the retail floor space within the LDP, and already coming forward, would be more than sufficient to address any retail deficiencies within the city. In contrast the applicant has failed to demonstrate that there is in qualitative and quantitative terms, a proven deficiency in provision of the kind of development that is proposed, thereby failing to fulfil the requirement of criterion 2 of Policy NC5.

Retail Impact on Retail Centres

Requirement 3 – There will be no adverse effect on the vitality or viability of any centre listed in Supplementary Guidance.

The conclusion of the applicant's RIA is that in their test year of 2022, there would be a 5.7% (£66m) impact on turnover in the city centre. In contrast, the review by HPL using their own assumptions considers the impact to be in the order of 9% or £88m. It is important to note that these figures relate to the total turnover of the entire city centre.

In coming to a conclusion on the impact, the turnover of the proposed development, its trade draw and trade diversion all need to be considered, along with an examination of the relative health of any affected retail centre.

Quantitative – Turnover of the Proposed Development

The turnover of the proposed development is calculated by applying the average sales density to the level of proposed floor space. The higher the turnover, the larger the impact on the city centre and other centres would be. In their assessment the applicant has used an annual turnover figure of £19.23m for convenience goods and £101.44m for comparison goods.

However, HPL's review found that this stated turnover of the proposed development has been significantly underestimated, particularly due to inappropriate sales densities being applied for comparison goods. For example, many of the retailers selected as part of the assessment have below average sales densities. Thus the underestimation in turnover underplays the impact the development would have on the city centre and other retail centres. HPL suggest that applicable annual turnover figures for comparison goods of between £112.5m and £122.5m would be more appropriate for comparison goods, thus c.10-12% greater than considered in the applicants RIA.

Quantitative – Trade Draw and Diversion

The applicant estimates that the development would draw 60% of its trade from the city centre and that the existing retail parks would have 10% of their trade diverted. With such a high proportion of trade coming from the city centre by the applicant's own admission, it is therefore difficult to see how their position that the retail park would complement, rather than be in competition with the city centre, can be relied upon.

Notwithstanding HPL found that the applicant's already significant trade diversion assumptions are themselves unrealistic and appear to also indicate that an unreasonably high proportion of trade would be diverted from retail park locations and locations outside the north east, such as Edinburgh and Glasgow. Rather it is the position of officers that it is a reasonable assumption that consumers visit these larger cities for the wider retail, leisure and cultural offering available, rather than simply to visit the same shops that they could in Aberdeen, or to in isolation visit a particular brand offering that is not located in Aberdeen presently. Given the types of retailers which the applicant has suggested have shown interest in occupying the retail park (Boots, JD Sports, Cotswold Outdoors, Next and Superdrug), it appears highly questionable to suggest that the retail park would stop significant levels of leakage to the central belt, by providing attractions which are not presently available or could not reasonably be located within the city or other centre. Rather, it would be in direct competition with the city centre with replicated offerings.

HPL also consider that for a development of this significant scale, there is a lack of sensitivity testing within the retail impact assessment, the result being that there is a higher degree of uncertainty in the results of the assessment.

In terms of the reduction in turnover that the city centre would experience, the RIA suggests that there would be a reduction of £66.35m or 5.7% of total city centre turnover. Additionally the RIA view is that the city centre is in good health and that in such circumstances any figure below 10% would result in an insignificant impact. HPL have carried out their own review and calculates the impact to be in the order of £88m or 9% for all turnover and rising to 10% for comparison goods turnover, thus between 3.3 and 4.4% greater impact.

Based on the information provided, the impact on the city centre and town centres is significantly underestimated by the applicants study.

Furthermore, beyond the direct impact upon the city centre in terms of a reduction in turnover, there are also indirect impacts which need to be considered, such as footfall levels, dwell-time and effects on investor confidence. These are essentially the risks which go beyond the more immediate trade diversions noted above and are a matter of judgement – but potentially even more significant in their impact on vitality and viability and future health or growth potential.

Qualitative – Health of the City Centre

In order to determine the magnitude of the impact on the city centre, its relative health needs to be examined so that its ability to absorb any impact can be determined. The applicant considers the city centre to be good health whereas the assessment carried out by HPL suggests that parts of the city centre may be in decline. Members may also wish to apply their own understanding of the health of the city centre as a retailing destination and whether or not it is in good health.

It is clear that the applicants position is that Prime Four is intended to fill an unmet demand, rather than to compete with existing stores in the city centre. Moreover, they contend that Prime Four proposals are tailored to address a specific requirement from retailers, many of whom already have a presence in city centre. They argue that these retailers do not require additional city centre stores and instead wish to add to their offer with retail park representation, which the applicant suggests would not prejudice the delivery of sites identified for retailing in the city centre or threaten the existence of any existing retailers, in part due to the assumption that they are ‘overtrading’.

A key factor in the city centre’s viability and vitality, up until now, is the presence of a large numbers of national multiple retailers, exactly the retailers which the applicant suggests they are looking to attract to Prime Four. Whilst it is suggested such retailers wish to open new stores, in addition to those already within the city centre, no evidence has been provided of this and the reality is that if additional stores were opened, trade would be diverted away from those existing city centre stores as consumers spread their expenditure over numerous locations, or avoid coming into the city centre at all – removing the potential for linked trips to other offerings and any additional spending associated to leisure, restaurant or cultural facilities.

The presence of a very large unit in the indicative plans is of particular concern, as the market for such a scale limits the only retailers who would occupy such a unit to department stores such as John Lewis or Debenhams, both currently anchor stores within city centre shopping centres. The presence of anchor stores is a magnet which attracts other retailers to locate in the surrounding vicinity, thus if such department stores were to relocate to an out-of-town retail park, this could have significant implications on the wider locales/city centre and knock-on effects in terms of the loss of other retailers, as they followed their anchor. Whilst the applicant asserts that Prime Four is expected to be occupied by the same retailers as are in the city centre, there is nothing to stop retailers which are new to the city locating at Prime Four, thereby diverting potential new retailers away from the city centre. Therefore potential presence of a large department store would make Prime Four

an extremely attractive proposition to retailers who are new to Aberdeen looking to open their first store, which it is argued would be contrary to the town centre first principle and to the health of the city centre.

Officers are aware of the use so called 'no-poaching' conditions by other planning authorities. Such a condition could require any retailer which has a city centre presence and wished to locate to Prime Four to agree to maintain their city centre presence for a particular period of time, thereby on the face of it maintaining the vitality and viability of the city centre. Whilst case law has found this approach to be lawful⁴, it is considered by officers that such conditions would only represent a short term solution to preventing any retailers from relocating out of the city centre. It would not stop the ultimate dilution of retail expenditure, which would be to the wider detriment of the city centre. Even if retailers were to retain their stores within the city centre, the replication of existing provision at Prime Four would remove an incentive for people to visit the city centre. Overall such an approach could only be considered if the need for the development was accepted in all other respects, but protection of particular retail offerings in the city centre was to be given.

ACARS found the vacancy rate within the city centre of 7.4% (66 of 891 units) in 2013. Updated figures provided by the applicant and sourced from Experian show a vacancy rate of 9.47% (71 of 1024 units) in February 2016, although those figures covers a wider survey area than was considered by ACARS, so isn't directly comparable. The applicant however carried out their own assessment in January 2017 of the area that corresponds with the city centre as defined in the LDP (slightly smaller than the area considered by ACARS) and found a vacancy rate of 8.3% (68 of 818 units).

As a further reliable comparator, in October 2016 the vacancy rate for the Aberdeen Business Improvement District area was 9.7%, with an increase to 10.5% in January 2017.

Appendix 2 shows a graph of the vacancy rate on Union Street and the top sector of Holburn Street, a more concentrated sample area of a total of 203 units, between February 2012 and February 2017. The rate has varied between a low of 10.3% (22 vacant units) in July 2015 to a high of 14.3% (29 units) in September 2013 and July 2016. The rate in February 2017 was 12.3% (25 units).

The vacancy data from the city centre and Union Street shows that despite a decline in the wider economy, there is no clear corresponding increase in the number of actual vacancies during that period. Rather vacancies have remained relatively stable with only minor increases and decreases and remain below the Experian UK average of 11.18%.

Notwithstanding, there appears to be a significant decline in the number of retailers within the city centre between 2013 and 2017. ACARS shows a figure of 21.1% of floor space being used for retail services (such as estate agents, travel agents, hairdressers, food and drink uses and banks & financial services) in 2013, whereas the applicant's figures show a figure of 37.1% in January 2017. The area survey by the applicant was smaller than that

⁴ R (Skelmersdale Ltd Partnership) v West Lancashire BC [2016] EWHC 109 (Admin).

covered by ACARS and focused on the city centre as defined by the LDP, resulting in a smaller area being covered and more peripheral parts of the city centre, where it would be expected to find more non-retail uses, being excluded. This shows a decline in the proportion of floor space used by convenience and comparison retailers, with them being replaced by non-retail occupiers. It is also apparent that the city centre has an increased level of lower quality occupiers, such as charity shops and short term occupiers, than in the past. Although it is acknowledged that the city centre serves a wide range of purposes and these other uses are essential to it remaining vibrant, the reduction in comparison and convenience retailers indicates a significant weakening city centre with regards to its retail function, both in terms of volume and quality of offering, and thus requires investment and support rather than evidencing a city centre which is faring well and that could absorb significant competition from a large new out-of-centre retail park.

The Council has recognised that the city centre has its challenges and in order to address them, the Aberdeen City Centre Masterplan (CCMP) was approved by Full Council in June 2015. The CCMP outlines a 20 year development strategy for Aberdeen city centre and identifies a series of ambitious but deliverable projects that will support future economic growth and will secure more benefits and opportunities for the communities of Aberdeen City and Aberdeenshire. The projects are complemented by a robust, costed and achievable delivery programme and together these provide a framework for managing city centre development up to 2035. Many aspects of the CCMP rely heavily on private sector investment in order to achieve its goals. The Councils Strategic Infrastructure Plan (SIP) also identifies regeneration of the city centre as a key goal.

It has been made clear through representations made to this application that these investments would be in jeopardy should the proposal take place. The owners of shopping centres, those with property investments within the city centre and other interested parties indicate unanimously that the possibility of a significant new out-of-centre retail destination within the city would affect investor confidence and be a substantial factor in deciding whether future investment in the city centre would be viable or indeed proceed.

It is clear that there is investor interest in the city centre at the moment, with several developments coming forward. At the time of writing an application for planning permission in principle (Ref:152005) is currently being considered by the Council for the expansion of Union Square, which would potentially see 11,148sqm of retail floor space, 4,665sqm of food and drink use and 4,645sqm of leisure space. A planning permission in principle application is also expected to be received in mid-March for the expansion of the Bon Accord Centre into George Street / Crooked Lane and discussions are underway on the future of the former BHS unit and Aberdeen Indoor Market on Union Street and Market Street respectively. It is clear there is an appetite for delivering the identified retail space within the city centre, but this could be at risk if investor confidence is undermined.

It has also been highlighted by the city centre business improvement district representative, Aberdeen Inspired, that the proposal has created considerable uncertainty in the city centre property rental market, with prospective tenants delaying investment decisions pending the determination of the application. Correspondence received from Callum McCaig MSP and

Kirsty Blackman MSP also indicates that they have been approached by city centre businesses concerned that trading conditions are already challenging and that the development would undermine both consumer and business confidence.

Officers are also of the strong opinion that approval of the application would send the undesirable message that the Council is not serious about implementing the CCMP, or indeed supporting the future success of the city centre. There is also the real risk that the city centre misses out on investment opportunities.

It is also incredibly important to be aware that the city centre functions not only as a retail centre, but a focus for leisure, business, culture and civic activities. Any downturn in retail activity would not only affect retailers but would have knock-on effects on the wider city centre. The proposal at Prime Four also includes an undefined level of class 3 (food and drink) floor space. This is sought to complement the retail offer proposed at Prime Four and make it a more attractive place to visit, than if its offer was solely retail. It could also increase the number of customers visiting the retail park, perhaps as a 'one-stop-shop' and increase the dwell time which people spend there. This would further reduce people's incentive to visit the city centre, with a resultant reduction in trade for city centre food and drink uses, reducing the vitality and viability of the centre as a whole.

New retail development is identified in the LDP at: Marischal Square, Crooked Lane/George Street, Aberdeen Market and Upper/Basement Floors of 73-149 Union Street, alongside further expansion and improvements to the existing retail stock in the City Centre Retail Core. Further still additional opportunities for retail expansion within the city centre are identified through the City Centre Masterplan, as outlined below.

To summarise, indicators of vitality such as a reduction in the number of retailers, increase in the number of non-retailing uses and an increase in vacancies, suggest that parts of the city centre may be declining. When considered jointly with the significant levels of trade which the proposed development would capture, the conclusion of HPL and officers is that there is likely to be a significant adverse impact on the vitality and viability of Aberdeen city centre if the proposed development were to proceed, contrary to part 3 of NC5.

Qualitative – Health of Other Centres

The impact on other retail centres within Aberdeen would generally be less significant, with the exception of the Lower Berryden Retail Park, which it is expected would have high impacts, with a drop of 7.5% (£8.81m) in turnover of comparison goods. However it is not expected that it would affect the vitality or viability of the retail park, such that it would close.

For a development which has a regional catchment there will of course be cross-boundary impacts as consumers travel between different local authority areas for shopping. No analysis has been carried out by the applicant on the potential impacts on centres such as Westhill or Inverurie and therefore Aberdeenshire Council have objected to the proposal. Officers agree that it would have been beneficial for an analysis of the wider impact to be

considered but in the absence of any analysis, it is not possible to determine whether there would be an impact on Aberdeenshire.

Accessibility and Air Quality

Requirement 4 – The proposed development would be easily and safely accessible by a choice of means of transport using a network of walking, cycling and public transport routes which link with the catchment population. In particular, the proposed development would be easily accessible by regular, frequent and convenient public transport services and would not be dependent solely on access by private car.

Requirement 5 – The proposed development would have no significantly adverse effect on travel patterns and air pollution.

An objective of the SDP is to ensure all new development contributes towards reducing the need to travel by car and encourage walking, cycling and public transport. Following on from this the LDP identifies that the location of development can have significant impact on travel choices, with accessibility to jobs and services one of the key criteria used to determine where development should go.

In this regard the peripheral location of the Prime Four site to the city would result in a significant traffic generating use being located in an area only served by public transport between the City Centre and Westhill. Only a very small part of the residential part of Kingswells would be within a reasonable walking distance, whereas the catchment area of the development would be regional, only a very small proportion of the catchment population able to reach the development by a sustainable means of transport. In comparison, the city centre is linked to the vast majority of the region by bus routes, most towns and villages within Aberdeenshire and further afield by bus routes, to several towns within the north-east by rail links and is within walking distance for a significantly greater proportion of Aberdeen's population than Prime Four. It is acknowledged that Prime Four Business Park is in a similar position in terms of accessibility; however it was allocated through the adoption of the 2012 LDP when it would have been considered as part of the wider development strategy for the city and scored against other potential employment land development options on a range of criteria, including accessibility. This strategic justification for the current proposal does not exist.

No information has been submitted to demonstrate that the development would have no significantly adverse effect on travel patterns and air pollution. Therefore the proposal fails on this aspect of the policy.

Thus the proposed development significantly fails to meet the policy test of NC5, with regards to accessibility as it would not be easily accessible by regular, frequent and convenient public transport services and would largely be dependent solely on access by private car, for the vast majority of its catchment, encouraging trips which otherwise may not occur if the offer was made within the city centre.

Summary of Compliance with Policy NC5

To conclude, it is considered that the sequential test could have been more robust and that there is the potential for the development to be disaggregated and more sequentially preferable and accessible sites to be found, in accordance with the first part of the policy. The applicant has failed to demonstrate that there is in qualitative and quantitative terms, a proven deficiency in provision of the kind of development that is proposed, thereby failing to fulfil the requirement of the second part. When considered jointly with the significant levels of trade which the proposed development would capture and health indicators of the city it is considered that there is likely to be a significant adverse impact on the vitality and viability of Aberdeen city centre if the proposed development were to proceed. The proposed development would not be easily accessible by regular, frequent and convenient public transport services and would largely be dependent solely on access by private car, encouraging trips which otherwise may not occur, failing to meet the policy test with regards to accessibility.

The proposal therefore fails on four of the five criteria in terms of Policy NC5 (Out-of-centre Proposals).

Impact on Aberdeen's New Communities

The planned Aberdeen growth model sees the creation of large new communities around the periphery of the urban area, this eventuality was identified by ACARS as creating retail deficiencies in the convenience shopping sector. This in turn was recognised by the SDP, which explains that to create sustainable mixed communities, retail services must be one of the main considerations in preparing masterplans and development briefs for new development. Mixed use centres within these new communities is vital to their success as sustainable places for people.

To address these potential deficiencies, the LDP identified town centres to be situated in Newhills and Grandhome as well as new floor space at Countesswells. This floor space would form part of more expansive mixed use centres which are expected to include uses such as shops, cafes, doctors, dental surgeries and other community uses. Food stores would act as anchor tenants within the mixed use centres, without which it is likely to be very difficult to attract other retailers and services.

Countesswells (3,000 homes) and Newhills (4,400 homes) are both located in the west of the city, respectively 1.2km and 3.8km from the application site. Through the drafting and adoption of the LDP it was determined that the most appropriate locations for the new retail space to serve these new communities, was in the communities themselves, in order that they were as sustainably accessible as possible and a critical mass of uses could be created to support one another.

Planning permission has been granted for both Newhills and Countesswells, with work having started at the latter and the first of 239 homes in phase one expected to be occupied before summer 2017. It is acknowledged that the build-out of these sites will take between

10 and 20 years, with the mixed use centre at Countesswells not expected for several years yet. However the developer for Countesswells has indicated through representations, that they have already had interest from potential occupiers of the food store. The developer has also raised concerns that this interest could be seriously undermined by the granting of planning permission for a retail park at Prime Four. Having considered this, officers agree that there is a high potential that retailers would be attracted to the Prime Four development rather than the sustainably positioned mixed use centres within the new communities, and primarily designed to primarily serve that settlements needs. If this diversion were to occur there is the potential that there would be no critical mass of uses or footfall within the new communities, which would be essential to sustain other community facilities such as local retail services or food and drink uses. The potential result would be that large areas of the city would have no sustainable access to shops or community facilities, contrary to the vision of the LDP to create sustainable mixed use communities.

To summarise, the granting of planning permission for the proposal at Prime Four would be contrary to Policy LR1, which seeks to prevent any development which would jeopardise the full provision of any new community allocation. It is considered that the delivery of mixed use centres within the new communities at Countesswells and Newhills would be significantly jeopardised by the Prime Four proposal.

Transportation

A Transport Assessment (TA) has been submitted in support of the application. It has been reviewed by the Councils Roads Development Management Team.

It is proposed that the development would be accessed from a new junction onto the A944 and it has been shown that the impact of the development on the local road network is smaller in the peak hour, in terms of queuing and delay, with the introduction of traffic signals as opposed to a left in/ left out operation. Therefore due to the potential impact on the network of a new signalised junction, roads officers would only accept a left-in/left-out junction up until either 25% of the comparison retail floor space or any of the convenience floor space is occupied. Roads officers however retain concern over the additional delay to the A944 out-with the peak times, with the installation of additional traffic signals.

Concerns are also raised that the trip generation of the development will be higher than that reported, given the methodology applied to establishing the stated impacts, and the reported potential occupiers. However the potential occupiers cannot be taken into account as the planning authority has no control over who may occupy the premises, as such a more standardised approach must be taken. Roads officers have therefore acknowledged that the application is for particular mix of use classes, primarily class 1, and that the trip attraction calculations are within the generic parameters attributable.

Concerns also relate to the base traffic methodology, however given the unknowns surrounding the impact of the AWPR this has been agreed to by roads officers. The TA has also likely underestimated the volume of trips attributed to surrounding committed development, by using flows applied during the LDP process and not updating these with

the more accurate flows reported during consideration of planning applications. Nonetheless committed development has to an extent been accounted for.

In terms of the traffic impact of the development on the wider network, in the absence of the strategic transport fund, the applicant is required to undertake an analysis to determine what, if any, impact there would be and what can be done to mitigate any identified impact. Despite requests, the applicant has not provided any analysis of the wider network, which would be expected to cover: roads within the city, the AWPR and roads within Aberdeenshire Council's area. Although discussions were had between the applicant and the Council with regards to contributing to a future study to examine the whole A944 corridor, it is apparent that that study will not take place for at least several months and in terms of moving forward with this application, is not a viable option. Therefore roads officers are unable to determine what the impact of the development may be, and on that basis roads officers object to the application.

Parking levels 10% below the maximum have been accepted by roads officers, which would result in 1410 parking spaces being provided.

The general lack of sustainable accessibility of the site has been discussed previously however roads officers are of the view that should the application be approved that a public transport route between the development and the existing business park should be established. New bus stops should also be installed on the A944 at the proposed access junction.

In summary, although certain transportation matters have been addressed, due to the failure to demonstrate an acceptable impact on the road network, or appropriate measures to mitigate any impact, the proposal fails to respond satisfactorily to Policy T2 (Managing the Transport Impact of Development).

Other Matters

There are residential properties in the vicinity, the closest being East Kingsford Cottage which is on the north-west boundary of the site. The potential change in circumstances in the area around the cottage would be substantial, with significant levels of activity being generated in what is at the moment is a largely countryside setting. Notwithstanding, the site is already zoned for development and the some impact on amenity is likely to be experienced if the site is developed as a business park. Through the design and layout of the development any amenity issues could be addressed so as not to be unacceptable.

Largely technical matters relating to drainage, tree protection, contaminated land, archaeology, and protection of the environment have been satisfactorily addressed and could be subject to conditions requiring further information to ensure mitigation.

Notification to Scottish Ministers

If the resolution of the Council is to approve this application contrary to recommendation then, because of the formal objection from Aberdeenshire Council, the application would have to be notified to the Scottish Government with a willingness to approval subject to suitably drafted conditions. Scottish Ministers would then decide whether they wished to call-in the application for their own determination, or whether to refer it back to the Council to issue the consent.

Conclusion

To conclude, the proposal is for a significant amount of new retail floor space which would have a regional catchment area. Through the drafting and adoption of the LDP concluding in January this year, the Council has already considered and rejected the concept of retail development at Prime Four and confirmed that the site should remain as employment land available for high quality business park use. This established position of the Council should be given considerable weight.

The applicant has demonstrated there are no sequentially preferable sites within Aberdeen's existing retail centres which would be capable of accommodating the development strictly as proposed. However, because no attempt has been made to disaggregate elements of the proposal, the sequential test carried out is not considered robust.

It is also argued that Aberdeen has a lack of out-of-town retail parks, in comparison to Glasgow and Edinburgh. However, these cities have their own set of circumstances and planning policies and should not be relied upon to justify an out-of-town retail park in Aberdeen, which would be located in an inherently unsustainable location and has no accepted requirement in terms of addressing identified retail deficiencies. In contrast, the city centre's dominance in the region should be seen as strength to be enhanced. Aberdeen has benefited from the Council's implementation of the town centre first principle, which has provided investors with confidence to proceed with significant developments over the past decade.

The Aberdeen City and Aberdeenshire Retail Study, undertaken on behalf of the Council in 2013, was a wide-ranging analysis of the retail situation in the north east of Scotland which considered a range of factors in coming to a recommendation to inform the LDP and a suitable retail strategy for the city. Since then the regional economic downturn and lower national economic growth are expected to result in lower population projections and therefore lower available retail expenditure within the region. It is therefore considered that the retail floor space within the LDP and already coming forward would be sufficient to address any retail deficiencies within the city. It is also clear there is an appetite for delivering the identified retail space within the city centre, evidenced through the live applications and pre-application work underway, but this could be at risk if investor confidence is undermined. Furthermore approval of the application would send the undesirable message that the Council is not serious about implementing the City Centre

Master Plan, a strategy which requires significant level of private investment to achieve its aims. It is considered that the applicant has failed to demonstrate that there is in qualitative and quantitative terms, a proven deficiency in provision of the kind of development that is proposed.

Indicators of vitality, such as: a reduction in the number of retailers, and the increase in the number of non-retailing uses, suggest that parts of the city centre may be declining. When considered jointly with the significant levels of trade which the proposed development would divert and capture, the conclusion is that there is likely to be a significant adverse impact on the vitality and viability of Aberdeen city centre if the proposed development were to proceed.

Finally, the proposed development significantly fails to meet the policy test with regards to accessibility as it would not be easily accessible by walking, cycling or regular, frequent and convenient public transport services and would largely be dependent solely on access by private car, encouraging trips which otherwise may not occur. No information has been provided to demonstrate that proposed development would have no significantly adverse effect on travel patterns or air pollution.

It is for these reasons that the recommendation is one of refusal.

RECOMMENDATION AND REASONS

RECOMMENDATION: Refuse

Reasons for Recommendation

1. The proposed development is contrary to Policy B2 (Specialist Employment Areas) of the LDP on account that it proposes a use which is not considered acceptable within such areas. Prime Four is the regions premier business park and allowing an alternative use in the most highly visible part of the site would remove an opportunity to compete nationally internationally for high quality businesses that are looking for sites within such an environment.
2. The proposed development is considered to be contrary to Policy NC5 (Out-of-centre Proposals) of the LDP as it has not been demonstrated –
 - (i) that no other suitable site in a location that is acceptable in terms of Policy NC4 (Sequential Approach and Impact) is available or likely to become available in a reasonable time.
 - (ii) that in qualitative and quantitative terms there is a proven deficiency in provision of the kind of development that is proposed;
 - (iii) that there will be no adverse effect on the vitality or viability of the city centre or other identified retail centres, rather it is considered there would be a significant impact on the vitality and viability of the city centre; and

(iv) that the proposed development would be easily and safely accessible by a choice of means of transport using a network of walking, cycling and public transport routes which link with the catchment population, rather it is considered that the development would encourage trips by the private car.

(v) The proposed development would have no significantly adverse effect on travel patterns and air pollution.

3. The proposed development is contrary to Policy LR1 (Land Release Policy) of the LDP as it is considered that it would significantly jeopardised the delivery of mixed use centres within the new communities at Countesswells and Newhills.
4. The proposed development is contrary to Policy T2 (Managing the Transport Impact of Development) and it fails to demonstrate an acceptable impact on the road network, or appropriate measures to mitigate any impact.

Eric Owens

Interim Head of Planning and Sustainable Development

Appendix 1

Sites Considered by the Applicant's Sequential Test

City Centre

- Aberdeen Indoor Market / Former BHS
- Denburn / Woolmanhill
- George Street / Crooked Lane
- Robert Gordons College and University, Schoolhill
- Robert Gordons College, St Andrews Street
- Union Square Car Park
- Union Street (No. 73-149)

Edge of City Centre

- Broadford Works, Maberley Street
- Palmerston Road
- Virginia Street / Regent Quay

Town and District Centres

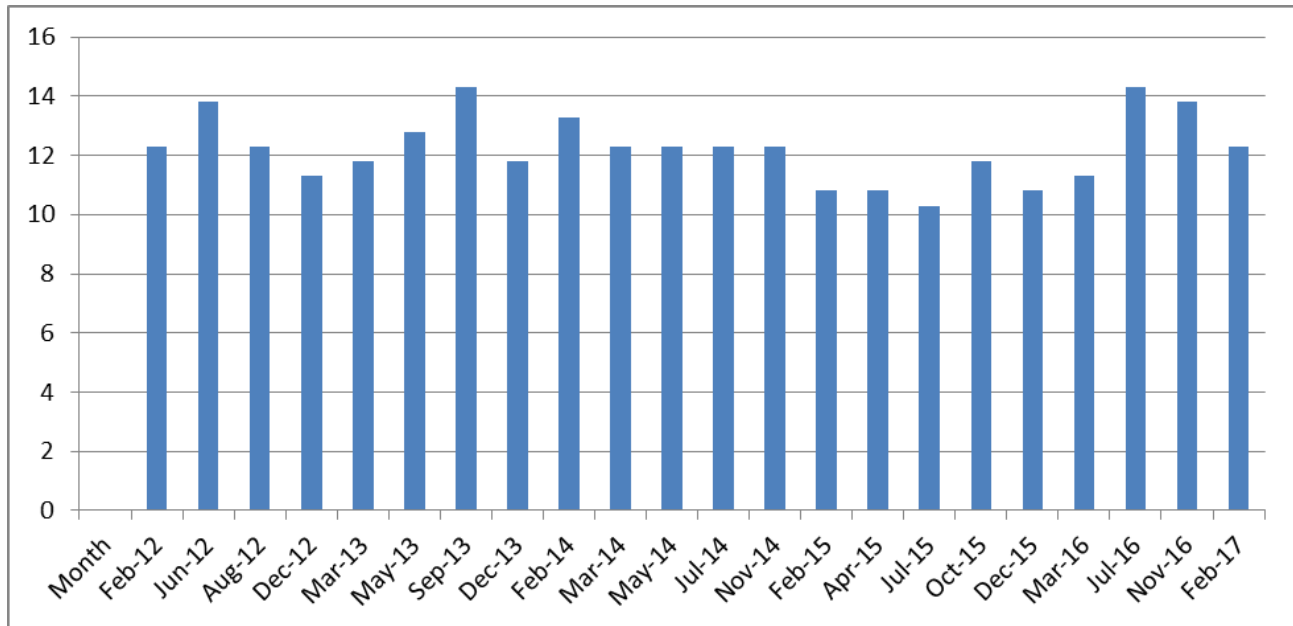
- Torry Town Centre
- Rosemount Town Centre
- Danestone District Centre (Tesco etc.)
- Dyce District Centre (ASDA etc.)
- Middleton Park District Centre (ASDA etc.)
- Rousay Drive / Langstract District Centre (Tesco etc.)
- Upper Berryden District Centre (Sainsbury's etc.)

Commercial Centres

- Beach Boulevard Retail Park (ASDA, Aldi, Iceland etc.)
- Bridge of Don Retail Park (B&Q etc.)
- Garthdee Retail Park (ASDA, Sainsbury's, B&Q etc.)
- Kittybrewster Retail Park (DFS, Harveys, Halfords etc.)
- Lower Berryden Retail Park (Mecca Bingo, Next etc.)

Appendix 2

Percentage Vacancy Rates on Union Street and top sector of Holburn Street (February 2012 – February 2017)





Our Ref SA/ED
Your Ref 161429/PPP

Stephen Archer
Director of Infrastructure Services
Woodhill House
Westburn Road
Aberdeen AB16 5GB

Please ask for: Stephen Archer

Direct Dial: [REDACTED]

Email : [REDACTED]

[REDACTED]
www.aberdeenshire.gov.uk

12 December 2016

[REDACTED]
LP-3 Aberdeen 3

Matthew Easton
Senior Planner
Planning & Sustainable Development
Communities, Housing & Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

Dear Sir

CONSULTATION REQUEST FOR PLANNING PERMISSION IN PRINCIPLE FOR MAJOR DEVELOPMENT MIXED USE COMMERCIAL (UP TO 30,000M²) INCLUDING RETAIL (CLASS 1), FOOD AND DRINK (CLASS 3), OTHER ANCILLARY USES (SUCH AS OFFICES) AND ASSOCIATED LANDSCAPING, INFRASTRUCTURE AND ACCESS WORKS AT PRIME FOUR BUSINESS PARK, KINGSWELLS.

Thank you for the consultation request on the above development which we received on the 11 October 2016. As previously advised the Councils formal response required to be agreed by the Infrastructure Services Committee meeting on 1 December 2016.

At this meeting it was agreed:

That Aberdeenshire Council object to the proposed development on the basis that it has not been demonstrated that the proposed development would not adversely impact upon the vitality and viability of existing town centres within Aberdeenshire.

In addition to the above noted objection it was also agreed that the formal response to the consultation should:



Request that Aberdeenshire Council be consulted on any additional information submitted in relation to the retail impact of the proposed development or any additional information or addendums to the Transport Assessment in order that the Council can fully consider any changes to the proposal and assess impacts upon Aberdeenshire.

Please note that should additional information be submitted in relation to the above objection Aberdeenshire Council would welcome the opportunity to review this in order to ascertain whether the objection to this development could be removed.

I trust that the above is order but should you have any questions or wish to discuss any of the above then please contact David MacLennan on [REDACTED] or [REDACTED]

I hope the above is of some assistance.

Yours faithfully

[REDACTED]

Stephen Archer
Director of Infrastructure Services

Our Ref SA/ED
Your Ref 161429/PPP

Please ask for Stephen Archer
Direct Dial: 01224 665520
Email: stephen.archer@aberdeenshire.gov.uk

9 February 2017

Matthew Easton
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Dear Sirs

Consultation Request for Planning Permission in Principle for Major Development Mixed Use Commercial (up to 30,000m²) including Retail (Class 1), Food and Drink (Class 3), Other Ancillary Uses (such as Offices) and Associated Landscaping, Infrastructure and Access Works at Prime Four Business Park, Kingswells.

Thank you for your letter of 25 January and the opportunity to review the additional supporting information submitted by the applicants in relation to the above planning application.

I would confirm that having now reviewed this additional information Aberdeenshire Council would maintain its objection to the proposed development as outlined in original response of 12 December 2016.

Please note that should further information again be submitted in relation to the Council's objection Aberdeenshire Council would welcome the opportunity to review this in order to ascertain whether the objection to this development could be removed.

I trust that the above is order but should you have any questions or wish to discuss any of the above then please contact David MacLennan on 01224-664257 or david.maclennan@aberdeenshire.gov.uk

I hope the above is of some assistance.

Yours faithfully



Stephen Archer
Director of Infrastructure Services

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PLANNING PROPOSAL	
Local planning authority: Aberdeen City Council	
Proposal: Planning Permission in Principle for a major mixed use commercial development (up to 30,000m ²) including retail (class 1), food and drink (class 3), other ancillary uses (such as offices) and associated landscaping, infrastructure and access works.	
Reference No: 161429PPP	Date received: 11 October 2016
Case Officer: Matthew Easton	Target date:

STRATEGIC PLANNING OBSERVATIONS
<p>Context</p> <p>An application for planning permission in principle has been submitted by Prime Four Limited. The application seeks approval for retail development on lands forming part of the Prime Four Business Park, part of the employment land allocation adjacent to the AWPR junction between Kingswells and Westhill. The proposed development would comprise the following;</p> <ul style="list-style-type: none"> • 26,013 sq. m. of class 1 floor space (clothes and fashion) • 3,716 sq. m. of food store and ancillary food and drink <p>Total retail floorspace proposed is 29,739 sq. m. (GFA), as a comparison Union Square has 30,986 sq. m GFA of retail floorspace [as stated in the Aberdeen City and Aberdeenshire Retail Study 2013 (ACARS)].</p> <p>Strategic Development Plan</p> <p>The Aberdeen City and Shire Strategic Development Plan (SDP) was approved by Scottish Ministers on 28 March 2014, replacing the Aberdeen City and Shire Structure Plan (2009). The Aberdeen City Local Development Plan (2012) is four years old and Aberdeen City Council received the examination report on their replacement Local Development Plan in late September 2016. The development plan for Aberdeen City is therefore fully up-to-date, with the new LDP expected to be adopted in the next few months.</p> <p>The SDP is ambitious in its strategy for change, facilitating growth in focused places in order to deliver the significant and properly planned infrastructure required for this growth (SDP paras 3.5 and 3.9), while enhancing quality of life. In terms of the plan's spatial strategy (p8-23), Prime Four Business Park falls within the Aberdeen City "Strategic Growth Area" (p12-13).</p> <p>The plan is framed around a vision, spatial strategy and a series of aims and objectives; with those relating to economic growth, sustainable development & climate change, sustainable mixed communities, quality of environment and accessibility being the most relevant to this application. The SDP sets a strong framework for investment decisions. The purpose of the SDP is to focus the right development in the right places and to prevent inappropriate and poorly located development.</p> <p>Spatial Strategy</p> <p>The SDP acknowledges the importance of Aberdeen City, Scotland's third largest city, as an asset both regionally and nationally. The plan places particular emphasis on the critical importance of the City Centre as being vital to the economic future of the area (SDP para 3.21). The regeneration of the City Centre and improving the quality of the City Centre's shopping environment are therefore of the utmost importance. A key facet of this is</p>

acknowledging a strong retail sector must be maintained in order to have a successful city centre which is attractive to business, residents and tourists.

The importance of reducing travel distances and making walking, cycling and public transport more attractive is also highlighted as being vital for the future (SDP para 3.16). This again focuses attention on the City Centre.

While the application does sit within one of the plan's 'Strategic Growth Areas', it is not within or adjacent to either the City Centre or other defined town or neighbourhood centre and has the potential to impact significantly on the City Centre which is afforded significant protection within the plan. This issue will be considered in more detail below.

Economic Growth – Employment Land

The SDP and LDP have identified the application site as specialist employment land and not for retail. Under the SDP there are 105 hectares of employment land allocated until 2026 and a strategic land reserve of 70 hectares to 2035. The two opportunity sites at Prime Four account for 63ha of this land. A target of the SDP is to have at least 20 hectares of employment land within strategic growth areas to be of a standard which will attract high quality businesses or be suitable for company headquarters. Existing and future development at Prime Four is considered high quality. The current proposal seeks planning permission in principle to repurpose land from specialist employment to a retail centre. There is no justification at the current time for this change. Indeed, the applicant has only recently argued through the LDP examination that additional employment land was required at this location.

The Employment Land Audit 2014/15 demonstrates there is a healthy supply of employment land in Aberdeen City and Aberdeenshire. However, removing allocated specialist employment land and replacing it with retail development would have negative consequences for the future development of the area. It is vital that short-term decisions are not made in response to the current economic climate without reflecting the long-term consequences.

Economic Growth – Retail

The SDP seeks to ensure that regional retail services are appropriate while protecting the vitality of city and town centres. Para 4.2 of the SDP stresses the importance of a strong retail sector to create opportunities for economic growth in the context of guaranteeing the vitality and viability of town centres. The vitality and viability of existing centres, particularly the city centre, is of fundamental importance. The SDP promotes the use of the sequential approach to new retail development in line with Scottish Planning Policy (SDP para 4.2).

The ACARS identifies potential retail capacity based on a set of assumptions. This does not equate to a 'shortfall' which needs to be met, as claimed by the applicant. Indeed, base data used by the applicant dates from 2013 and is therefore out-of-date. Much has changed over the last three years in Aberdeen, including much reduced population projections from National Registers of Scotland (growth over 25 years down from 28% to 17% - although these are not forecasts in any event). Vacancies in the city centre have also increased since 2013, along with deteriorating trading conditions.

While the applicant claims that "Aberdeen is falling behind other cities in failing to offer sub-regional retail parks" (Retail Capacity Study para 5.15), the clear priority of the SDP – reflected in the LDP, City Centre Masterplan and ACARS – is the city centre's health and vitality, not creating competition for it. The proposal in its current form would require the entire amount of retail floor space recommended for the City Centre in the ACARS to be located in one out-of-town location.

The applicant seems to try to justify the proposal by suggesting that because Aberdeen has proportionately lower out-of-town floorspace than other Scottish cities, it needs more.

However, the SDP has a clear focus on the city centre and not doing anything which would have a significant negative impact on it.

Neither the SDP nor the LDP make reference to supporting a large scale out of town retail park in any location. The development plan makes provision for mixed use communities with appropriate levels of retail facilities. The area of floorspace proposed would be out of scale and poorly located in relation to the housing and employment allocations for this area. Kingswells is a distinct community and Prime Four is, in concept and reality a specialist employment area. The proposal is a large, isolated and car dependent retail park with limited physical links to existing communities. The focus of justifying statements is on drive-time catchments rather than catchments by walking, cycling and public transport.

The application is contrary to the proposed retail strategy contained in ACARS 2013. The proposal would mean a large proportion of supposed retail capacity is focused on an out of town retail park which is inconsistent with the SDP, SPP and LDP retail policies and proper planning and development which focus remain in the existing and new communities.

The ACARS (Table 7) would identify Zone 29N as the closest area for retail expansion to the subject site. Proposed development is envisaged as 5,500sq.m. GFA and 3,500sq.m. NFA which would accommodate something similar to a supermarket and ancillary uses for a town centre serving future residential development at OP38 in Countesswells/West Aberdeen. Development at Prime Four would make retail development in the new communities less likely and as a consequence make the communities less sustainable (SDP paras 4.38-4.39).

In a regional context the applicant's Retail Capacity Study focuses only on retail sites (potential and existing) within Aberdeen City and neglects to consider existing retail outside the City. Given the site's proximity to Westhill and Inverurie in particular, the study is considered to be inadequate in its consideration of the proposals potential regional impacts. Indeed, even with a limited focus on Aberdeen City there seems to be little justification for why trade diversion of £55m per annum is an acceptable impact on the City Centre.

Sustainable Mixed Communities

The proposal is clear in that it is for retail alone and not mixed use and while it is acknowledged by the SPD (Para 4.34) that retail is an important component of a successful mixed community it is only one such factor. The uses proposed are not integrated in a sustainable fashion given the scale of the development and its proximity to established or planned developments.

There could be considerable potential impacts at a site located so close to the AWPR and its junction with an east/west arterial road. Retail development is required and would be considerably better located within a new community rather than sandwiched between key regional infrastructure and a business park.

Accessibility

The objective of the SDP is to ensure all new development contributes towards reducing the need to travel by car and encourage walking, cycling and public transport. This location will be a significant traffic generating use in a location only served by public transport between the City Centre and Westhill. It will have no residential walk-in catchment and would create further danger on the Aberdeen-west cycle route, which needs to be further upgraded (although it is recognised that there are proposals to upgrade this).

The accompanying Transport Assessment (TA) proposes a signalised junction 300m from the AWPR/A944 roundabout to facilitate access to the site, this would facilitate pedestrian access and public transport stops. The TA also discussed vehicular, pedestrian and cyclist access to the site but does not specifically address the SDP's target of reduced car movements.

Scottish Planning Policy

Paragraphs 58 and 59 of Scottish Planning Policy place a strong emphasis on the health and vibrancy of town centres. Para 63 states that Development Plans should identify and specify the functions of commercial centres. The subject site has not been designated or identified for commercial purposes. Furthermore the sequential town centre first approach of SPP para 68 would place retail development firstly in established areas and require justification as to the lack of suitable locations for a similar development in these locations.

OTHER OBSERVATIONS AND POLICY CONCLUSION

The applicant's retail statement is well short of the analysis required to demonstrate the impacts of a proposal of this nature and scale. In particular, its analysis of impacts in both Aberdeen and particularly Aberdeenshire are very limited and it uses misleading arguments to try to justify the proposal. It is understood that an independent assessment of the analysis is being conducted for Aberdeen City Council and this is welcome.

The applicant's 'Retail Capacity Study' suggests that because Aberdeen City Council allocated employment land at Prime Four it has already accepted the principle of high footfall uses in this location under the 'Town Centre First' principal. However, Prime Four was allocated in the City LDP adopted in 2012, prior to the publication of SPP (2014) and the adoption of the Town Centre First Principle. As a consequence, no such conclusion can be drawn.

The applicant's Retail Capacity Study (para 8.21 and elsewhere) claims that the net economic benefit of the proposal is a key material consideration. However, no attempt has been made to demonstrate what the net economic benefit would be. Various gross figures are quoted in various supporting documents (both for employment as well as economic impact), but these are not an appropriate assessment of the net economic benefit. Draft guidance was issued earlier this year by the Scottish Government, but no account has been taken of this guidance. Without a proper assessment, it is not clear what the net economic benefit might be.

The applicant's interpretation of SPP and the 'Tesco' legal case are queried in so far as their interpretation relates to shopping centres rather than individual shops.

The strong framework for investment decisions set by the SDP (SDP Aims, p6) requires strong decision-making on applications which clearly contradict the strategy of the plan.

This application is contrary to the Aberdeen City and Shire Strategic Development Plan (2014), which is up-to-date and relevant to this application. The proposal will result in the loss of strategically important employment land and have a negative impact on the City Centre which is itself able to accommodate significant retail growth if demand exists. The application is in an unsustainable location in that it will have a very small catchment in terms of access by walking, cycling and public transport compared to the City Centre.

Author: Tom Walsh

Date: 14 December 2016

MEMO



ABERDEEN
CITY COUNCIL

To	Matthew Easton Planning & Infrastructure	Date	22/02/2017
		Your Ref.	P161429 (ZLF)
		Our Ref.	TR/GW/1/51/2
From	Roads Projects		
Email	[REDACTED]		
Dial	[REDACTED]		
Fax	[REDACTED]		

Roads Projects
Communities, Housing and Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen AB10 1AB

Planning application no. P161429

Major Development mixed use commercial (up to 30,000m²) including retail (class 1), food and drink (class 3), other ancillary uses (such as offices) and associated landscaping, infrastructure and access works

I have considered the above planning application and have the following observations:

1 Development Proposal

- 1.1 I note that the application is for a mixed use development comprising food retail, non-food retail, food and drink and ancillary office use. The Transport Assessment has been based on 26,013sq.m. of non-food retail, 3,716sq.m. of food retail. I will therefore request conditions be attached to any consent that the development be limited to these levels.
- 1.2 The TA has assumed that any food and drink provision would be ancillary to the retail and it is therefore assumed that the only food and drink provision would be within retail stores (for example a café in the proposed foodstore, café within the non food stores) and that there are no stand alone food/ drink units (e.g. no stand alone coffee shops cafes or restaurants). To accord with the TA a condition is requested to this effect.

2 Walking and Cycling

- 2.1 The TA includes walking distances to the site and are given by isochrones. It is noted that areas of Kingwells and Westhill are considered to be in walking range of the proposed development. Access by foot will be effectively limited to the southern ends of Kingswells. Infrastructure is in place to provide for this connection. Internal connections will be determined at the appropriate detailed application stage.
- 2.2 The applicant has indicated a willingness to improve the core path along the site frontage to a 3m wide shared use path and include a Toucan crossing facility on

the site access arm of the access junction. The Council will however require a higher standard of facility be provided. A segregated cycle facility with separate pedestrian provision should be provided either through the site or along the site frontage. The cycle facility should be a minimum 3m in width, appropriately segregated from the pedestrian provision which should be 2m in width. The cycle route should be incorporated into the access junction signals such that cyclists are able to pass through the junction at the same time as the main flow of traffic on the A944. Appropriate conditions for the delivery of this will be required.

- 2.3 While the access junction operates as a left in/ left out arrangement, appropriate provision must be made so that cyclists have priority over other vehicles at all times.
- 2.4 A pedestrian and cycle link to the existing and yet to be built out elements of Prime Four should be made, and a condition to this effect should be made.
- 2.5 Segregated pedestrian and cycle links to the same standard as above should also be provided through the development to allow for potential future development to the north. A condition is requested that prior to work commencing on site the route for this be identified and thereafter provided.

3 Public Transport

- 3.1 The TA includes details of a range of bus services on the A944 which are regular and frequent. As noted above, this is not accepted as providing an adequate service and users of the retail development using public transport will need to cross the dual carriageway either on arrival or departure. This is not accepted and public transport access is regarded as a key element of access for the entire area of the Prime Four development. A link for bus services between the proposed retail development and the existing Prime Four (OP40) development are required. The applicant has proposed to include bus laybys on the A944 close to the site access, with a signalised pedestrian crossing connecting to the westbound bus stop. It would not be desirable to introduce a further set of traffic signals on the A944 in this location. Therefore the crossing provision should be initially be at the access junction and once this junction is signalised, incorporated within the signals.
- 3.2 The Council retains a desire that a through route be provided for public transport between the proposed retail park and the existing parts of Prime Four, which will then provide onward connections to the Kingswells Park and Ride and Kingswells. It is therefore requested that prior to the last retail unit being occupied that prior to construction starting, the route of a public transport link be identified. Thereafter this route is to be implemented prior to 100% completion of the development.
- 3.3 The Council is keen to avoid a situation where the development remains near completion for a length of time and the bus link is not delivered. Therefore a condition is requested that once the development has reached 50% completion, if further 10% increments are not achieved every 6 months the bus link is

provided. For example if the development does achieve 70% one year after completing 50%, or 90% two years after 50% the link should be provided.

4 Parking

- 4.1 There is no indication of the parking layout available in the TA. Parking is proposed at 10% below the Councils maximum parking standards which in principle is acceptable.
- 4.2 No information has been provided in respect to the provision for disabled parking, motorcycle parking or cycle parking which would be expected at this stage. It will therefore be expected that each of these will be provided, at a minimum, to accord with standards and a condition is requested to this effect, including that cycle parking be sheltered. Additionally a condition is sought that details of parking provision be provided for all modes of travel.

5 Development Vehicle Access

- 5.1 It is proposed to construct a new junction with the A944 to access the development. The Council is unwilling to consent to a full 'all ways' signalised junction at the early stages of the development. Therefore only a left in/ left out arrangement will be permitted until such time as either:
 - 25% of the non food retail is occupied
 - Any amount of food retail is occupied
- 5.2 A design for the left in/ left out access junction will be required by condition prior to construction. An amended signalised access junction design will be required taking account of comments made above, and a condition for the provision of this is requested prior to construction commencing. The applicant is to be responsible for the full cost of designing and implementing both stages of the junction, including any amendments required to neighbouring junctions should it be decided by the Council that a linked signal design is desired, and a condition to this effect is requested.

6 Internal Road Layout

- 6.1 This will be developed through the detailed application stages.

7 Local Road Network

- 7.1 The applicants transport consultant has carried out a modelling exercise that shows the impact of the development on the local road network. It has been shown in the peak hour that there is a smaller impact in terms of queuing and delay in the peak hour with the introduction of traffic signals as opposed to a left in/ left out operation.
- 7.2 The Council however retain concern in respect to the additional delay to the primary route (A944) that vehicles will experience outwith the peak times with the advent of additional traffic signals.

- 7.3 The Council also retain concerns that the trip generation of the development will be higher than that reported given the methodology applied to establishing this and the reported potential occupiers. However it is acknowledged that the application is for a use class and that the trip attraction calculations are within this classification.
- 7.4 Concerns also relate to the base traffic methodology, however given the unknowns surrounding the impact of the AWPR these are agreed to. The assessment has also likely underestimated the volume of trips attributed to surrounding committed development by using flows from the LDP process and not updating these with the more accurate planning application flows. Nonetheless committed development has been accounted for.

8 Travel Plan Framework (Travel Plan/Residential Travel Pack)

- 8.1 A Travel Plan will be required for this site and such should be provided for by condition.

9 Strategic Impact

- 9.1 The applicant's transport consultant was requested to carry out an assessment, in the form of a threshold assessment, of the impact of the development. This is in accordance with national and local transport planning guidance. While contributions to mitigate the wider impact of the development would be made in lieu of works, it is necessary to determine through the TA process the full extent of the impact of the development. In this, it is also necessary to establish if and to what extent the impact of the development extends to Aberdeenshire Council's network.
- 9.2 The applicant's transport consultant has declined to provide the information relating to the threshold analysis and the extent and scale of the impact despite requests. Therefore the extent and scale of the impact of the development cannot be fully identified.

10 Conclusion

- 10.1 In light of the above concerns in respect of the unknown scale and extent of the impact, Roads Development Management would object to the planning application.

Roads Development Management

Major Development mixed use commercial (up to 30,000m²) including retail (class 1) , food and drink (class 3), other ancillary uses (such as offices) and associated landscaping, infrastructure and access works

Site OP40 Prime Four Business Park Kingswells Aberdeen Ref. No: 161429/PPP

Kingswells Community Council (KCC) is in general agreement that retail is a suitable use on the development site. However, we have some concerns that would need to be addressed.

KCC has the following observations on the above PPIp:

Framework

The following is an extract from the Design Statement

4.1 Key Objectives

The key objectives of the OP40 Development Framework are as follows:

- **Create a landscape which reflects the rural character of Aberdeenshire; relates to the surrounding area and takes its references from the natural heritage**
- **Create settings for buildings which are sympathetic, balanced and mitigate their visual impact on the landscape.**
- **Create external environments which enhance the daily living experience (e.g. spaces for outdoor socialising and exercise)**
- Create a high quality environment by the considered design of external features such as footpaths, street furniture, woodland belts and boundary walls.
- Provide multiple connections and maximum choices for people to use sustainable travel modes to travel to work, e.g. walk, cycle, or bus.
- Create opportunities for ecological enhancements, biodiversity and nature conservation.

The following is a comment inserted by the Design Team

Whilst the challenges of working with a different programme are recognised there is no reason why these key objectives as envisioned for the OP40 Framework cannot equally apply to a retail development on the same site.

KCC contends that the items highlighted in bold are less likely in a 30,000 sq.m retail development than could be achieved with an office development similar to that provided on the Prime Four site.

The applicant has indicated the intention to provide the maximum amount of car parking space for a retail development. Based on the floor areas quoted, KCC has calculated the following car parking requirement.

Non-residential car parking spaces – all maximum amounts

1: RETAIL			
Land Use	City Centre	Inner City	Outer City
Food retail outlets (>1000m ² GFA)	1 per 40m ²	1 per 22m ²	1 per 14m ²
Non-food retail outlets (>1000m ² GFA)	1 per 50m ²	1 per 30m ²	1 per 20m ²
Food/non-food retail outlets (<1000m ² GFA)	1 per 70m ²	1 per 40m ²	1 per 30m ²

Extract from Aberdeen City Council's 'Transport and Accessibility' Supplementary Guidance

Type of Retail	Area Sq. m.	Floor Area per Car Provided for Outer City	Cars
Food	3,716	14	265
Non Food	26,013	20	1,300
Total	29,732		1,565

Calculation of Maximum Car Parking Spaces

The maximum car parking provision for the proposed retail development represents a car park approximately 1.7 times the size of the Kingswells Park & Ride. The design document suggests that the entrance will include an avenue similar to the existing Prime Four Boulevard and that the visual impact of the car park will be reduced by the use of 'rooms' and landscaping. The resulting design will require car parking with a much larger area than a 'standard' carpark.

KCC has concerns about the potential visual impact of such a large carpark. For commercial reasons, Drum Group will clearly want to make the whole retail site as visible as possible. However, KCC considers that the height of the buildings alone as well as a new road junction will make the site perfectly visible to passing traffic. Effective screening of the carpark from the A944 should be a key requirement.

Considering the areas identified for development it is unlikely that a design of 30,000 sq.m of high-class retail and the associated car parking and landscaping could be facilitated on this site in a manner that complies with the key objectives identified in the Framework, and a smaller development should be considered.

Traffic Assessment

KCC is concerned about the cumulative impact of additional traffic on the A944 and would like to raise the following points in relation to the traffic assessment (TA).

The TA shows that the new AWPR roundabout is severely under pressure from increases in traffic levels. The applicant plans to provide an additional lane to the roundabout and its approach roads.

As the Prime Four development is more than 50% complete and is part of a masterplan, KCC considers that the TA should be performed for the whole development to ensure that as the various phases come on stream there is a schedule of improvements required to provide adequate access to the site. Each new phase identifies new surprises and this defeats the primary role of a masterplan. This will allow the best possible solutions to be found for the TA, rather than the incremental upgrades that are currently proposed.

The A944 may be subject to large increases in traffic from Phase 4 and Phase 5 of the Prime Four development and a 20,000 seat football stadium. All of these developments will be proposed at the same time and they all should be included in a TA. It is noted that Transport Scotland made a similar comment in their response to the TA.

The TA may have underestimated the traffic flows and KCC asks that ACC confirm that the TA addresses the following:

- The design statement suggests that there will be a future link from the Boulevard forming the access to the proposed retail park through the Prime Four site. This will generate additional traffic that has not been included in the current TA.
- The TA for the Prime Four site has been approved for a floor area up to 91,769 sq.m. It is unclear if this area includes the Phase 4 OP63 site.
- Section 7.4.1 describes the traffic from the Ardene House office development. KCC has been advised by Drum Group that the vet will not be vacating the site and the Phase 5 footprint includes the previously approved office development. The office development will not now take place. It is not clear if the traffic from this development is included in the TA.
- KCC appreciates that the TA should account for all the peak time traffic. The current TA makes a reduction in the traffic generated by the proposed retail park during the morning peak to account for 'pass-by' traffic. KCC think this would result in an underestimate of the traffic flow. Any shoppers at that time would be on the road for the sole purpose of shopping and would add to the existing flow

figures. It is very unlikely the pass-by traffic at morning peak would have time to shop, and would be focused on getting to work. KCC concedes that pass-by shoppers exist for evening peak.

- The provision for multiple modes of transport is admirable, but retail units generate shopping that needs to be taken back to the purchaser's home. This would generally require a car. The use of walking, public transport and cycling are not suited to the transfer of bulky purchases. Consequently, the TA should reflect this in increased traffic flows.
- The design team suggest that the Retail Development would employ 1,500 people. Are these journeys included in the TA?

Alternative Design of Access to the Proposed Retail Park

As an alternative to additional signalised junction on the A944, KCC would like the following options to be considered:

- to access the site from the existing Prime Four Boulevard.
- A roundabout (possibly with part time traffic lights) as an alternative to a full time signalised junction.
- an upgraded spur off the AWPR roundabout.

Prime Four has a network of internal roads and they should be used more to assist the distribution of Prime Four traffic. Direct access off the A944 is an ideal solution for Prime Four, but is not necessarily the best solution for the wider road network.

The TA concentrates on mitigating the effects of peak time traffic, but the effect of having an additional signalised junction on the A944 at off-peak times causes delays and more inconvenience for the community on a 24 / 7 basis. Having too many junctions on the A944 creates a stop/start journey as there is often no coordination between sets of traffic lights. More natural traffic flows can be obtained using a roundabout.

An option to access the Prime Four site off the AWPR roundabout would be a natural flow off the roundabout. It is not the same as the study included in the TA, as there would be no U-turn and resulting issues with stacking vehicles.

KCC asks that all the possible access solutions are investigated and that the selected option addresses the needs of the community during off peak times as well as the needs of commuters during peak times. We also ask that the TA considers all the traffic from all phases from Prime Four development and all other known developments. All future upgrades should be considered to avoid a piecemeal approach.

Out-of-Centre Retail Development

KCC is aware that having out of centre retail could have an impact on the city centre and nearby settlements including Kingswells, Newhills, Countesswells and Westhill. KCC asks that ACC considers the impact of the proposed development and how it fits with the requirements of the ALDP.

It is for ACC to determine the effect that an out-of-centre retail development will have on the city.

Conclusion

KCC concludes that a 30,000 sq.m retail park will be difficult to provide in compliance with the Framework, and will have 'massing' issues. Further evidence is required to ensure that the application can be provided in compliance with the planning criteria set out in the Framework document.

The TA should consider the concerns raised by KCC and alternative means of accessing the site should be investigated.

ACC should consider the city wide implications of the proposed development.

KCC considers that the provision of retail on this development site is an appropriate use of the site if we receive a satisfactory and convincing response to our concerns.

Regards,

Ian Cox,
Secretary,
Kingswells Community Council

Major Development mixed use commercial (up to 30,000m²) including retail (class 1), food and drink (class 3), other ancillary uses (such as offices) and associated landscaping, infrastructure and access works

Kingswells Community Council has reviewed the additional information provided in the retail assessments and have the following comments:

- All of our previous comments stand.
- KCC would welcome some retail in Kingswells on the Prime Four site, but still have reservations regarding the form. The indicative layout would not be acceptable as it does not comply with the Framework. It illustrates most of KCC's concerns.
 - The site is overdeveloped
 - The adverse impact of the car park has not been mitigated by splitting into 'rooms'
 - Landscaping is almost non-existent.
 - The proposed development is a very large retail park – confirmed by ACC's consultant.
- KCC will abide by ACC's judgement regarding the impact the proposed retail will have on Aberdeen and the NE of Scotland. We have the following observations:
 - There appear to be many failings in the assessment made by the developer.
 - If the proposed development will have an adverse impact, then Prime Four should give way for the greater good of Aberdeen and the NE.
 - The proposed development is described as a very large retail park. Perhaps a smaller development would be acceptable, and other options should be explored.



Regards

Ian Cox
Secretary
Kingswells Community Council

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Comments for Planning Application 161429/PPP

Application Summary

Application Number: 161429/PPP

Address: Site OP40 Prime Four Business Park Kingswells Aberdeen

Proposal: Major Development mixed use commercial (up to 30,000m²) including retail (class 1) , food and drink (class 3), other ancillary uses (such as offices) and associated landscaping, infrastructure and access works|cr|

Case Officer: Matthew Easton

Customer Details

Name: Mr Dominic Fairlie

Address: c/o 5 Louisville Avenue Aberdeen

Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Aberdeen Civic Society would like to make the point that the A944 is a major road leading to Aberdeen and there has been, and continues to be, major development along it. We would therefore request that traffic management is considered in detail.

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11th November 2016

Dear Mr Easton,

Objection to planning application reference: 161429

Aberdeen Inspired

Aberdeen Inspired is the Business Improvement District for Aberdeen city centre, led and funded by the city centre business community with the remit of representing the interests of nearly 700 levy payers and adding value to the services provided by Aberdeen City Council and other public bodies.

Our mission is *“To attract, sustain and boost business and investment in Aberdeen City Centre through influence, inspiration and innovation.”* To achieve that we have identified four key themes, including promoting the city centre, enhancing the visitor experience (with retail focussed initiatives), and providing a unified voice on behalf of our levy payers.

As a result of our efforts, over the last 6 years, more than £5m has been invested in Aberdeen City Centre. Our objectives for 2016-21 include attracting more visitors and increasing their spending and dwell time in the city centre, encouraging continued inward investment across all sectors, and being the voice of business in the city centre on a range of strategic issues. The anticipated investment over the next 5 years is in the region of £6.5m in projects designed to meet those and other objectives to improve the city centre.

At a more strategic level, we have played an active role in contributing to the debate on the future of the city centre and engaged with and supported the development of the City Centre Masterplan and Delivery Programme, and we are fully committed to lending our support to the implementation of that plan.

On behalf of our levy payers we wish to object to planning application 161429 for a major development mixed use commercial, food and drink, other ancillary uses and associated landscaping and infrastructure and access works at Prime Four Business Park, Kingswells. The proposals are contrary to our mission and objectives, as well as being contrary to national, regional and local planning policy and to the vision and objectives of the City Centre Masterplan and Delivery Programme. The following paragraphs explain our reasoning in more detail.



National context

National Planning Framework

National Planning Framework 3 (NPF3) is the spatial expression of the Scottish Government's Economic Strategy – with a focus on supporting sustainable economic growth and the transition to a low carbon economy. It is a statutory document that must be taken into account in the preparation of all strategic and local development plans in Scotland and planning decisions should support its delivery. NPF3 reflects the importance of town centres as a key element of the economic and social fabric of Scotland and refers to the town centre first principle, which is further expanded upon in Scottish Planning Policy (SPP).

Scottish Planning Policy 2014

SPP, which sets out national planning policies which reflect Scottish Ministers' priorities for the operation of the planning system and for the development and use of land, begins with "*a presumption in favour of development that contributes to sustainable development*". The supporting text explains that policies and decisions should then be guided by a number of principles set out in the SPP, including supporting town centre and regeneration policies. Those policies include the requirement for the planning system to apply the town centre first principle when planning for uses which attract significant numbers of people (including retail) and ensuring decision-making supports successful town centres.

The town centre first principle was developed by the Scottish Government and CoSLA. The principle recognises that "*Town centres are a key element of the economic, social and environmental fabric of Scotland's towns; often at the core of community and economic life, offering spaces in which to live, meet and interact, do business, and access facilities and services. We must take collective responsibility to help town centres thrive sustainably, reinvent their function, and meet the needs of residents, businesses, and visitors for the 21st century.*" (<http://www.gov.scot/Topics/Built-Environment/regeneration/town-centres/TheTownCentreFirstPrinciple>)

The principle requests that "*Government, local authorities, the wider public sector, businesses and communities put the health of town centres at the heart of proportionate and best value decision making, seeking to deliver the best local outcomes regarding investment and de-investment decisions, alignment of policies, targeting of available resources to priority town centre sites, and encouraging vibrancy, equality and diversity.*" (<http://www.gov.scot/Topics/Built-Environment/regeneration/town-centres/TheTownCentreFirstPrinciple>)



SPP sets out a sequential test to the determination of planning applications for retail and other developments. That means that town centres (including city centres and local centres) should be considered first as the location for such developments with out-of-centre locations, such as that for the current proposals, at the bottom of the hierarchy. The aim of this approach is to recognise and prioritise the importance of town centres and encourage a mix of developments which support their vibrancy, vitality and viability.

Although SPP recognises that there will be development proposals in edge of town and out-of-town locations which are contrary to the development plan, it states that it is for applicants to demonstrate the more central options have been thoroughly assessed and that the impact on existing town centres is acceptable. Whilst we acknowledge that the application of the principle is not a statutory duty, SPP is a significant material consideration in the determination of planning applications and support for town centres has a statutory basis in NPF3.

The retail impact analysis submitted with this application will therefore require to be assessed robustly to ensure that it is able to demonstrate any impact, both on the city centre and on the network of other centres identified in the development plan, is acceptable.

In addition, SPP requires development to give due weight to net economic benefit and an independent assessment should be made of any property benefits, including risks and available evidence. In accordance with Scottish Government Draft Advice on Net Economic Benefit and Planning (2016) applications contrary to the development plan (as this application is) must demonstrate the net economic impact, including the number of jobs it is expected to create once operational. In the context of retail development, proposals must take account of any possible displacement effect. As such it should be demonstrated that any economic benefits, including in terms of jobs, are additional to those which already exist. The test is the comparison between the economic position with and without the development.

The Advice is clear that in calculating the net benefit of a new retail centre, any displacement should also be taken into account with the net benefit of the proposed centre compared to the situation where planning permission is not given, to take into account deadweight effects. The Advice also states that where a site is allocated for a different type of development (in this case employment) there is likely to be a greater level of uncertainty attached to assessing the economic value of safeguarding the site for the proposed use. The applicant must therefore be able to demonstrate that not only will the proposed development not impact on the vitality and viability of the city centre and other identified retail centres, but that the provision of retail on this site will have a greater economic benefit than its allocated use for employment.



Also in making an assessment of both the retail impact and net economic benefit it should also be recognised that the town centre first principle also applies to leisure, office, entertainment and civic uses, which can serve to improve the diversity, vitality and viability of the city centre, and to support its retail function. As such, any impact should be judged not just in terms of the direct impact on retail within the city and other town centres, but also in terms of the knock on effects such an impact may have on the overall vitality and vibrancy of those centres.

Regional Policy

The Aberdeen City and Shire Strategic Development Plan 2014 (SDP) vision is for the City and Shire to be “...an even more attractive, prosperous and sustainable European city region and an excellent place to live, visit and do business.” The Plan recognises that Aberdeen city centre is an important asset for the region and identifies it as a priority regeneration area vital to the economic future of the area. It states that “...we need to take determined action to create a city centre to be proud of and which reflects the global status and ambitions of the city and the wider region” and highlights the BID as indicative of the private sector’s willingness to actively take part in its regeneration.

In line with SPP the SDP promotes a sequential approach to identifying sites for new retail development across the strategic development plan area.

The Plan also includes a target for Aberdeen city centre to remain one of the top-20 retail areas in the UK and identifies the need to put in place a City Centre Development Framework (now superseded by the City Centre Masterplan) as a major project fundamental to achieving the plan’s vision.

Any proposals for out-of-town retail run contrary to the principles of the SDP for supporting city centre regeneration as set out above.

Local context

Strategic Infrastructure Plan

City centre regeneration was identified as a priority project for the city to underpin economic growth in 2013 through the Council’s Strategic Infrastructure Plan (SIP), developed in partnership with local, national and international stakeholders. As well as committing to the development of the city centre masterplan, the SIP identifies a number of specific projects to support city centre regeneration. Over the last few years significant public and private sector investment has been invested in those, and other initiatives, directed towards regeneration.



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City Centre Masterplan and Delivery Programme

The City Centre Masterplan and Delivery Programme is founded in the SIP and development plan policy and has been adopted by the Council as Supplementary Planning Guidance, giving it statutory status as a material consideration in the determination of all planning applications.

The Masterplan was developed by the Council with input from stakeholders across the city. The vision articulated in the Masterplan is “*Aberdeen: A city centre for a global city with the purpose of the Masterplan being to energise the city centre to deliver prosperity and better quality of life for all.*” Objectives include creating a stronger and more diverse city centre economy, ensuring the city centre meets the needs of the wider population and is planned and governed to reflect a wider metropolitan role.

Local Development Plan

Consistent with national and regional policy, both the extant and emerging Aberdeen Local Development Plans (ALDP) include policies to support the city centre. The spatial strategy of both plans promotes the city centre as the commercial, economic, social, civic and cultural heart of Aberdeen and recognises that a vibrant city centre is vital to Aberdeen’s future prosperity and to achieving the wider strategic aims of the development plan. As such the plans, supported by the City Centre Development Framework/City Centre Masterplan and Delivery Programme Supplementary Guidance, include policies that positively promote the city centre and require the application of the sequential approach and retail impact assessment, as set out in SPP, to all retail development.

In addition, it should be noted that Policy B11 – Business and Industrial Land in the adopted LDP does not support the use of employment land for other purposes, other than those aimed primarily at meeting the needs of business and employees within the business and industrial area. The supporting information submitted with the application states that the proposals will serve residents in existing and proposed communities and indeed cites a catchment of up to 330,000 with the completion of the AWPR and the new housing developments. That is clearly contrary to Policy B11.

Policy B11 in the Proposed Plan strengthens the presumption against development of non employment uses on sites allocated for business and industrial land in explicitly stating that “*Land zoned for business and industrial uses on the Proposals Map...shall be retained for Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage and Distribution) uses and safeguarded from other conflicting development types.*” That means that even should the retail impact assessment demonstrate the proposed development is acceptable in retail terms, the current proposed site is not an appropriate location for such development given its allocation for employment and business uses.



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That is particularly so given that Drum Property promoted the inclusion of the extension of Prime Four in the Proposed Plan as a Specialist Employment Area to allow for the further development of the site pending access becoming available for Phase 4 of the existing allocation. The argument was accepted by the Council due to the exceptional success of the existing site and the positive economic impact it has had on the City with the demand for plots continuing. The independent Scottish Government Reporter, appointed to review representations on the Proposed Plan also accepted the case for an allocation to extend Prime Four on the basis of the weight given to the economic benefit of the existing Business Park. Allowing any part of the allocated land to be used for non-employment purposes would not only be contrary to policy but would undermine the arguments made for the need for the further extension of the site.

The Reporter, in response to a representation made to the LDP Examination seeking to re-allocate undeveloped employment land for other types of development elsewhere in the City, stated that, *"...the plan needs to maintain a sufficient supply of employment land in appropriate places, as required by the SDP. It would not be right to re-allocate such land for other uses simply because current market conditions have not favoured its early development for employment purposes."* (Report to Aberdeen City Council, Proposed Aberdeen Local Development Plan Examination, 2016, Issue 25). The same argument should apply whatever the proposed alternative use and whatever the location.

Although the applicant aims to make a case for the proposed development, it is submitted that none of those factors override the principle objection to the application, which is that it is contrary to national, regional and local policy and would undermine the aims of the City Centre Masterplan.

Conclusions

It is clear from the narrative set out above that national, regional and local policy is aimed at supporting town centres in general and Aberdeen city centre specifically. Much public and private sector investment has been directed towards the regeneration of the city centre over the last few years. Whilst the applicants maintain that the city centre is well placed to withstand any impacts from the proposed development the collective commitment to achieving a joint vision for the city centre, as articulated through the Masterplan, and momentum towards achieving that are only now gathering real pace. It is vital that any proposals for out of town development do not undermine or jeopardise the excellent progress which has, and is continuing to be made. It is for those reasons that we object to this application, and would ask that it is refused.



Adrian Watson, *MBA, MSc, BSc (Hons)*

Chief Executive Officer



Dear Mr Easton,

Objection to planning application reference: 161429

Thank you for the opportunity to make a further representation on the above application in response to the revised retail impact assessment submitted by the applicant on 25 January 2017.

Our initial letter of objection highlighted Aberdeen Inspired's primary interest as being in supporting our levy payers, and the City Council, in regenerating the city centre in line with the City Centre Masterplan and Delivery Programme, and maximising the value of the considerable public and private sector investment that has been made in the city centre over the last few years, as well as significant levels of future programmed investment.

We objected to the application on the grounds that it is contrary to our mission and objectives, as well as being contrary to national, regional and local planning policy and to the vision and objectives of the City Centre Masterplan and Delivery Programme.

The policy context for determining the application requires a town centre first approach for uses, including retail, which attract significant numbers of people, and ensuring decision-making supports successful town centres. That in turn necessitates the application of the sequential test set out in Scottish Planning Policy to demonstrate that more central options have been thoroughly assessed and that the impact on existing town centres is acceptable. The importance of Aberdeen city centre being a successful place is set out in regional and local policy. It is, therefore, vital that the revised retail impact assessment is again assessed by an independent expert to ensure that it has properly and satisfactorily addressed the deficiencies in the application of the sequential test highlighted in the report by Hargest Planning Ltd.

We would also wish to reiterate the importance of recognising that the city centre is not just a focus for retail but also for leisure, office, entertainment and civic uses, which can serve to improve the diversity, vitality and viability of the city centre, and to support its retail function. As such, any impact should be judged not just in terms of the direct impact on retail within the city and other town centres, but also in terms of the knock on effects such an impact may have on the overall vitality and vibrancy of those centres.

In our previous letter we drew attention to the requirement of Scottish Planning Policy for development to give due weight to net economic benefit and the need for an independent assessment

to be made of any proposed benefits, including risks and available evidence. The assessment is even more important where the site is allocated for a different type of development and there is therefore likely to be a greater level of uncertainty attached to assessing the economic value of safeguarding the site for the proposed use. Scottish Government guidance states that the applicant must be able to demonstrate that not only will the proposed development not impact on the vitality and viability of the city centre and other identified retail centres, but that the provision of retail on this site will have a greater economic benefit than it's allocated use for employment.

There is no evidence that such an assessment has been carried out by the applicant as part of the revised retail impact, or indeed as a separate assessment, and we would emphasise that, given the potential impact of a development of the scale proposed on the city centre, this should be a fundamental requirement if the application is to be considered for approval.

Should the Council be minded to grant planning permission in principle for the application then we would request that a condition be applied to prevent retailers moving from the city centre to the new development for a period of 5 years. Such a condition was found to be valid in *R. (Skelmersdale LP) v West Lancashire BC [2016] EWCA Civ 1260*.

Finally we would urge the Council to recognise the considerable uncertainty that the submission of this application has created in the city centre rental property market, with prospective tenants delaying making investment decisions pending the determination of the application. A timeous decision is therefore required.

Yours sincerely



Adrian Watson,
Chief Executive, Aberdeen Inspired

Mr Matthew Easton
Planning & Building Standards
Aberdeen City Council
Marischal College
Broad Street
Aberdeen, AB10 1AB

Our ref : STEW0046/aps/jew

Your ref : 161429/PPP

By e-mail only

11 November 2016

Dear Sirs

**Planning Application Ref: 161429/PPP
Proposed Major Commercial Development including Retail and Food & Drink Uses,
Prime 4 Business Park
Objection on behalf of Countesswells Developments Ltd**

We act on behalf of CDLCountesswells Developments Ltd (CDL) in relation to the above. In this capacity we object to the proposed development on the grounds set out below.

By way of general context, it is important to note that the controlled release of land for development has been a key element of development plan policy to date and still forms an important part of the proposed new Local Development Plan (LDP). One of the identified strategic priorities for such new development is Countesswells which lies to the south east of the current application site. Your council granted planning permission in principle for the major mixed use development at Countesswells, including the creation of a new town centre, on 1st April 2016. The proposals contained within the current planning application at Prime 4 Business Park have the capacity to seriously undermine implementation of the approved Countesswells proposals.

Grounds of Objection

CDL objects to planning application 161429/PPP on the following grounds:

Failure to Comply with Development Plan Policy

Section 25 of The Town & Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 requires that planning applications should be determined in accordance with the prevailing development plan unless material considerations indicate otherwise.

The current application site is allocated for business and industrial use (Opportunity Site OP40) within the adopted LDP. The site continues to be allocated for such use under the proposed replacement LDP (site OP29). Furthermore, the latter proposes an extension to the business park on greenbelt land to the northwest (Site OP63) due to the demand for good quality business/industrial land and the perceived success of the initial phases of the Prime 4 Business Park.

Given this context, the proposals within the current application are clearly contrary to the development plan and, as a result, planning permission should be refused. There are no material considerations to indicate otherwise. Indeed, the material considerations set out in the remainder of this letter add weight to the conclusion that the proposals are so clearly contrary to development plan policy that they must be refused.

The current proposals are also contrary to the approved Development Framework and Phase 1 Masterplan for the Prime 4 Business Park. This Development Framework has the status of 'Supplementary Guidance' having been approved by the council as the basis for development and a material consideration in the determination of any planning applications. It forms part of the Development Plan having been approved by the Scottish Government as such. Within the Development Framework the current application site is clearly allocated for business/industrial use. While there is provision for a 'community hub' within the business park site to include complementary facilities such as a hotel, restaurants and retail floorspace, these are all clearly limited in scale and ancillary to the prime business park use.

The applicant seeks planning permission in principle for up to 30,000sq m of retail floorspace. This scale of development could never reasonably be considered as ancillary to the business park. The reality is that the applicant has disregarded the provisions of the Development Plan and is seeking approval for a major departure that both reduces the supply of good quality land for employment uses and would introduce a major retail development in an unsustainable, out-of-centre location.

Finally, in relation to the Development Plan, it is notable that the applicant did not make representations to the council seeking allocation of the current application site for retail and related purposes. Publication of the proposed new LDP was the opportunity for them to do so as this would have allowed consideration of such proposals at the LDP Examination. In the absence of compelling evidence regarding the need for the proposed development there is no sound reason for the adopted and emerging new LDP provisions to be set aside at this time.

Lack of Detail

The submitted planning application form refers to a 'major commercial development including retail (Class 1) and food & drink (Class3)' uses with no further detail. While there is some limited description of the proposed development as a 'retail park' within the design and access statement, the planning statement and the retail capacity study, the applicant

has nowhere provided a proper indicative layout to demonstrate the likely form and nature of the proposed development. Given the scale of development proposed, the scope for harm to be caused to other existing and proposed retail centres and the importance attached to the landscape 'rooms' within the Kingswells Development Framework the applicant should have been required to make available some form of illustrative layout drawings. In the absence of any such material interested parties such as CDL can only base their comments on the brief written descriptions of the proposals.

Paragraph 2.1 of the submitted Retail Capacity Study suggests that the proposals could involve up to 26,013sq m of Class 1 retail floorspace for the sale of comparison goods, particularly 'clothing and fashion', ie specifically not restricted to bulky goods. In addition a foodstore of 3,716sq m is proposed. Table 6 of the study indicates that the combined turnover of the proposed development would be over £106m, making it second only to the City Centre and Garthdee. For such a scale of development to be devoid of detail regarding the number, nature and size of units is inappropriate.

The applicant makes much in the submitted supporting documents of the fact that the scale of development proposed cannot be accommodated within or on the edge of an existing centre. However, such conclusions cannot be soundly reached without knowing more regarding the proposed unit sizes and anticipated range of goods to be sold. In the absence of any detail it is entirely possible that the development could be accommodated within or on the edge of an identified centre, particularly the city centre – paragraph 69 of the SPP stresses the need for flexibility on the part of all parties including developers in considering such matters. If no details are forthcoming from the applicant we respectfully suggest that the council has no option but to refuse planning permission due to lack of essential information.

Retail Capacity and the Sequential Approach

In seeking to justify the application proposals the applicant refers at length to the Aberdeen City and Aberdeenshire Retail Study of 2013. In particular, they highlight the broad conclusions regarding the potential available expenditure within the city region by 2022 assuming population growth estimates are met. However, in so doing they ignore the proposed development strategy within the study. This clearly sets out the preferred locations for any new retail floorspace, namely Aberdeen City Centre, existing centres and the various new development areas including Countesswells.

Table 7 of the Retail Study Executive Summary notes that there could be capacity for up to 5,500sq m of convenience floorspace in the West Aberdeen/Countesswells area assuming development of the land release sites at Countesswells and east of Kingswells. It notes that 'a proportion of floorspace is encouraged to be provided within Countesswells to form the basis of a new centre'.

In relation to the provision of wider mixed convenience and comparison floorspace the table also noted that a new centre at Countesswells is to be provided comprising both convenience and comparison floorspace. No target quantum of floorspace is identified but given the scale of new housing development proposed to the west of Aberdeen including Countesswells the suggestion is that comparison floorspace could be around 1,500sq m.

The current application proposals therefore run contrary to the findings of the 2013 retail study as the latter clearly seeks to focus new comparison shopping floorspace within the city centre while allowing for new convenience floorspace within new centres to be provided as part of the LDP land release programme. To the west of Aberdeen Countesswells is clearly the preferred location for any new retail floorspace that cannot be accommodated within or on the edge of Aberdeen City Centre or one of the other existing town or district centres.

The Development Framework and Phase 1 Masterplan for Countesswells envisages the new community as a residential led mixed use development of around 3,000 homes with employment, education, retail, leisure and community uses. A fundamental part of the Development Framework is the creation of a community/commercial focus in a new Countesswells town centre. Proposals for the Countesswells town centre as provided for in Development Plan Policy and Supplementary Guidance would be seriously undermined by a major retail development in close proximity as proposed within the current planning application.

The important role of the new town centre at Countesswells is given further weight by the wording of Condition 16 as applied to the Planning Permission in Principle granted on 1st April 2016. The condition states that a retail impact assessment (RIA) for the town centre should assess the proposed scale and mix of town centre uses (Class 1, 2, 3, 7 and 11) and any impact on nearby town, districts or neighbourhood centres and the city centre. The RIA has also to assess the scale and mix of uses required 'to meet the retail and leisure needs of Countesswells **and adjacent residential communities**' (our emphasis).

The clear intention of planning policy and the planning permission in principle at Countesswells is that the new town centre should serve the wider area as well as Countesswells. The proposed retail development at the Prime 4 Business Park would run directly contrary to this key aim of prevailing planning policy. It would both undermine the efforts of CDL to attract investment and operator interest in the new town centre and would also lead to the town centre lacking some of the key components that would make it a vibrant community focus.

CDL has a legitimate right to expect that it should be given the opportunity to implement its planning permission in line with the approved Development Framework without the commercial basis of the proposals being undermined by the current application. Provision of Countesswells town centre forms part of the approved Phase 1 proposals. As such, land can be made available for an appropriate amount of retail floorspace to serve Countesswells

and the surrounding area without undermining the vitality and viability of any other existing centres. This has been the council's planning strategy for West Aberdeen in both existing and proposed LDPs and there is no sound reason for the council to depart from the strategy at this time.

The applicant claims to have addressed the sequential approach in the submitted retail capacity study. However, we respectfully suggest that scant regard has been paid to the various opportunities for provision of additional retail floorspace in and on the edge of the city centre and other town/district centres. In particular, the development opportunity at Union Square and Palmerston Road to the south of Union Square has been dismissed without proper consideration.

At Paragraph 7.16 of the submitted retail capacity study it is stated that the land at Union Square is 'not available to our client'. The applicant's position in relation to any site is irrelevant to the application of the sequential approach – the test is merely whether an opportunity site is available to the market and suitable for the intended use. It is clear that there are suitable, available sites in sequentially preferable locations, Union Square being one. Again, as already noted above, the lack of detail provided by the applicant makes it impossible for anyone to draw the conclusions that it does regarding the sequential approach.

LDP Policy RT1 requires that retail developments should be located in accordance with the hierarchy and sequential approach set out and as given more detail in the supplementary guidance on Retail Centres. Where the catchment area to be served is city wide (as is confirmed here by the retail capacity study) the city centre is the preferred location. Retail parks are noted as appropriate for bulky goods retailing rather than general comparison goods and even then only if there are no suitable city centre or town centre sites. Figure 1 of the Retail Centres supplementary guidance also confirms that large scale general comparison goods retailing should be located in the city centre.

LDP Policy RT2 states that retail developments appropriate to town centres will be refused planning permission where proposed in out-of-centre locations. The only exceptions are noted as being when there are no suitable sites in acceptable locations and where there will be no significant adverse effect on the vitality or viability of any identified retail location. As has already been noted, neither of these situations apply in this instance. Proposed LDP Policies NC4 and NC5 contain similar provisions. The sequential approach is also embedded in Scottish Planning Policy and the approved Strategic Development Plan. The proposal within the current application fail to meet any of these planning policy requirements and so should be refused.

Lack of Sustainability

The proposed retail park development cannot be described as sustainable. It occupies a classically out-of-centre location, isolated from the nearest existing and proposed residential

communities. While there are some commuter bus services passing the site the closest bus stops are beyond easy walking distance at Kingswells Park and Ride. There are no existing, local circumferential bus routes linking the site to the residential areas to the north and south. By virtue of its location immediately adjoining the proposed AWPR junction it can be expected to generate mostly car based trips.

The proposed retail park would have no wider community and/or commercial role, something that is fundamental to sustainability. There are no proposals for Class 2 financial and professional offices, community facilities, medical or leisure facilities. In contrast the approved town centre proposals at Countesswells provide for a full range of community facilities including a medical centre, an education campus including a secondary school, primary school, library facilities and town park.

Conclusion

The proposals contained within the current planning application do not accord with development plan policy and involve an unacceptable, unjustified departure from the development plan. They involve the loss of allocated, highly marketable land for business/industry and are contrary to the approved development framework for the site. The retail park would be of a scale and nature inappropriate for an isolated, out-of-centre location. It has not been adequately demonstrated that there are no suitable and available sites in sequentially preferable location. The proposals would seriously undermine the proposals for a new town centre nearby as part of the approved Countesswells development.

For all of these reasons planning permission should be refused.

We would appreciate if you could acknowledge receipt of this objection and ensure that we are kept informed of progress towards the determination of the application. We also reserve our right to expand on these comments should the applicant submit further supporting information.

Yours sincerely


Adrian P Smith


cc. client

Matthew Easton
Planning & Building Standards
Aberdeen City Council
Marischal College
Broad Street
Aberdeen, AB10 1AB

Our ref : STEW0046/aps/jew

Your ref : 161429/PPP

By e-mail only

7 February 2017

Dear Mr Easton

**Planning Application Ref: 161429/PPP
Proposed Major Retail Development, Prime 4 Business Park
Supplementary Objections on behalf of Countesswells Developments Limited**

As you know, we act on behalf of Countesswells Developments Limited (CDL) in relation to the above. In this capacity we took part in the pre-determination hearing on 18 January 2017.

At the hearing the applicant confirmed the intention that the retail development of up to 30,000sq m gross should operate under an open Class 1 consent, ie with no restriction on the range of goods that can be sold. The proposal as outlined in the planning application includes a foodstore of some 3,716sq m gross. At the hearing the applicant confirmed that other interested, potential occupants included Boots and Superdrug.

CDL remains firmly of the view that the applicant has overstated the capacity for new retail development. This has been confirmed by the council's own retail consultant in the review of the original Retail Capacity Assessment dated January 2017. The figures produced by the council's own consultant are still to be preferred.

CDL has planning permission in principle for the new community at Countesswells and the first phase of housing is at an advanced stage of completion. A fundamental part of Countesswells is the creation of a mixed community with a new town centre that provides commercial and community facilities. The applicant's presentation at the pre-determination hearing confirmed the fears of CDL that the proposed retail development at Prime 4 will seriously undermine the efforts of CDL in delivering a mixed use town centre as provided for in the LDP, the Development Framework and Masterplan (which is formal Supplementary Guidance) and the planning permission in principle.

Since the hearing the applicant has submitted a revised retail assessment. This confirms that trade would be drawn from the approved new town centre at Countesswells. While the

predicted impact might be limited this would still be enough to undermine the proposals for Countesswells town centre.

CDL has two key concerns regarding the proposed retail development as follows:

- A foodstore would be the key anchor for Countesswells town centre – the retail study provides for this to be up to 5,500sq m gross. CDL has interest from potential foodstore operators but this would be seriously undermined by any consent at Prime 4 allowing a foodstore of up to 3,716sq m gross. Despite the claims of the applicant in the retail assessment the retail study does specifically state that Countesswells is the preferred location for any new foodstore in West Aberdeen. Should the council be minded to grant planning permission for the current application it is vital, therefore, that it should specifically preclude a foodstore being part of this.
- Another key element of Countesswells town centre will be the provision of health facilities including a doctor's surgery and dentist. The only logical location for any new pharmacy in West Aberdeen is therefore within Countesswells town centre, adjoining the health facilities. Licensing restrictions could well preclude this being achieved if Boots or Superdrug were permitted to occupy any of the retail units at Prime 4. Should the council be minded to grant consent for the proposed retail development they should specifically preclude the provision of a pharmacy.

We would be obliged if you could acknowledge receipt of these supplementary objections and ensure that we are informed of progress as the application proceeds towards determination. If any matters require clarification, please contact Adrian Smith in our Glasgow office.

Yours sincerely



Adrian P Smith



cc. client

SV10245/05

11th November 2016

Development Management Team
Planning and Sustainable Development
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen AB10 1AB
FAO Matthew Easton [REDACTED]

Dear Sir

**MAJOR DEVELOPMENT: MIXED USE COMMERCIAL (UP TO 30,000M2) INCLUDING RETAIL (CLASS 1), FOOD AND DRINK (CLASS 3), OTHER ANCILLARY USES (SUCH AS OFFICES) AND ASSOCIATED LANDSCAPING, INFRASTRUCTURE AND ACCESS WORKS AT SITE OP40 PRIME FOUR BUSINESS PARK, KINGSWELLS, ABERDEEN.
APPLICATION REFERENCE 161429/PPP**

We act on behalf of Zurich Assurance Limited, and write with reference to the above application submitted recently to Aberdeen City Council.

Our clients own Kittybrewster Retail Park and Lower Berryden Retail Park.

On behalf of our clients we wish to formally object to the principle of the proposed development. Our grounds for objecting to the proposed development are set out below.

Background

The application site covers an area of approximately 13 ha (32 acres) and is located within the Aberdeen City Local Authority Area, and within the Kingswells / Sheddocksley Ward. The site lies circa. four miles to the west of Aberdeen City Centre and circa. two miles to the east of Westhill (Aberdeenshire Council). The settlement of Kingswells is adjacent to the east.

The application seeks permission in principle for retail uses to complement the existing business park, and create a commercial mixed use scheme.

Drum Property Group are advancing proposals which involve the development of up to **26,013sqm** (gross) of Class 1 Retail floorspace which would be occupied by a range of comparison goods retailers, with a likely focus on clothing and fashion retailers... In addition, the proposals would include a **3,716sqm** (gross) foodstore and ancillary food and drink premises.

The retail proposals are significant. The site is not designated for retail in the Local Development Plan, and as such is significantly contrary to it, and constitutes an out-of-centre location in the context of Scottish Planning Policy (SPP).

Policy Context

Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. Scotland Act 2006 requires all planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan comprises the Aberdeen City and Shire Strategic Development Plan, and the Aberdeen Local Development Plan, adopted 29 February 2012.

Aberdeen City Council are in the process of replacing the Local Development Plan. Their Proposed Plan has recently been the subject of Examination and the Reporter's Report has now been received by the City Council.

The site of the subject proposals is identified in the emerging Local Development Plan as an extension to the Prime Four development. It is allocated as Green Belt in the current extant Local Development Plan.

The review of the LDP and the Report of Examination represent significant material considerations in the assessment of planning applications, as is Scottish Planning Policy (SPP).

Briefly stated it is submitted that the proposed development does not comply with the Development Plan and there are no material considerations, either presented by the applicant nor are evident in our assessment, that would indicate otherwise.

SDP

Aberdeen City of identified as a strategic growth area within the SDP. Paragraph 3.15 states that "*Aberdeen is Scotland's third-largest city and the regional centre for employment, retail, culture, health and higher education as well as being the region's transport hub – with road, rail, sea and air links.*"

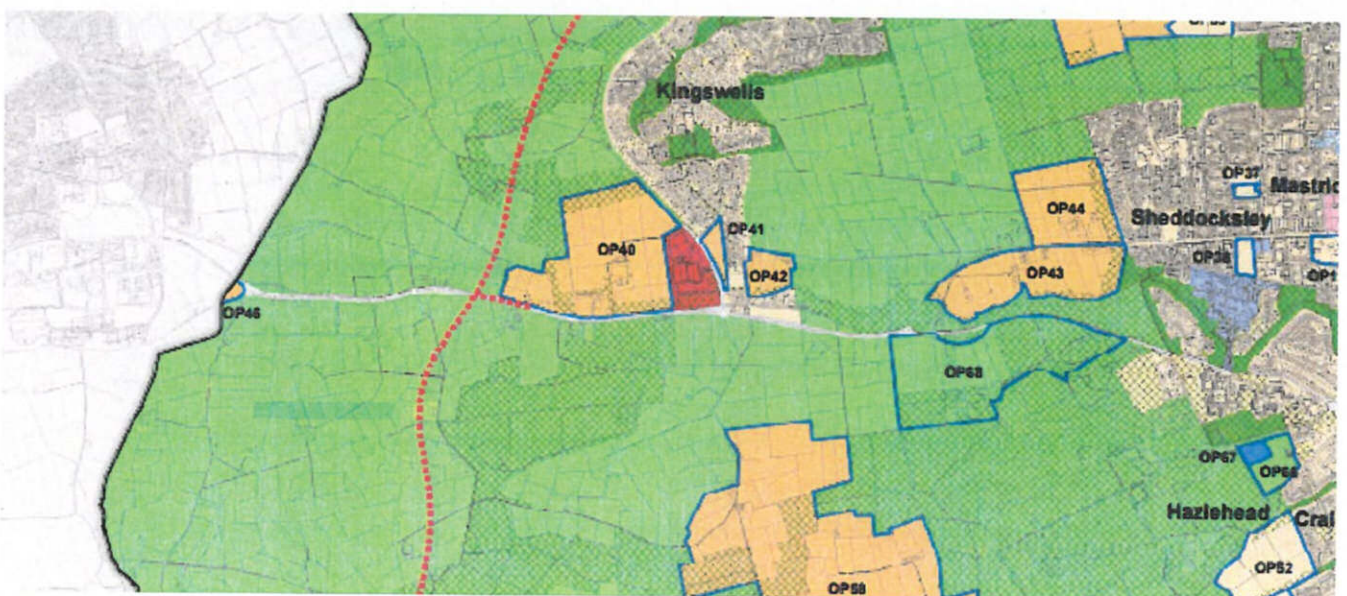
The SDP continues at 4.2 that "*in line with Scottish Planning Policy, a sequential approach will be taken when identifying sites for new retail development across the strategic development plan area.*"

It is stated at paragraph 4.40 that "*to create sustainable mixed communities, retail services must be one of the main considerations in preparing masterplans and development briefs for new development. We will take a sequential approach to new retail development. However, we will also support existing retail centres to make sure that the needs of the community are met now as well as in the future.*"

LDP

The site of the subject proposals is allocated as Green Belt (NE2) and as part of the Green Space Network (NE1).

An extract of the Proposals Map is copied below:-



Material Considerations

As noted above, the review of the LDP and the Report of Examination represent significant material considerations in the assessment of planning applications, as is Scottish Planning Policy (SPP).

Scottish Planning Policy (SPP)

Paragraph 1. of SPP recognises that *"the planning system has a vital role to play in delivering high-quality places for Scotland."* It continues that *"Scottish Planning Policy (SPP) focuses plan making, planning decisions and development design on the Scottish Government's Purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth."*

Core Values of the Planning Service include that Scottish Ministers expect for the planning service to perform to a high standard and to pursue continuous improvement are noted at paragraph 4. of SPP, include:-

- focus on outcomes, maximising benefits and balancing competing interests;
- play a key role in facilitating sustainable economic growth, particularly the creation of new jobs and the strengthening of economic capacity and resilience within communities;

Paragraph 24. of SPP states that *"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."*

Further it states at paragraph 27. that *"the Government Economic Strategy indicates that sustainable economic growth is the key to unlocking Scotland's potential and outlines the multiple benefits of delivering the Government's purpose, including creating a supportive business environment, achieving a low carbon economy, tackling health and social problems, maintaining a high-quality environment and passing on sustainable legacy for future generations."*

In this respect it is stated that *"this SPP introduces a presumption in favour of development that contributes to sustainable development."*

Paragraph 58. states that *"NPF3 reflects the importance of town centres as a key element of the economic and social fabric of Scotland."* It continues that *"...town centres are at the heart of their communities and can be hubs for a range of activities" and that "it is important that planning supports the role of town centres to thrive and meet the needs of their residents, businesses and visitors for the 21st century."*

SPP states (at paragraph 39.) that *"planning should direct the right development to the right place."*

As previously, SPP states (at paragraph 60.) that planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres. In this respect it is stated that the planning system should:-

- apply a town centre first policy when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities;
- encourage a mix of uses in town centres to support their vibrancy, vitality and viability throughout the day and into the evening; and
- ensure development plans, decision-making and monitoring support successful town centres....

In specific relation to commercial centres paragraph 63. states that:-

"Plans should identify as commercial centres those centres which have a more specific focus on retailing and/or leisure uses, such as shopping centres, commercial leisure developments, mixed retail and leisure developments, retail parks and factory outlet centres. Where necessary to protect the role of town centres, plans should specify the function of commercial centres, for example where retail activity may be restricted to the sale of bulky goods."

Paragraph 68. States that development plans should adopt a sequential town centre first approach when planning for uses which generate significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities.

It continues that this requires that locations are considered in the following order of preference:-

- town centres (including city centres and local centres);
- edge of town centre;
- other commercial centres identified in the development plan; and
- out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes.

Paragraph 69. states that *"planning authorities, developers, owners and occupiers should be flexible and realistic in applying the sequential approach, to ensure that different uses are developed in the most appropriate locations."*

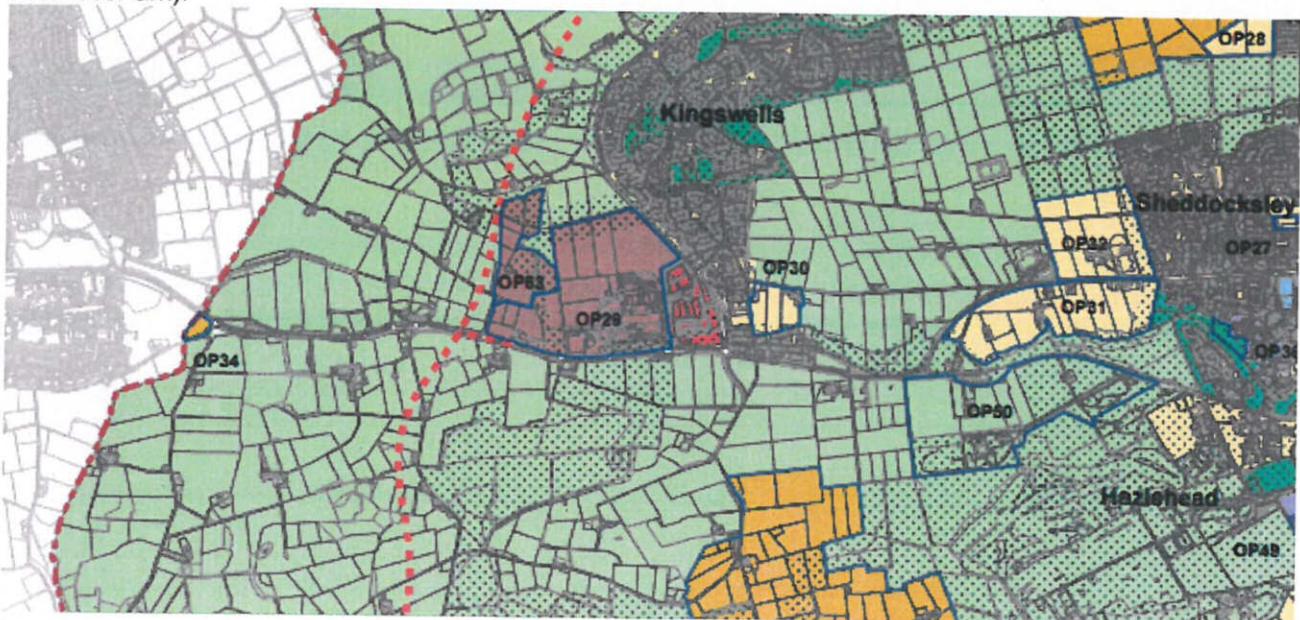
It continues that where a retail development over 2,500 sqm is proposed outwith a town centre, contrary to the development plan, SPP requires a retail analysis to be undertaken. In relation to transportation matters, SPP refers to making sound choices on the location of new development (at paragraph 280.) and placing a focus on places well served by public transport (paragraph 279).

Aberdeen Local Development Plan – Proposed Plan

The LDP identifies Kingswells as a direction for growth. The plan, at 2.2, states that

"Around 50 hectares of employment land allocations have been made to the west of the city at Prime Four Business Park, Kingswells, which provides employment opportunities in a part of the city where there is little employment land. A further extension to this is proposed. The main housing sites are at Maiden Craig (750 homes) on the A944 corridor and at Greenferns (1,350 homes plus 10ha employment land). The AWPR will provide benefits to this area with junctions proposed to the north and south-west of Kingswells."

An extract of the Proposed Plan Proposals Map is copied below. The plan suggests allocations in line with the strategy, including to the west of Kingswells at OP63 (Prime Four Extension) and OP29 (Prime Four BusinessPark):-



The plan refers to OP63 (Prime Four Extension) as accommodating some 13ha of employment land and OP29 (Prime Four Business Park) as accommodating 50ha. A masterplan is noted as being a requirement for the development of OP63.

In relation to the Network of Centres paragraph 3.18 states that the city centre plays a major role in the commercial, economic, social, civic and cultural life of Aberdeen and the wider North East. It continues that it is an important regional centre providing a focus for employment and business interaction, it offers access to a wide range of goods and services, it is a place where many people meet socially and choose to live and visit.

Paragraph 3.19 states that the City Centre is vital for the future prosperity of Aberdeen that the city centre is enhanced and promoted as a resilient, safe, attractive, accessible and well-connected place which contributes to an improved quality of life, noting that the Plan supports the delivery of this vision within a framework of securing sustainable development and continuing that this will be achieved through applying policies which positively promote what can happen, and where, in tandem with the City Centre Masterplan and Delivery Programme.

Policy NC4 of the plan relates to the Sequential Approach and Impact. It states that:-

"All significant footfall generating development appropriate to town centres should be located in accordance with the hierarchy and sequential approach as set out below and detailed in Supplementary Guidance Hierarchy of Centres:

Tier 1 : Regional Centre

Tier 2 : Town Centres

Tier 3 : District Centres

Tier 4 : Neighbourhood Centres

Tier 5 : Commercial Centres

Proposals serving a catchment area that is city-wide or larger shall be located in the city centre. Retail proposals shall preferably be located in the City Centre Retail Core.

Proposals serving a catchment area of a size similar to that of a town centre or district centre shall be located in a town centre or a district centre. They may also be located in the city centre. Proposals serving a catchment area of size similar to that of a neighbourhood centre shall be located in a neighbourhood centre.

They may also be located in any centre that is in the first, second or third tiers of the hierarchy.

Proposals for bulky goods shall only be located in a commercial centre if a suitable site is unavailable in the first, second or third tiers of the hierarchy.

Proposals for significant footfall generating development on an edge-of-centre site will not be supported unless:

- *the proposal is one that would have been appropriately located in the centre to which it relates; and*
- *in the centre to which it relates no suitable site for the proposal is available or is likely to become available in a reasonable time.*

In all cases, proposals shall not detract significantly from the vitality or viability of any centre listed in the Supplementary Guidance, and shall accord with all other relevant policies in the Plan, including those relating to design, access and amenity.

In major new development areas that are more than 800m walking distance from shopping facilities, permission may be granted for the establishment of a new second, third or fourth tier centre. Developers may be required to reserve land for this purpose.

Retail Impact Assessments should be undertaken where a retail development over 2,500sqm gross floorspace outwith a defined regional or town centre is proposed which is not in accordance with the development plan.

An analysis of impact should be undertaken where a significant footfall generating development over 2,500sqm gross floorspace outwith a defined regional or town centre is proposed which is not in accordance with the development plan.

A restriction may be imposed on the amount of comparison goods floorspace allowed within convenience shopping developments outside the city centre or other town centres."

Policy NC4 of the plan relates to Out of Centre Proposals. It states that:-

All significant footfall generating development appropriate to designated centres, when proposed on a site that is out-of-centre, will be refused planning permission if it does not satisfy all of the following requirements:

- "1 no other suitable site in a location that is acceptable in terms of Policy NC4 is available or likely to become available in a reasonable time.*
- 2 there will be no adverse effect on the vitality or viability of any centre listed in Supplementary Guidance Hierarchy of Centres.*
- 3 there is in qualitative and quantitative terms, a proven deficiency in provision of the kind of development that is proposed.*
- 4 the proposed development would be easily and safely accessible by a choice of means of transport using a network of walking, cycling and public transport routes which link with the catchment population. In particular, the proposed development would be easily accessible by regular, frequent and convenient public transport services and would not be dependent solely on access by private car.*
- 5 the proposed development would have no significantly adverse effect on travel patterns and air pollution."*

The retail proposals are significant. The site is not designated for retail in the Local Development Plan, and as such is significantly contrary to it, and constitutes an out-of-centre location in the context of Scottish Planning Policy (SPP).

It is submitted that the proposed development would have a significant impact on the City Centre, and will significantly undermine the Development Plan strategy in this respect.

Conclusion

In conclusion on behalf of our client we wish to formally object to the principle of the proposed development.

The information submitted with the current application and which appears on the Council's planning portal appears in no way to justify the development. No detailed assessment of planning policy has been provided for example, and should be requested of the applicant.

The correct process to promote exceptions to policy would be through a review of the Local Development Plan, and not by a speculative application which appears to be accompanied by limited, if any, policy justification.

We would submit that based on the forgoing assessment the proposed development is contrary to the LDP, and indeed represents a significant departure.

No material considerations, either submitted by the applicant nor assessed here support the proposed development where no justification is provided. The LDP Report of Examination underlines the Council and Scottish Government's position relative to the site.

Neither indicate the development warrants a departure from the development plan.

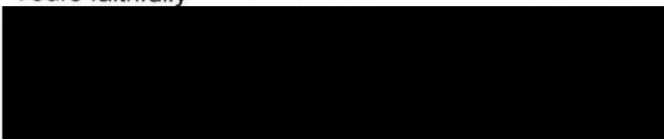
We trust that the above objection will be given due regard in the Council's consideration of the proposed development.

We would reserve the right at this stage to supplement our objections in the event that additional information is submitted by the applicant.

As noted above the review of the SDP and LDP Report of Examination represent significant material considerations in the assessment of planning applications, as is Scottish Planning Policy (SPP).

We would be grateful to receive acknowledgement of the receipt of the objection and would be pleased to further discuss.

Yours faithfully

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COLUMBIA THREADNEEDLE

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11 November 2016

Matthew Easton (Planning Officer)
Planning and Sustainable Development
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

Sent by Email and Post

Dear Mr Easton

Application Ref: 161429/PPP: Mixed Use Commercial Development at Site OP40, Prime Four Business Park, Kingswells, Aberdeen
Full Objection by Ellandi LLP

Further to our letter dated 21 November 2016, we are now in a position to set out our full objection to the above mentioned proposal which focuses on the merits of the Applicant's retail assessment contained within the Retail Capacity Study prepared by LSH and dated September 2016.

By way of background, Ellandi manage the Trinity Shopping Centre in Aberdeen City Centre on behalf of Lone Star. As a major investor in the City Centre, we are committed to ensuring that new development occurs in the right place and at the right time to help sustain and strengthen the City Centre as an attractive, sustainable and commercially viable place to live, work, shop and visit for a range of uses and activities. This latest proposal by Drum Property Group Ltd is of significant concern to Ellandi and its investors.

Our full review of the Applicant's retail assessment is provided as Enclosure 1 to this letter. This demonstrates that the Applicant's retail assessment is not fit for purpose due to the significant deficiencies in the methodology used, assumptions taken and conclusions drawn. It is therefore wholly insufficient to demonstrate that the application proposal complies with the existing Local Development Plan 2012 (LDP) and soon to be adopted Local Development Plan 2016 – both of which place significant emphasis on protecting Aberdeen City Centre's role as the region's main shopping destination and as the preferred location for significant footfall generating uses of a regional / city-wide scale.

Furthermore, our assessment illustrates that the Applicant has failed to demonstrate compliance with all criteria set out at Paragraph 73 of Scottish Planning Policy (SPP), namely:

- the Applicant's approach to sequential assessment does not adhere to the process for sequential assessment set by the SPP due to a misinterpretation of case law - as a consequence, the sequential assessment undertaken is insufficient to demonstrate that all city centre, edge of city centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable;
- the scale of development proposed is inappropriate, and there have been no efforts on the part of the Applicant to demonstrate that the proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location;
- the proposal is presented as a means to address qualitative and quantitative deficiencies within the city region – this will however be at the expense of City Centre sites that have been identified in the existing

and emerging LDP to address identified capacity for additional retail floorspace; and

- the Applicant's economic trade draw analysis utilises inappropriate assumptions which serve to underplay the impacts of the proposed development. The assessment it is not fit for purpose and places undue weight on the quantitative impacts of the proposal without due regard to the associated qualitative impacts which must be taken into consideration as part of any assessment of retail impact. In this regard, the Applicant has failed to demonstrate that the proposal will not lead to a significant adverse impact on the vitality and viability of Aberdeen City Centre.

We would add to the above and enclosed by noting that Aberdeen operates a Plan-led system which must be followed unless material considerations indicate otherwise (Town and Country Planning (Scotland) 1997 Act). Our assessment of the proposed development concludes that the purported benefits associated with the proposed development (as set out in the Applicant's Retail Capacity Study and other associated documents) are by no means sufficient to outweigh its clear non-compliance with the adopted LDP and the Aberdeen City and Shire Strategic Development Plan 2014 (SDP). Moreover, it categorically fails to address the overarching objective of the SPP in regard to town centres and retailing which is to apply a town centres first policy when planning for uses which attract significant numbers of people, including retail and commercial leisure. A town centres first policy is intended to support town and city centres, where these exist, or new centres only when they are supported by the Development Plan.

In this case, the scale of the proposed development is not envisaged in the existing and soon to be adopted Local Development Plan 2016. Indeed, within the emerging LDP, the City Council has set out a clear and comprehensive strategy for the delivery of additional retail floorspace up to 2035 / 36, informed by a comprehensive masterplanning exercise and the ACARS.

Moreover, there is evidence of a clear and demonstrable willingness on the part of City Centre investors to deliver this additional retail floorspace within the City Centre itself including the scheme by Hammerson to redevelop the Union Square car park (Application Ref: 152005). This scheme alone has the potential to deliver up to 11,148 sqm of retail floorspace, 6,503 sqm of new leisure space and 4,645 sqm of food and drink uses. While there may well be an appetite from retailers to have additional facilities outwith the City Centre, this is not a material consideration of any weight as quite clearly retail planning policy at all levels directs these retailers to town centre locations first and foremost. Indeed, the fact that these retailers would like to have additional representation at Prime Four does not overcome the fact that their very presence in this location will conflict with retail planning policy at all levels and significantly and irreversibly undermine Aberdeen City Centre's position at the top of the north east Scotland retail hierarchy.

In addition to the above, we note with interest that the Applicant has placed significant emphasis on the fact that both Glasgow and Edinburgh have significant out of centre retail provision, which on the face of it appears to operate quite successfully alongside more traditional retail provision within the city centres themselves. However, what this fails to take into account is that how other city regions operate is not a policy consideration and it is by no means sufficient justification that Aberdeen requires similar provision. Instead, it simply serves to illustrate the commitment of Aberdeen City Council to its town centres first policy and its clear emphasis on preserving and enhancing the vitality and viability of Aberdeen City Centre. The City Centre has benefitted significantly from this emphasis on the town centres first principle – it holds the dominant position in the north east for shopping and in recent years there have been several key city centre developments such as the development of Union Square and the upgrading of the Bon Accord and St. Nicholas Centres. Going forward, there are sufficient opportunities over the lifetime of the existing and emerging LDP to meet the identified capacity for new retail floorspace. Taking all this into consideration, there is no overwhelming quantitative or qualitative need to deliver the proposed floorspace in this location.

The impact of out of centre development on planned investment such as that proposed within the existing and emerging LDP is summarised by the ACARS. This concludes that there is a need to facilitate and support the growth of Aberdeen City Centre and:

"to maintain the City Centre as the principal retail location serving the north east of Scotland. The primary focus of the City Centre will be for comparison goods retailing. However, it is recognised that the delivery of new sites within the City Centre is a difficult and protracted process reflecting a range of development constraints including complex land ownership. Therefore, in order to provide the maximum opportunity for City Centre development to proceed, some restraint is proposed for out-of-centre retail proposals elsewhere in the City and Shire." (Page 76, emphasis added).

As the Applicant points out at Paragraph 5.8 of its Retail Capacity Study, the ACARS also advises that:

"the development of land in the City Centre for new retail will be a protracted, complex and costly process and could be undermined by relatively easy alternatives elsewhere in the City." (Page 63, emphasis added).

We do not dispute that there is significant potential for additional retail floorspace in the Aberdeen catchment area (this is to be expected), however this is quite clearly being planned for (as is required) through the emerging Local Development Plan (and the City Centre Masterplan) in far more sustainable locations, in accordance with recommendations of the ACARS and in line with the town centres first approach. The fact that the delivery of additional retail floorspace can be difficult to achieve in City Centre locations does not give developers 'carte blanche' to deliver unsustainable proposals elsewhere – if anything, it further highlights the need for the City Council to uphold the town centres approach to allow these City Centre developments to come forward in line with what is envisaged in the existing and emerging LDP.

Concluding Remarks

To conclude, we find that the application fails to demonstrate that the scheme is compliant with national, sub-regional and local policy objectives which seek to maintain and strengthen the vitality and viability of Aberdeen City Centre and to strengthen its position at the top of the retail hierarchy.

For all the reasons cited above and in the enclosed analysis, we maintain our objection to the proposed development and respectfully request that it is recommended for refusal by officers.

We would also ask that the Council requires the Applicant to address all of the points we have raised within our representation and if further material is submitted, all consultees are given an opportunity to review and comment on the additional material.

Please do contact me if you have any queries on the content of this letter and its enclosures and I will be happy to assist.

Yours sincerely



Richard Hutchinson
Asset Manager
Ellandi LLP

Enclosure 1

Ellandi Assessment of Prime Four Retail Capacity Study

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Prime Four Retail Capacity Study (LSH)	Ellandi Response
<p><u>Existing Retail Provision</u></p> <p>Section 4 of the Applicant's Retail Capacity gives consideration to existing retail provision in the Study Area, focusing on Aberdeen and assessing its position in a regional and national context. The following statements are made by the Applicant:</p> <ul style="list-style-type: none"> Paragraph 4.2 states that the Aberdeen City and Aberdeenshire Retail Study (2013) estimates that retail expenditure leakage from Aberdeen is in the order of £110m. Paragraph 4.3 states that whilst there is a significant quantum of expenditure leaking from the Aberdeen City region, the City's catchment is considered to be extremely resilient. It goes on to state that this is part due to the fact that out of centre retail competition is limited with a very modest supply of retail warehousing in and around the city and with much of this focused on bulky goods retail. Paragraph 4.4 states that the existing retail parks [in Aberdeen] have limited overall significance in terms of the region's retail provision, supporting the view that the north east has [a] very limited retail park offering when compared with other major Scottish cities. Paragraph 4.5 states that when Aberdeen is compared with other major Scottish cities, particularly Edinburgh and Glasgow, it can be seen that the retail offering of the City is lacking. Paragraph 4.6 states that this view is supported by the ACARS which establishes that the Aberdeen City Region can accommodate a significant quantum of additional comparison goods floorspace and advises that the barriers to this are a perceived lack of retailers and the simple physical restrictions of the City Centre to accommodate new retail floorspace. Paragraph 4.6 also refers to a public statement by Andrew Turnbull (Senior Lecturer at Robert Gordon University) in regard to the Aberdeen retail market: <i>"My suspicion is that Aberdeen has lagged behind and continue to lag behind other centres of retail in Scotland – it's never really had sufficient opportunities for retail. I think its a combination of lack of provision relative to other retail centres and also the lack of availability of appropriate land. It's not a question of can you get good retail space, its a question of can you get good retail space"</i>. Paragraph 4.7 states that the absence of a robust and complimentary retail centre within the Aberdeen City area is perhaps the key reason why the region has failed to meet the clear quantitative requirement for additional retail floorspace. Paragraph 4.8 notes that unlike Aberdeen, both Edinburgh and Glasgow benefit from having a number of sub-regional retail parks which complement their city centres. It goes on to refer to x2 tables which show how the two cities accommodate national retailers in several locations, meeting retailer demand whilst maintaining vital and viable centres. It also refers to a chart prepared by the Applicant which indicates that Aberdeen has a lower ratio of out of town space to residents than other Scottish cities (namely Dundee, Glasgow and Edinburgh). 	<ul style="list-style-type: none"> The Applicant places much emphasis on the fact that £110m has been identified as leaking from the Aberdeen catchment – the implication being that the proposed development will serve to stem this leakage through the provision of additional retail floorspace at Prime Four Business Park. It fails however to interrogate this leakage (which is identified through the ACARS2 2013) – if it did, then it would discover that whilst this expenditure leakage is significant, it is particularly significant for peripheral locations close to Moray (Zones 2 and 4+5) and Angus (especially Zone 22). There is also leakage across the whole of the Study Area, with a significant number of residents undertaking occasional trips to larger centres (notably Glasgow). Lastly, it would find that the flows of expenditure leaking out of the Study Area are generally balanced by flows of expenditure into Aberdeen from those living outwith the Study Area (Paragraph 2.74, ACARS 2013) – an important point, as clearly leakage from the catchment is effectively being 'cancelled out' by inflows of expenditure from elsewhere and is not as big an issue as the Applicant would suggest. In regard to the expenditure that is leaking from the catchment, we consider that it is highly unlikely that the proposal will claw back expenditure leaking towards Angus – most notably because the proposal is a significant distance from those residing in Zone 22 – the same applies Zones 2, 4+5 (in respect of expenditure leakage towards Moray), albeit to a lesser extent. In regard to the catchment wide expenditure leakage to Glasgow, it should be noted that no indication is given within the ACARS as to whether this leakage is to out of centre provision (e.g. Braehead and / or retail parks) or Glasgow City Centre (the Study does not distinguish between the two). If it is the latter (which we suspect is the case), then the proposed development is certainly not the type of retail floorspace that will encourage those currently choosing to shop in Glasgow City Centre to stay within the catchment and undertake their comparison goods shopping – it will instead replicate retailing that is already available in Aberdeen City Centre. Should the Applicant have an alternative view, then it should provide evidence to substantiate this (i.e. a bespoke household survey). There is a clear need to maintain Aberdeen's position in the retail hierarchy and provide for the retail needs of the catchment. This will not be achieved however through a retail park such as that proposed on the outskirts of the City Centre. It is only Aberdeen City Centre that will be able to compete 'head on' with the likes of Glasgow – a Centre which provides an experience that goes beyond just retailing, offering a wide variety of services and facilities such as leisure, entertainment facilities and recreation uses (including cinemas, restaurants, bars and pubs, night-clubs, casinos); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities). Only Aberdeen City Centre can provide this comparable experience. The Applicant's statement at Paragraph 4.3 simply serves to illustrate that the City Centre's resilience is in part due to the modest supply of out of centre retail floorspace. The quote from Andrew Turnbull extracted from a Press and Journal article is taken entirely out of context. Firstly, the quote does not in itself justify the need to deliver a new retail park on the outskirts of the City Centre. It is not a statement of policy - it is a quote from a newspaper article. Moreover, it simply acknowledges that there are constraints to the delivery of additional retail floorspace in Aberdeen and that there are still opportunities for investors in the City (despite the decline in oil prices) – something which the ACARS and emerging LDP both acknowledge and readily seek to address. Secondly, despite these constraints, it remains that Aberdeen is the third most popular city in Scotland and the number one destination for retailing in the north east. It has all the major stores and facilities one would expect to find in such a City Centre, including a number of key department stores, representation from a number of national and international brands and four indoor shopping centres. Moreover, there is a clear appetite to deliver additional retail floorspace (both Hammerson (Union Square) and BMO (Bon Accord and St. Nicholas) are proposing an extension to their existing offers). The constraints associated with delivering new retail floorspace in Aberdeen City Centre is not sufficient to justify upwards of 30,000 sqm of retail / town centre floorspace in an unsustainable location such as Prime Four Business Park – the retail park will simply replicate the City's retail offer, competing head on with existing retail facilities that serve to anchor the City Centre and attract footfall and undermine any attempts to deliver meaningful and sustainable retail development in the City's core retail areas. The Applicant also places significant emphasis on the fact that both Glasgow and Edinburgh have significant out of centre retail provision, which it considers trade successfully alongside more traditional retail provision within the city centres themselves. What this fails to take into account however is how these other city regions choose to operate is not a policy consideration at any level and it is by no means sufficient justification that Aberdeen requires similar provision. Instead, it simply serves to illustrate the commitment of Aberdeen City Council to its town centres first policy and its clear emphasis on preserving and enhancing the vitality and viability of Aberdeen City Centre. The City Centre has benefitted significantly from this emphasis on the town centres first principle – it holds the dominant position in the north east for shopping and in recent years, there have been several key city centre developments such as the development of Union Square and the upgrading of the Bon Accord and St. Nicholas Centres. Going forward, there are sufficient opportunities over the lifetime of the existing and emerging LDP to address the identified capacity for new retail floorspace. Taking all this into consideration, there is no overwhelming need to deliver the proposed floorspace in this location.

The Need for New Retail Floorspace

Section 5 of the Applicant's Study seeks to address the need for new retail floorspace in Aberdeen and the surrounding area, referring in particular to the Aberdeen City and Aberdeenshire Retail Study (ACARS, October 2013) undertaken by Hargest Planning Ltd.

The following statements are made by the Applicant:

- Paragraph 5.2 states that the ACARS report acknowledges that because of the challenges in delivering new floorspace in the last decade, retail provision in the area, specifically comparison goods retail, has not matched growth in expenditure [...]. It goes on to state that the ACARS report advises that *"it is difficult to imagine the identification of sufficient sites to accommodate the scale of new floorspace that would be implied by the growth in available expenditure (ACARS, Page 60)"*.
- Paragraph 5.3 states that in terms of Aberdeen City Centre, the ACARS study comments that there is enormous potential for additional retail floorspace, ranging from £120 to £140m in 2017 which could support 55,000 sqm of retail floorspace. It states that the ACARS report acknowledges that this is an 'enormous market potential' driven by a combination of expenditure growth and large population increases within the catchment area.
- Paragraph 5.4 states that over the longer term, for the period 2022 – 2027, the ACARS report advises that the scale of potential floorspace for Aberdeen is 'enormous' [...] the implied figure is 60-65,000 sqm of gross retail floorspace.
- Paragraph 5.5 states that the ACARS report suggests that it is difficult to consider the scale of new floorspace being developed in the City Centre over this period due to there being limitations on the number of retailers seeking to invest in Aberdeen and the sheer physical constraints of delivering the scale of floorspace which could be supported.
- Paragraph 5.7 states that in terms of delivering new floorspace, the ACARS study does not support the identification of specific locations for new retail floorspace but does indicate that there is significant potential within the City as a whole.
- Paragraph 5.8 refers to the following statement within the ACARS: *"the development of land in the City Centre for new retail will be a protracted, complex and costly process and could be undermined by relatively easy alternatives elsewhere in the City"*.
- Paragraphs 5.9 and 5.10 refer to the three scenario options set out in the ACARS for the delivery of new retail floorspace. It acknowledges that ACARS considered the likely impacts associated with these scenarios and recommends that Scenario 3 be implemented largely on the premise that it would support retail investment in the City Centre and minimise potential impacts on existing centres.

- National (SPP), sub-regional (SDP) and local planning policy (LDP) (inter alia) direct that developments such as that proposed should only be considered where the proposal will help to meet qualitative or quantitative deficiencies. The Applicant has sought to address this particular policy consideration at Section 5 of its Retail Capacity Study, referring to the ACARS which identifies a need to deliver additional retail floorspace within Aberdeen up to 2027. The Applicant also draws attention to a number of passages within the ACARS to highlight the scale of retail floorspace that is required to meet identified need.
- We acknowledge the findings of the ACARS (which, for avoidance of doubt, adopts a scenario which supports retail investment in the City Centre), however much of what it says in the context of the need to provide additional retail floorspace has been taken out of context by the Applicant. For example, the ACARS' reference to the need for between 60 and 65,000 sqm is only made in respect of one scenario that has been tested by the Study ('Scenario 5'). The ACARS tests three scenarios in total and concludes by recommending that Scenario 3 be adopted by the City Council which seeks to meet all retail deficiencies together with 30,000 sqm GFA floorspace within the City Centre. Scenario 5 is rejected on grounds of potential adverse impacts and potential undermining of City Centre retail investment.
- Indeed, the conclusions of the ACARS are quite clear in regard to where this new retail floorspace should be directed and how the Council should go about doing this. It certainly does not advocate the provision of a large retail park on the outskirts of Aberdeen City Centre. Conversely, its recommended retail strategy is to plan for the provision of 30,00 sqm GFA of new retail floorspace within the City Centre and to support Aberdeen City Centre as the principal shopping location serving the whole of the north east of Scotland - *"this support should include both the enhancement of retail provision and the protection of the City Centre against adverse retail impact from retail developments outwith the City Centre"* (Paragraph 6.7, ACARS, emphasis added). The rationale for adopting this approach is clear: *"the recommended strategy is identified to be based on Scenario 3 subject to reducing the scale of retail floorspace in order to support retail investment in the City Centre, to minimise potential adverse impacts on existing centres and to facilitate re-use of vacant floorspace"* (Paragraph 5.58).
- It is also important to note that since the ACARS was published in 2013, the City Council has made significant progress in terms of seeking to address the identified quantitative and qualitative deficiencies identified by the ACARS and to implement the recommended retail strategy in the ACARS to focus retail investment in the City Centre. This includes:
 - the preparation of a City Centre Masterplan and Delivery Programme 2015 (to be adopted as supplementary guidance) with a commitment to the preparation of further 'spin-off' masterplans to provide more detail on specific projects and interventions in due course; and
 - the finalisation of the LDP 2016 which refers back to the findings of the ACARS and allocates a series of strategic sites for retail development including Marischal Square, Crooked Lane / George Street, Aberdeen Market and Union Street.
- The Proposed LDP has recently been through Examination, with the Reporters concluding on 23 September 2016 that subject to minor modifications, the retail policies are consistent with the objectives of SPP – including Paragraph 30 which requires Development Plans to positively seek opportunities for meet the development needs of the Plan area in a way that is flexible enough to adapt to changing circumstances over time.
- If the qualitative and quantitative deficiencies in Aberdeen was so overwhelming, then it would have been for the emerging LDP to determine where this could be met outwith the City Centre. In this case, the emerging LDP (and indeed the Reporters presiding over the LDP Examination) concluded that there are sufficient opportunities within the City Centre (and other town centre locations) to meet the City's retail needs.
- There are no unresolved issues associated with meeting the retail needs of the City and as such no modifications to the LDP have been recommended by the Reporters which would in any way qualify the Applicant's assertion that the proposal is required to meet a quantitative or qualitative deficiency in the provision of retail floorspace. In this regard, it cannot be concluded that there is a 'need' for the proposed development.

Aberdeen City Centre Health Check

Section 6 of the Applicant's Study seeks to examine the current health of Aberdeen City Centre in order to reach a conclusion as to whether its overall health and ability to withstand the impact of a new retail centre in Aberdeen.

In regard to the health of Aberdeen City Centre, the following conclusions are drawn:

- Utilising data from the ACARS, Paragraph 6.3 states that Aberdeen City Centre is in good health with only 66 vacant units, accounting for 7.4% of units and 5.0% of floorspace within the City Centre – below the UK national average of 12.0% (Experian). Paragraph 6.5 goes on to state that this view is supported by the fact that there are no notable clusters of vacant premises, although as might be expected, vacancies are more prevalent in secondary locations.
- Paragraph 6.8 states that yields for prime city centre investments are reported to be in the order of 7% although there are suggestions that yields have compressed over the last 6-9 months and are probably now closer to 6%. (There is no evidence put forward by the Applicant to support the 6% figure).
- Paragraph 6.9 concludes that the size of the City Centre provides a wide range of choice for shoppers seeking both national (and international) brands and also independent local shops.
- Paragraph 6.10 notes that retailer demand in Aberdeen remains very strong. It states that according to EGi data, there are 59 identified requirements, comparing favourably with other Scottish cities with Dundee having 35 recorded requirements, Edinburgh 88, Glasgow 186 and Inverness 34. It goes on to state that Drum Property have confirmed retailer interest from a significant number of UK multiple retailers who wish to increase their representation in the Aberdeen City Region, particularly from fashion, clothing and footwear retailers that have requirements for ne retail units un the order of 2,500 to 20,000 sqft GFA.
- Paragraph 6.11 confirms that Aberdeen has excellent accessibility by a wide range of transport modes including bus and rail.
- Paragraph 6.12 notes that pedestrian flows are as high as 50,000 persons per day in the prime retail locations. Union Street has a daily flow of 33,000 persons per day.
- Paragraph 6.13 concludes that the City Centre is in reasonable condition and that it is generally clean. It also confirms that parts of the City Centre are pedestrianised or traffic calmed which enhances pedestrian amenity.
- Paragraph 6.14 provides the Applicant's overall conclusions in regard to the health of Aberdeen City Centre, confirming that it remains the dominant retail centre in north east Scotland and one of the strongest retail centres in Scotland as a whole. It notes that the City Centre has been particularly successful in attracting shoppers from an extensive catchment area due to the breadth of it retail and leisure offer, its accessibility and integrated transport provision. Moreover it states that the City Centre continues to perform exceptionally well with relatively low levels of vacant commercial floorspace.

- The Applicant's review of the current health of Aberdeen City Centre is, in our view, wholly lacking – it lacks detailed analysis and instead relies on high level data to justify its conclusions. Given the scale of retail floorspace proposed at Prime Four, one would expect a full review of the health of Aberdeen City Centre to be undertaken by the Applicant themselves, instead of relying on data which can now be regarded as out of date (SPP requires that health checks be conducted every two years).
- Our own view is that whilst Aberdeen City Centre continues to perform well as Scotland's third largest centre, it remains vulnerable in the face of retail development such as that proposed. Going forward, it will need to maintain and enhance its position at the top of the north east retail hierarchy to preserve and / or enhancing its vitality and viability. This is confirmed by the City Centre Masterplan which notes that for many, Aberdeen is the commercial shop window for the region and concludes that less employment and commercial activity will have an impact upon perceptions of the City that could ultimately have a negative impact upon the wider region. Conversely, it concludes that a thriving, dynamic commercial centre will better reflect the prosperity and opportunity that already exists in the area and will contribute to growth in North East Scotland and the UK as a whole.
- The supporting evidence base to the Masterplan also highlights a series of challenges facing the City Centre – a number of which appear to have been overlooked by the Applicant. These include:
 - a weakness in the retail and a quite narrow commercial (and cultural) leisure offer;
 - the elongated nature of the Centre - while there is a fairly compact retail heart, Union Street and George Street serve to dilute this effect - generally, the more compact a centre the more viable it is;
 - the environmental quality of some retail streets which are in need of improvement;
 - the central retail circuit does not operate effectively – there are weak links between the prime shopping centre of Union Square and Union Street.
- The above factors point to a Centre that does have its challenges and that it is not entirely resilient in the face of competing development such as that proposed. The fact that the Applicant has failed to 'dig beneath the surface' in regard to the health of the Centre is important because, in the case of large centres such as Aberdeen, quantitative impact assessment / economic analysis can serve to mask the likely impacts of a proposal. Indeed, by its very nature, the comparison goods turnover of the City Centre is very high and as a result, any impact figure resulting from a trade draw analysis will be seemingly 'de minimis' as the turnover of proposals are smaller in comparison.
- In such circumstances, a judgement as to whether the impact of a proposal (in trade draw terms) is 'significantly adverse' can only be reached taking into account local circumstances which is derived from a robust qualitative assessment of the health of the centre. The assessment of numerical impact or trade draw must therefore be set against more qualitative judgements such as impact on investor confidence, the nature of retailers, vacancies and pedestrian flows. In this case, the Applicant's assessment of the health of the City Centre is considered overly optimistic and fails to take into account a number of vulnerabilities. As a result, the impact of the proposed development on the City Centre is likely to be far greater than is anticipated by the Applicant.
- Lastly, the Applicant fails to acknowledge that a key contributing factor to the City Centre's current vitality and viability is the presence of a large number of national multiple retailers which help to attract visitors to the centre and in turn help to drive customers to smaller stores and facilities – it is precisely these types of operations that will be undermined by the proposed development if approved. Indeed, whilst it is unlikely that the proposal will lead to their closure (we acknowledge that many will want to maintain a presence in Scotland's third largest city), it will however undermine their ability to attract visitors to the City Centre as people choose to frequent the retail park instead. In this regard, the proposal will have an amplified impact on the health of an already vulnerable City Centre.

Sequential Site Analysis – Methodology and Area of Search

The Applicant's sequential site assessment as required by Scottish Planning Policy and the LDP is contained at Section 7.0 of the its Retail Study.

- Paragraph 7.3 states that in terms of suitability, regard should be had to the Supreme Court's Judgement of Tesco Stores Ltd v Dundee City Council 2012 ('Dundee' decision).
- Paragraph 7.4 states that the Supreme Court's position frames the Applicant's consideration of alternative sites. It goes on to state that what is required in this instance is a site capable of accommodating circa 30,000 sqm of gross retail floorspace together with associated car parking and associated food and drink uses. In order to deliver a development which meets specific, identified retailer requirements, it is considered that a site of 10.05 ha is required.
- Section 7 of the Retail Study goes on to review a series of sites in Aberdeen City Centre which have been identified through the ACARS. Paragraph 7.6 sets the tone for this assessment, noting that the City Centre presents inherent challenges in terms of accommodating new retail floorspace with the ACARS study commenting that *"the redevelopment of sites within the City Centre for new retail floorspace will be a complex and difficult process"*. Paragraph 7.6 also notes that the application proposals have been shaped by specific requirements from retailers who already have representation in Aberdeen City Centre and who wish to strengthen their representation in the Aberdeen City region but who have no requirement for further City Centre space.

- National (SPP), sub-regional (SDP) and local planning policy (LDP) (inter alia) directs that developments such as that proposed should only be considered where the all town centre, edge of town centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable. They also require Applicants to demonstrate that proposals cannot be reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location.
- It is our strong view that the Applicant has categorically failed to address this latter requirement which quite clearly specifies that Applicants demonstrate a degree of flexibility when applying the sequential test.
- In this case, the Applicant is seeking planning permission for 30,000 sqm (gross) of unrestricted Class 1 floorspace with no end users identified. The scope for flexibility in this case is therefore significant - a point which was recently addressed at an Appeal relating to the extension and sub-division of a Homebase store in Leamington Spa (APP/T3725/A/14/2218334). Whilst this Appeal relates to a planning decision in England, it was issued in January 2015 (after Dundee) and clearly confirms that as there were no named operators, *"the scope for flexibility here should be greater than otherwise"* (Paragraph 19).
- The need for a greater degree of flexibility by applicants in the execution of the sequential test was also supported by an Inspector presiding over a Section 78 Appeal / Secretary of State decision in Exeter, Devon (APP/Y1110/W/15/3005333). Again, whilst this is an English decision, it clearly grappled with the complexities of the Dundee decision and concluded, quite categorically, that potential sequential sites / buildings should be assessed on their potential to accommodate the proposed floorspace of the application proposals, with adequate servicing arrangements, but without necessarily the need for surface level parking. This decision calls into question the Applicant's methodology which is to only properly consider sites which can accommodate the proposal in full, including associated car parking, servicing and public realm areas with a site area measuring 10.05 ha.
- In our view, the Applicant should be required to significantly reduce the total site area to be assessed as part of its sequential approach. Indeed, without named operators, it is very hard to see how the Applicant has shown the flexibility that is required by SPP at Paragraph 73.
- Turning to the matter of whether or not the Applicant should be required to consider the 'disaggregation' of its proposal, we accept that this is not explicitly referred to in SPP. Notwithstanding this, it is prudent to note that the Court held in the Dundee judgement that, when it comes to flexibility, local planning authorities are expected to consider different built forms and sub-division of large proposals:
"As part of such an approach, they are expected to consider the scope for accommodating the proposed development in a different built form, and where appropriate adjusting or sub-dividing large proposals in order that their scale may fit better within existing developments in the town centre" (Paragraph 28).
- It is also important to note that the proposed ASDA store that was the subject of the Dundee decision was a free-standing store in a single building which could only have been reduced in size through the disaggregation of the store's offer. Similarly, the English North Lincolnshire decision (commonly referred to as the Zurich judgement) (which is also often referred to as justification for not disaggregating a proposal) related to a proposal for a Marks and Spencer store where the only available site in the town centre would have required the operator to split its food and non-food offer.
- Our interpretation of the relevant case law is that where an application proposal comprises a number of separate units or different uses with no end users (such as that proposed), a combination of more central sites should be considered provided that they do not require any of the individual retailers to disaggregate their offer. Indeed, there is a fundamental difference between the disaggregation of a single store compared with the sub-division of individual retailers in a larger proposal such as that proposed. The Applicant is therefore wrong as a matter of law in only assessing sites on the basis that they can accommodate the application proposal in full. In doing so, it makes a mockery of the sequential test as all that is required to pass the test in its view is to increase the size of proposals until no more centrally located sites can accommodate the entirety of that proposal.
- We also note that the Applicant has reviewed a series of City Centre sites as part of its flawed sequential assessment – a number of which are, in our view, capable of accommodating the proposed development in a disaggregated form. Moreover, the development constraints that have been identified (ownership, the historic environment and flooding) do not render these sites unsuitable - a point illustrated by the fact that the LDP has allocated some of these sites for retail development with a view to them being able to accommodate the retail capacity that was identified in the ACARS (this allocation process would have involved a sequential assessment and these sites have now been scrutinised by the Reporters).
- The fact that these sites do have some constraints and may take time to come forward is precisely why the City Council needs to resist developments such as that proposed – not least because they will be competing head on for the same retailers and customers. These City Centre sites need to be given breathing space to come to fruition – developments such as that proposed can undermine investment decisions and can be the tipping point for a decision as to whether or not bring a site forward.
- In summary, we find the Applicant's sequential assessment to be entirely lacking with undue weight placed upon selected passages within both the Dundee case to justify its approach which is incorrect as a matter of law. The sites that are reviewed are all too readily dismissed owing to a flawed methodology / approach. Greater flexibility and disaggregation is required to ensure the SPP requirement to consider a reduced / altered scheme has been satisfied. Without this more robust assessment being carried out, there are clear grounds for refusal of this application.
- We would conclude by noting that the relative ease of deliverability of the proposed development should hold very little weight in the determination of this application. This is because it will be at the expense of genuinely sustainable town centre development, including the redevelopment of sites identified in both the City Centre Masterplan and the emerging LDP.

Sequential Site Analysis – Sites Assessed

- The following sites have been assessed by the Applicant:
 - Land at Denburn / Woolmanhill (1.9 ha) – the Applicant discounts this site concluding that it is not available owing to it being in operational use by the NHS. Furthermore, the site is not considered suitable for the proposed development by virtue of the site being too small to accommodate the proposed development and because its redevelopment would require the loss of Grade A listed buildings.
 - Land at Schoolhill, Robert Gordon College and University (0.6 – 2.0 ha) – the Applicant discounts this site concluding that the land is not available with the University having recently disposed of its surplus assets.
 - Land at George Street / Crooked Lane, Aberdeen (0.6 ha) – the Applicant discounts this site concluding that is neither available or suitable for the proposed development on the basis that it is incapable of accommodating the scale of floorspace proposed.
 - 73 – 149 Union Street (0.3 ha) – the Applicant discounts this concluding that it is not suitable for the proposed development as it cannot accommodate a sufficient quantum of retail floorspace. It also concludes that the ownership and listed building constraints impact on its deliverability.
 - Aberdeen Market (0.35 ha) – the Applicant discounts this site as it is considered to be neither available or suitable for the proposed development as it cannot accommodate a sufficient quantum of retail floorspace.
 - Land at Virginia Street / Regent Quay (2.6 ha) – the Applicant discounts this site, concluding that it is neither available or suitable for the proposed development as its redevelopment would require the loss of listed buildings and development constraints in respect of flood risk would need to be overcome. It also concludes that it is unavailable as the site is in multiple ownerships.
 - Union Square Surface Car Park – the Applicant dismisses this site, concluding that it is neither available or suitable for the proposed development. The applicant considers that it is incapable of accommodating the scale of floorspace proposed in the format required, moreover that the land is under the control of Hammerson and thus unavailable. The Applicant refers to the Dundee case to justify its conclusions in regard to this site, noting that the key determining factor is whether an alternative site is suitable for the proposed development and not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site. It notes that the application proposal is fundamentally different in their form and nature to what is being proposed at Union Square through Application Ref: 152005). In view of this, it states that the Applicant's proposals are incapable of being altered or reduced to fit onto the existing car park at Union Square, even if a degree of flexibility were to be applied. It concludes this point by noting that to accommodate the proposed retail floorspace at Union Square, it would be necessary to develop over multiple levels – something which would not meet retailer requirements. Lastly, the Applicant notes that the application proposal has been tailored to address a specific deficiency within the city Region's offer by providing retailers with the opportunity to increase their representation in the City – an arrangement which is consistent with other major Scottish cities – in view of this, it concludes that the car park opportunity at Union Square is unsuitable to accommodate the proposed development.
 - Union Square South, Palmerston Road (2.6 ha) – the Applicant discounts this site as it considers that it is unavailable in the short term due to it being occupied by a range of uses. Moreover, it considers that the site is unsuitable as its redevelopment would require the loss of listed buildings and because there is no retailer demand for a new retail centre at this location.

- See above – it is considered that these sites should be reassessed in view of the requirement for the Applicant to apply a greater degree of flexibility in undertaking its sequential assessment, as well as considering these sites for their suitability and availability for accommodating a disaggregated form of the proposed development.
- For the avoidance of doubt, it is absolutely not acceptable for the Applicant to argue that because the retailers that they are seeking to attract to the proposed development are already represented in the City Centre, City Centre sites can be dismissed on grounds that they are 'unsuitable'. In respect of this particular point, regard should be had to a recent High Court decision in Mansfield (Aldergate Properties and Mansfield District Council [8th July 2016] – High Court of Justice (Case No: CO/6256/2015). This concluded, quite categorically, that the "individual corporate personality of the applicant or intended operator" is not relevant to the application of the sequential approach and indeed would be "the antithesis of planning for land uses" (Para 38). In his judgement in this case Mr Justice Ouseley clearly states that: "It is not intended that the absence of an up-to-date plan creates a rather different world in which retailers could enjoy a much greater degree of temporary freedom based on their individual commercial interests" (Para 36). He adds that the NPPF "cannot therefore be interpreted as requiring "suitability" and "availability" simply to be judged from the retailer's or developer's perspective, with a degree of flexibility from the retailer, and responsiveness from the authority" (Para 37).
- This view can reasonably be applied in a Scottish context (SPP requires Applicants to consider sites for their 'suitability' and 'availability') and as such no weight can be placed on any argument put forward by the Applicant that City Centre sites are not 'suitable' as the intended occupiers are not seeking representation in the City Centre.

Sequential Site Analysis - Conclusions

The following conclusions are drawn by the Applicant:

- While it is evident that there are development opportunity sites in Aberdeen City Centre, in all cases the sites are considered neither available or suitable to accommodate the proposed development. Furthermore, it notes that almost all of the sites have significant development constraints relating to ownership, the historic environment and flooding.
- The Applicant notes that the Prime Four proposal has been tailored to address specific requirements from retailers that already have a presence in Aberdeen City Centre. It notes that these retailers do not require additional City Centre representation and instead wish to invest in other parts of the City region – a pattern of development that has been successfully followed in Edinburgh and Glasgow. It is noted that the proposed development will not prejudice the delivery of sites for retailing in the emerging LDP as the majority of retailers wishing the occupy space at Prime Four have no requirement for additional City Centre representation.
- The Applicant also considers that the rationale for the proposed development is not dissimilar to the case in support of the adjacent Prime Four Business Park which was borne out of a requirement to deliver modern, large format business space to meet an identified requirement in the office and business markets. In view of this, it cites Paragraph 68 of SPP which states that development plans should adopt a sequential town centre first approach when planning for uses which generate significant footfall, including offices. It is asserted that because in allocating the site for office uses, the Council followed the sequential approach with regard to the Business Park (and ultimately concluded that there are no sequentially preferable sites) it accepts that Prime Four is a suitable and sustainable location for high footfall generating uses. Accordingly, it considers that the Council has already confirmed that the site meets the sequential approach to site selection as set out in Paragraph 68 of SPP.
- The Applicant notes that the site is highly accessible from all directions and benefits from having excellent public transport links with Kingswells Park and Ride facility forming an integral part of Prime Four. The local cycle path network is also considered to make sustainable transport viable.
- It concludes by noting that what separates Prime Four from other opportunities is the issue of effectiveness and deliverability. The land at Prime Four is under the full control of the applicant and is free from any significant development constraints. Accordingly, it can be relied to come forward for development immediately, meeting the requirement for new retail floorspace in Aberdeen. It is therefore considered that the Applicant's proposals demonstrate full compliance with the sequential approach to site selection as set out in the SPP and LDP.

See above.

Economic Analysis – Key Assumptions

Section 8 of the Retail Capacity Study provides an assessment of the trade draw impacts of the proposal:

- The Applicant's Catchment Area is defined taking into account the scale of the proposed retail floorspace, its regional function and considering those areas it is most likely to have an influence on. The zones comprising the Applicant's catchment area correspond with the ACARS.
- Paragraph 8.2 sets out the population levels for each of these zones. The Applicant's catchment area comprises 32 zones in total which equates to 402,554 people in 2017 and 410,962 in 2022. No indication is given as to the source of the population data that has been used.
- The Applicant notes at Paragraph 8.3 that the per capita expenditure for each of the zones have been obtained and that these figures have been adjusted to take account of Special Forms of Trading (SFT). A review of the Applicant's full economic trade draw analysis at Appendix 1 (Table 2) would suggest that the EPC is derived from the ACARS – however no indication is given as to how SFT has been calculated and indeed how the EPC is projected to 2022.
- The Applicant's assessment of total retail expenditure is summarised at Paragraph 8.4 and contained at Table 3 of the economic trade draw analysis (Appendix 1). The Applicant asserts that between 2017 and 2022, the available comparison goods expenditure within the catchment is expected to rise by £236m, while convenience goods expenditure is expected to increase by £47m.
- Paragraph 8.5 states that in terms of existing retail floorspace, an estimate based on company average trading density has been made of the turnover of existing facilities within the Catchment Area. These figures are then set against the actual turnover of these stores, as referenced in the ACARS. The Applicant concludes by noting that existing centres and stores are significantly overtrading, which it considers translates into a need for additional retail floorspace, particularly for comparison goods.
- Paragraph 8.6 of the Study provides an indication as to the turnover of the proposed development, noting that it would provide 26,013 sqm of general comparison goods floorspace, together with 3,716 sqm of convenience goods floorspace. The sales densities of this floorspace is estimated to be £5,300 per sqm and £10,000 per sqm respectively which equates to a total comparison goods turnover of £110.29m and a convenience goods turnover in the order of £14.86m.
- The Applicant notes at Paragraph 8.7 that when considering the turnover of the floorspace against the available expenditure generated by the catchment, it is evident that the proposals will only assist in meeting part of the quantitative need for additional retail provision in the catchment area, and will leave capacity for additional floorspace elsewhere within the catchment. Indeed, it notes that only 8% of the available expenditure in the catchment would be entirely consumed by the £236m growth in expenditure between 2017 and 2022.

We have reviewed the Applicant's assumptions which underpin its economic trade draw analysis and have the following observations:

- It would appear that the Applicant has utilised the figures contained within the ACARS to calculate the total available expenditure within the defined catchment area. We are unsure however whether these figures (population / expenditure per head) have been re-based to reflect the passing of time since the ACARS was published and indeed whether or not they have been projected utilising the most up to date forecasts (which can be sourced from retail forecasters such as Experian / Pitney Bowes etc). Moreover, no indication has been given as to what allowance has been made for SFT and whether or not this is based upon the latest estimates produced by Experian / Pitney Bowes etc. Clarification on these points is required if the Applicant's estimate of total available expenditure for both comparison and convenience goods is to be relied upon.
- We note the Applicant has undertaken an assessment of overtrading, presumably to demonstrate that there is an immediate qualitative deficiency in the amount of floorspace that is currently provided in the defined catchment area (particularly for comparison goods). Whilst we do not dismiss these findings, we note that this qualitative deficiency would be better addressed in a sustainable City Centre location (such as the Union Square Surface Car Park which already has planning permission to provide up to 11,000 sqm of retail floorspace). It is also notable that in addition to addressing quantitative and qualitative deficiencies, Applicants are required to satisfy a number of other retail policy tests as prescribed by SPP at a national level.
- We have reviewed the Applicant's assessment of the turnover of the proposed development. Given the scale of the proposed development, we consider these to be broadly reasonable (although not necessarily the worse-case scenario as many retailers will have average sales densities above £5,300 and £10,000 per sqm for comparison and convenience goods respectively). We would however emphasise that the potential turnover of the proposal is significant, representing approximately 10% of the turnover of Aberdeen City Centre. With a total turnover of £125.15m it is also:
 - over 10 times higher than the turnover of Rosemount Town Centre (£12.34m) (ACARS, Page 37);
 - over 20 times higher than the Torry Town Centre (£5.92m) (ACARS, Page 37) – Aberdeen's main town centres and second only in the retail hierarchy to Aberdeen.
- Lastly, the Applicant asserts that the proposals will only assist in meeting part of the quantitative need for additional retail provision in the catchment area and that it will leave capacity for additional floorspace in the catchment: We have two observations in regard to this particular statement:
 - Firstly, this statement is incorrect. Both the ACARS and the LDP adopt a strategy to provide 30,000 sqm of retail floorspace within the City Centre – the proposed development will simply absorb this capacity at the expense of the vitality and viability of the City Centre.
 - Secondly, it is naive to consider that a retail proposal of this magnitude would not make retailers and developers think twice about investing in the City Centre – the proposal will not only accommodate retailers who would have otherwise sought representation in the City Centre, it will also compete head on with the City Centre for custom. The truth of the matter is that the proposed development will serve to set back the delivery of sustainable City Centre retail development though saturating the market with unfettered retail floorspace that has a clear competitive advantage over City Centre sites (such as the ability to offer free, surface car parking and ease of access by car from a main arterial route into the City Centre).

Economic Analysis – Qualitative Issues

- Paragraph 8.8 reasserts the Applicant's previous argument that the retail offer within the Aberdeen City Region does not compare favourably with other major Scottish cities insofar as there is a large gap in the distribution of non food retail floorspace. It states that the proposed development will provide for consumer choice by ensuring that a good distribution of locations is achieved to improve accessibility for the whole region.
- Paragraph 8.9 goes on to state that the proposals have been designed to maximise the qualitative benefits that can accrue to the Aberdeen area, namely that it estimated that the proposal will 'claw back' approximately £19m of the £110m trade which is currently leaving the catchment area to more distant stores and centres. It notes that the proposals present an opportunity to make a significant qualitative improvement to the existing retail offer in Aberdeen, satisfying operator requirements and helping to meet a significant requirement for new retail floorspace in the catchment.

- We have already provided a clear explanation as to why Glasgow and Edinburgh's retail composition is not considered to be a material consideration in the determination of this application.
- We would add to this by noting in recent years, concerns have been expressed as to the growing influence of the retail parks in Glasgow and Edinburgh over their respective catchments. The most recent example of this concern is in the case of Fort Kinnaird in Edinburgh which sought to extend the existing retail park to provide a new Debenhams department store comprising of 5,612 sqm. A planning application for this extension was refused by Edinburgh Council on 25 October 2013 and dismissed by a Reporter following an Appeal Inquiry on 19 March 2015. Amongst other things, Paragraph 98 of the Appeal decision concludes:

"[...] I find that Fort Kinnaird is already competing with the City Centre and that the increase in turnover at Fort Kinnaird that would result from the proposed development would increase the competition with the City Centre. By reinforcing the already strengthening fashion, clothing and beauty components of the retail offer at Fort Kinnaird, the format of the proposed development would increase the impact that Fort Kinnaird has on the City Centre. By further enhancing investor confidence, the proposed development would be likely to increase impact on the City Centre in the future. [...]"
- The Reporter concluded by noting that the proposed development would not accord with the town centre first principle, that the sequential approach had not been satisfactorily followed and that it did not accord with the "Promoting Town Centres" section of Scottish Planning Policy.
- This in itself is a clear indication that the retail parks referred to by the Applicant do not accord with the town centres first approach and that there is concern over their dominance of the retail market in these areas. In this regard, the Applicant's conclusions that the only way to enhance customer choice in Aberdeen is through the provision of an out of centre retail park and that this is a model that is being followed successfully elsewhere, must be dismissed.

Economic Analysis – Trade Draw

- Paragraphs 8.10 – 8.19 provide an overview of the Applicant's assessment of trade draw which is supported by the Applicant's economic analysis tables at Appendix 1.
- Paragraph 8.11 notes that the growth in expenditure, coupled with the level of surplus capacity within the Study Area, means that the trading impact of the proposal will be benign and that it can co-exist with existing stores and centres. Notwithstanding this, the Applicant has undertaken an assessment of the likely trading effects of the proposal.
- Paragraph 8.12 refers to Table 7 of the economic analysis indicating that this sets out the trade draw pattern that has been adopted for the proposed retail floorspace. This draw, the Applicant asserts, has been assessed taking into account the location and distribution of population, the socio-economic characteristics of the area, the characteristics of existing and proposed retail provision within the catchment and the accessibility of the application site by all modes of transport.
- Paragraph 8.13 notes that the application proposals are focused on the provision of comparison goods retailing, with a particular focus on clothing and fashion. As such, it considers that the majority of the proposals turnover will be trade diverted from existing retail destinations in the Aberdeen catchment which are significantly overtrading and from trade which is currently leaking to more distant centres, particularly Edinburgh and Glasgow.
- The Applicant assumes that the proposal will capture 17% of trade that is currently leaking from the Aberdeen catchment (£19m) which is considered to be a conservative estimate (Paragraph 8.14).
- It goes on to state that the proposals are a direct response to established retailer requirements, many of whom have existing city centre representation and have a requirement for additional retail floorspace in the Aberdeen catchment. It notes that this is largely due to existing stores not being able to satisfy customer demand and the need to relieve significant levels of over-trading. It also notes that there is sufficient expenditure within the Aberdeen catchment to allow retailers to justify multiple stores.
- Paragraph 8.16 deals with the likely comparison goods trade draw of the proposal from stores and facilities within Aberdeen City Centre, concluding that it will draw £55m in total, equating to a 5.2% comparison goods impact on the City Centre (which will have a turnover of £1,066m in 2022. It concludes by noting that the effect of this impact will be to modestly reduce levels of over-trading and that there will be no detrimental impact on the vitality and viability of the City Centre as a result of the proposed development.
- Paragraph 8.17 deals with the trade draw impacts of the proposal on stores and facilities outwith the city centre, concluding that the proposals will draw some trade from the retail parks at Berryden, Beach Boulevard, Garthdee and Kittybrewster (£11m) with some trade drawn from Portlethen and the emerging retail floorspace at Chapleton east of Elsick (£5m). It is concluded that in no case will the proposed development threaten the existence of these retail destinations as in most cases, their focus is not on general comparison goods retailing.
- Paragraph 8.18 deals with the trade draw impacts of the proposed convenience store which it regards to be focused on similar sized and functioning stores within the catchment. With this in mind, it concludes that the largest impact will be on similar sized and functioning stores at Garthdee and Berryden (£9.5m). Paragraph 8.19 also acknowledges that some impact will be felt by more local convenience goods stores and facilities in Westhill Town Centre, concluding that this are likely to be in the order of 1.6%.
- Paragraph 8.20 concludes by noting that Aberdeen does not provide sufficient comparison goods floorspace capable of satisfying shopper's requirements. It considers that the proposed development will provide the north east with a retail destination which the Aberdeen catchment currently lacks, enabling shoppers to meet their shopping needs and bringing Aberdeen up to a level of provision that is consistent with other major Scottish cities.

- The Applicant's assessment of trade draw follows a standard model and as such we do not have any comments in regard to its general approach to assessing quantitative impact. We do however have a number of observations in relation to the Applicant's trade draw assumptions that we wish to highlight:
 - The Applicant considers that the proposal will capture 17% of trade that is currently leaking from the Aberdeen catchment (£19m – all from Glasgow and Edinburgh (Table 7 of the Retail Capacity Study) which is considered to be a conservative estimate. This assumption is wholly unsubstantiated for the following reasons:
 - the ACARS does go into detail as to how leakage from the catchment currently occurs (for example, it does not differentiate between retail park and city centre shopping in respect of Glasgow – see comments above). There is even less detail in regard to leakage to Edinburgh. As we have also noted above, the proposal will not be sufficient to prevent a general preference for the local population to undertake their comparison goods shopping in Glasgow and Edinburgh – both centres are significantly larger than Aberdeen and provide a comprehensive and well-rounded shopping experience. The proposed retail park will instead replicate existing provision in Aberdeen City Centre and remove the incentive for existing customers to visit.
 - A large proportion of leakage from the catchment will be as a result of people working outwith the catchment and choosing to shop in this location – no account is taken of this by the Applicant and there is no analysis of this in the ACARS.
- Without a clear indication as to where this trade will be clawed back from, substantiated by evidence (such as a bespoke household survey focusing on the reasons for residents choosing to shop outwith the catchment), there can be absolutely no reliance on this particular trade draw assumption.
- The amount of trade drawn from the retail parks at Berryden, Beach Boulevard, Garthdee and Kittybrewster (£11m) is overestimated. This is because, as the Applicant points out in Section 4 of its Retail Capacity Study, these retail parks are largely bulky goods / value orientated in nature and as such unlikely to compete on a like for like basis with the proposed development (which by the Applicant's own admission is to be focused on the fashion sector).
 - Taking into account the above, we consider that the likely trade draw of the proposal from destinations other than the City Centre has been overestimated (it concludes that £30m will be drawn from existing retail parks and from stores and facilities outside of the catchment). This has the effect of underestimating the quantitative impact on the City Centre.
- In addition to the above we note that little or no attempt has been made by the Applicant to undertake an assessment of the qualitative impacts of the proposal which, in our view, will be significant. These qualitative impacts include:
 - impact on investor confidence – the proposal will have a direct impact decisions to invest in the City Centre – a large, out of centre retail park coming on stream will reduce the overall attractiveness of investing in the City Centre;
 - impact on customer perceptions - as we highlighted above, Aberdeen is the commercial shop window for the region – competing investment outwith this location will have an impact upon perceptions of the City that could ultimately have a negative impact upon the wider region;
 - amplified impacts on local, independent business who rely on the footfall generated by anchor stores for custom;
 - impact on commercial rents;
 - potential relocation of businesses to Prime Four from the City Centre (where dual representation is no longer required) – whilst the Applicant indicates this is not the intention of the proposal, there would be nothing to stop this happening in the future.
 - In addition to the above, we note with interest that the description of development also includes food and drink uses (Class 3). No attempts have been made by the Applicant to address what the impact of this aspect of the proposal will be – indeed no reference is made to these uses in its Retail Capacity Study. Our view is that placing food and drink uses at the proposal site will enhance the attraction of the retail park and remove yet another reason for shoppers to visit the City Centre. This will not only result in a loss of trade to occupiers in the City Centre it will also increase the patronage of / dwell time at the retail park increasing the likelihood of people diverting their trade to the retail park from the City Centre. Food and beverage uses in this location represent the further erosion of the need to visit Aberdeen City Centre thus impacting on its overall vitality and viability.
 - The resultant effect is that the impact of the proposed development has been significantly underestimated to the extent that we do not consider the Applicant has satisfactorily demonstrated that there will be no significant adverse effect on the vitality and viability of Aberdeen City Centre.
 - The need for comparison goods floorspace in Aberdeen has already been assessed by Aberdeen City Council and is subsequently being planned for in the emerging LDP – this concludes quite categorically that there is no need direct surplus capacity identified by the ACARS towards out of centre locations and that any major requirements for new retail floorspace can be satisfactorily accommodated within the City Centre.

Assessment of Positive Economic Impact

- In addition to the above, the Applicant seeks to highlight the net economic benefits associated with the proposed development, which it regards to be a key material consideration in the determination of the application (Paragraph 8.21).
- Paragraph 8.22 notes that the retail industry makes a direct contribution to economic prosperity with people directly employed by retailers as well as employees supported in the wider supply chain. It notes that as a result, the proposal has the ability to create more than 500 new jobs, something that would make a significant contribution to the Aberdeen economy.
- Paragraph 8.23 states that it is apparent from the level of surplus capacity within the catchment area that the trading impact of the proposed floorspace will be a benign one and that it can co-exist with Aberdeen City Centre and the other centres in the catchment. It goes on to state that the proposed retail floorspace will not threaten the existence of any existing retailers that trade from Aberdeen City Centre and will not prejudice the development of additional retail floorspace which may come forward in the future.
- Paragraph 8.24 notes that the proposed development at Prime Four will not affect the SDP commitment to the City Centre as it has a much broader role than simply a retail destination and it has a deep breadth of offer in terms of food and drink, leisure, retail, residential, recreational and business space. Paragraph 8.25 goes on to state that the city Centre has a completely different role to the other major shopping destinations in Aberdeen and it provides a different shopping experience. The proposed development is intended to fill a trading gap rather than compete with existing stores in the City Centre.
- The Applicant notes that the proposed retail floorspace will meet the immediate requirements of the market and will significantly improve access for potential customers in the catchment area. It is considered that the location of the proposal will not divert significant numbers of existing customers from the existing stores in the City Centre (Paragraph 8.26). It is further noted that the new retail floorspace will improve competition and choice as well as securing a qualitative improvement which will serve the western quadrant of Aberdeen and parts of Aberdeenshire. The Applicant concludes by noting that the City will experience direct benefit from this qualitative improvement, boosting market confidence in the region.

- The Applicant refers to a series of economic benefits associated with the proposed development which it regards as material considerations of weight in the determination of the planning application. This includes the number of jobs to be created by the proposal.
- Officers should treat these purported benefits with considerable caution in the determination of this application. Indeed, whilst we do not doubt that the proposed development will create new employment opportunities – these opportunities are likely to be at the expense of the jobs lost or relocated as a result of the proposed development (displacement rather than creation). The proposed development will compete head on with existing businesses in the City Centre. We also find the employment generation figures set out in the Applicant’s submission to be overstated.
- We would add to the above by noting that not only will the proposal undermine the City’s overarching retail strategy (which is to direct new retail floorspace to allocated centres and to maintain Aberdeen City Centre’s position at the top of the north east retail hierarchy), it is also unsustainable. It does not offer the range of benefits that can be achieved through in-centre development including the provision of centrally located floorspace which is genuinely accessible to all (not just those who have access to a car) and the ability for linked trips with other services and facilities in the City Centre.

Conclusions

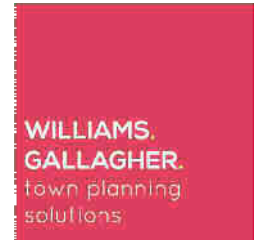
The Applicant's conclusions are set out in Section 9.0 of the Retail Capacity Study:

- Paragraph 9.1 notes the current deficiency of retail floorspace in the Aberdeen City Region and the ACARS which describes the scale of the retail opportunity in Aberdeen as 'enormous'.
- In terms of quantitative need, the Applicant asserts that it has demonstrated that the scale of the existing surplus expenditure in the Aberdeen catchment areas is more than sufficient to justify the proposed retail floorspace and that its assessment shows that the proposal represents a valuable opportunity to make a significant qualitative improvement to shopping provision in the Aberdeen catchment.
- It goes on to note that national planning policy requires that a sequential approach be adopted for the selection of preferred locations for retail development. Its review of Aberdeen Centre concludes that there are no suitable and available sites either in or on the edge of the City Centre.
- Paragraph 9.4 notes that despite its out of centre location, Prime Four is an established and sustainable business location, is already allocated for development and that it is the only viable site within the area which is capable of accommodating the proposed store and meeting the requirement for a new retail centre to serve the Aberdeen catchment. Moreover, it is considered that the proposal is tailored to address a specific requirement from retailers, many of whom already have a presence in the City Centre. It is stated that these retailers do not require additional City Centre representation and instead wish to invest in other parts of the City Region. As a result, it is considered that the proposal will not prejudice the delivery of sites identified for retailing in the City Centre (Paragraph 9.5).
- In terms of impact on Aberdeen City Centre, Paragraph 9.6 notes that the overall impacts of the proposed development on the City Centre will be benign. It also states that it has been demonstrated that the City Centre is currently in good health and is well placed to withstand any impacts from the proposed development.
- Overall, it is considered that the proposal will have positive effects, both at strategic and local levels. At the strategic level, it is considered that the proposal will add a major new retail attraction to the region to ensure that it is in the strongest position to claw back trade that currently leaks to more distant facilities outwith the catchment area. At a local level, it is considered that the proposal has the potential to create significant new jobs.
- The Study concludes by noting that Aberdeen's position as a retail destination cannot survive indefinitely without investment to maintain its position within the retail hierarchy and its ability to serve those who live within its substantial catchment. It notes that there is a requirement for diversification in the north east retail market and a vital element of the proposals is the reinforcing of the retail role in the face of so many external competitive pressures. The Applicant considers that the proposal offers the opportunity to address these challenges and to re-position Aberdeen as one of Scotland's main retail destinations.

- We disagree with the Applicant's conclusions in regard to the acceptability of the proposed development in retail planning terms for the following reasons:
 - the Applicant's approach to sequential assessment does not adhere to the process for sequential assessment set by the SPP due to a misinterpretation of case law - as a consequence, the sequential assessment undertaken is insufficient to demonstrate that all city centre, edge of city centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable;
 - the scale of development proposed is inappropriate, and there have been no efforts on the part of the Applicant to demonstrate that the proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location;
 - the proposal is presented as a means to address qualitative and quantitative deficiencies within the city region – this will however be at the expense of City Centre sites that have been identified in the existing and emerging LDP to address identified capacity for additional retail floorspace; and
 - the Applicant's economic trade draw analysis utilises inappropriate assumptions which serve to underplay the impacts of the proposed development. The assessment it is not fit for purpose and places undue weight on the quantitative impacts of the proposal without due regard to the associated qualitative impacts which must be taken into consideration as part of any assessment of retail impact. In this regard, the Applicant has failed to demonstrate that the proposal will not lead to a significant adverse impact on the vitality and viability of Aberdeen City Centre.
- We would add to the above and enclosed by noting that Aberdeen operates a Plan-led system which must be followed unless material considerations indicate otherwise (Town and Country Planning (Scotland) 1997 Act). Our assessment of the proposed development concludes that the purported benefits associated with the proposed development (as set out in the Applicant's Retail Capacity Study and other associated documents) are by no means sufficient to outweigh its clear non-compliance with the adopted LDP and the Aberdeen City and Shire Strategic Development Plan 2014 (SDP). Moreover, it categorically fails to address the overarching objective of the SPP in regard to town centres and retailing which is to apply a town centres first policy when planning for uses which attract significant numbers of people, including retail and commercial leisure. A town centres first policy is intended to support town and city centres, where these exist, or new centres only when they are supported by the Development Plan.
- In this case, the scale of the proposed development is not envisaged in the existing and soon to be adopted Local Development Plan 2016. Indeed, within the emerging LDP, the City Council has set out a clear and comprehensive strategy for the delivery of additional retail floorspace up to 2035 / 36, informed by a comprehensive masterplanning exercise and the ACARS.
- Moreover, there is evidence of a clear and demonstrable willingness on the part of City Centre investors to deliver this additional retail floorspace within the City Centre itself including the scheme by Hammerson to redevelop the Union Square car park (Application Ref: 152005). This scheme alone has the potential to deliver up to 11,148 sqm of retail floorspace, 6,503 sqm of new leisure space and 4,645 sqm of food and drink uses. While there may well be an appetite from retailers to have additional facilities outwith the City Centre this is not a material consideration of any weight as quite clearly retail planning policy at all levels directs these retailers to town centre locations first and foremost. Indeed, the fact that these retailers would like to have additional representation at Prime Four does not overcome the fact that their very presence in this location will conflict with retail planning policy at all levels and significantly and irreversibly undermine Aberdeen City Centre's position at the top of the north east Scotland retail hierarchy.
- In addition to the above, we note with interest that the Applicant has placed significant emphasis on the fact that both Glasgow and Edinburgh have significant out of centre retail provision, which on the face of it appears to operate quite successfully alongside more traditional retail provision within the city centres themselves. However, what this fails to take into account is that how other city regions operate is not a policy consideration and it is by no means sufficient justification that Aberdeen requires similar provision. Instead, it simply serves to illustrate the commitment of Aberdeen City Council to its town centres first policy and its clear emphasis on preserving and enhancing the vitality and viability of Aberdeen City Centre. The City Centre has benefitted significantly from this emphasis on the town centres first principle – it holds the dominant position in the north east for shopping and in recent years there have been several key city centre developments such as the development of Union Square and the upgrading of the Bon Accord and St. Nicholas Centres. Going forward, there are sufficient opportunities over the lifetime of the existing and emerging LDP to meet the identified capacity for new retail floorspace. Taking all this into consideration, there is no overwhelming quantitative or qualitative need to deliver the proposed floorspace in this location.
- The impact of out of centre development on planned investment such as that proposed within the existing and emerging LDP is summarised by the ACARS. This concludes that there is a need to facilitate and support the growth of Aberdeen City Centre and:
 - *"to maintain the City Centre as the principal retail location serving the north east of Scotland. The primary focus of the City Centre will be for comparison goods retailing. However, it is recognised that the delivery of new sites within the City Centre is a difficult and protracted process reflecting a range of development constraints including complex land ownership. Therefore, in order to provide the maximum opportunity for City Centre development to proceed, some restraint is proposed for out-of-centre retail proposals elsewhere in the City and Shire." (Page 76, emphasis added).*
 - As the Applicant points out at Paragraph 5.8 of its Retail Capacity Study, the ACARS also advises that:
 - *"the development of land in the City Centre for new retail will be a protracted, complex and costly process and could be undermined by relatively easy alternatives elsewhere in the City." (Page 63, emphasis added).*
- We do not dispute that there is significant potential for additional retail floorspace in the Aberdeen catchment area (this is to be expected), however this is quite clearly being planned for (as is required) through the emerging Local Development Plan (and the City Centre Masterplan) in far more sustainable locations, in accordance with recommendations of the ACARS and in line with the town centres first approach. The fact that the delivery of additional retail floorspace can be difficult to achieve in City Centre locations does not give developers 'carte blanche' to deliver unsustainable proposals elsewhere – if anything, it further highlights the need for the City Council to uphold the town centres approach to allow these City Centre developments to come forward in line with what is envisaged in the existing and emerging LDP.

7 February 2017

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Dear Mr Easton

**Prime Four Business Park - Retail Proposal (161429/PPP)
Updated Retail Assessment**

We are writing to you today on behalf of our client Ellandi LLP (owners of the Trinity Shopping Centre in Aberdeen City Centre) regarding the abovementioned application and in response to the additional material that has been submitted by the Applicant in support of the proposed retail park at Prime Four Business Park – namely the updated Retail Impact Assessment (RIA) by LSH dated January 2017. This letter should be read in conjunction with Ellandi's previous representation dated 11 November 2016.

We have briefly reviewed this latest submission, alongside the report by Hargest Planning Ltd (HPL) which provides a comprehensive review of the information contained in the RIA Update. We understand that this report incorporates and supersedes the initial review of the Retail Capacity Assessment undertaken for Aberdeen City Council by HPL.

Of particular interest to Ellandi are the conclusions of the HPL report in relation to retail impact:

- the RIA Update fails to demonstrate that there is quantitative or qualitative retail deficiency in provision of the kind of retail development proposed that would be addressed by the proposal;
- given the scale of the proposed development and the uncertainty associated with the Aberdeen economy the information contained in the RIA Update and other supporting documents fails to provide a reliable and robust assessment of potential retail impact on existing or proposed centres;
- the RIA Update significantly underestimates the magnitude of retail impact anticipated to arise from the proposed development;
- the applicants have failed to demonstrate the impact that the proposal will have on the vitality or viability of retail locations (tiers 1 to 4) listed in the SG Hierarchy of Centres and so fails to satisfy the requirements of the relevant parts of Policies NC4 and NC5 of the adopted LDP, the relevant provisions in the SDP and SPP;
- HPL have undertaken an independent indicative assessment of the potential impact of the proposal which identifies that the proposal is likely to have a significant adverse impact on the vitality and viability of Aberdeen City Centre.

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Representation to proposed retail development at Prime Four Business Park, Kingswells (Ref: P161429/PPP)

On behalf of Union Square Developments Ltd

The Savills logo consists of a solid yellow square positioned above the word "savills" in a lowercase, sans-serif font. The text is colored in a dark red or maroon shade.

Representation to proposed retail development

Prime Four Business Park, Kingswells (Ref: P161429/PPP)



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Executive Summary

The site at Prime Four Business Park is allocated as Opportunity Site OP40 within the adopted LDP, which accommodates 50 ha of employment land over the period 2007–2023. The emerging LDP maintains this allocation, subject to the designation of the subject Prime Four site as a Specialist Employment Area (2017–2026), situated within the Green Space Network.

Contrary to the adopted and emerging LDP allocation and wider retail strategy, and supplementary City Centre Masterplan provisions, proposals have been submitted for significant levels of retail floorspace (c. 30,000 sq.m gross of Class 1), the majority of which will be utilised for comparison goods (26,013 sq.m).

The LDP is clear in its direction that proposals with a city-wide (or larger) catchment should be located in the City Centre. The supporting case incorrectly concludes that there are no suitable sequentially preferable sites / opportunities available, utilising a narrow assessment without sufficient flexibility, based on an unjustified quantum of retail floorspace.

The proposals would have a material impact on the vitality and viability of Aberdeen City Centre: the predicted turnover of the proposals and associated quantitative impacts have been underestimated and, moreover, the proposals will compete with the active proposals at Union Square and Bon Accord and the wider delivery of the City Centre Masterplan.

The socio-economic case put forward in support of the proposals is considered to overestimate the construction employment generated by the proposals, whilst confirming that the proposals will be of a high street nature (by way of the operational employment estimate). The population growth quoted fails to provide justification for the quantum of retail floorspace proposed at this location and at this time, ahead of the proper LDP process.

In transportation terms, the proposals are clearly less accessible than the City Centre and are largely car dependent. A review by Dougall Baillie Associates of the submitted Transport Assessment, drawing also on commentary by Transport Scotland, has concluded that the operational assessment carried out is fundamentally flawed, representing a significant under-estimation of likely traffic generation.

1. Introduction

Introduction

- 1.1 This representation has been prepared on behalf of **Union Square Developments Limited** in order to formally object to the proposals at **Prime Four Business Park, Kingswells, Aberdeen (Ref: P161429/PPP)** for:

Major Development mixed use commercial (up to 30,000m²) including retail (class 1), food and drink (class 3), other ancillary uses (such as offices) and associated landscaping, infrastructure and access works

Background

- 1.2 The Council has recently approved a City Centre Masterplan (CCMP) to seek to improve and enhance retail, leisure, office and residential accommodation in Aberdeen City Centre. The application at Prime Four Business Park is wholly contrary to the aims of the City Centre Masterplan and planning policies contained in the adopted and emerging Local Development Plan (LDP / Proposed Plan). If these proposals are allowed to proceed they would wholly undermine the Council's approved strategy to reinvigorate Aberdeen City Centre.
- 1.3 In light of the strategy set out in the CCMP, and in accordance with its retail strategy and retail policies contained within the LDP, there are currently a number of retail proposals being brought forward in Aberdeen City Centre. As part of these, Union Square Developments Limited (a wholly owned subsidiary of Hammerson plc, a major owner and operator of city centre shopping centres in the UK and around Europe) has submitted an application for Planning Permission in Principle to improve the retail and leisure facilities at Union Square (planning application ref: P152005).
- 1.4 The Union Square proposals actively meet the prevailing LDP policy and CCMP objectives and the sustainable economic growth objectives which underpin the planning policy hierarchy, delivering significant economic, social and environmental benefits via substantial levels of investment and jobs; an improved choice of facilities which can be sustainably accessed by all; utilisation of existing infrastructure; and, a positive impact on the surrounding urban landscape through high quality architecture. The multiple benefits are evident.
- 1.5 In contrast, the proposals at Prime Four Business Park are wholly contrary to the objectives and policies contained throughout the planning policy hierarchy, constituting – to all intents and purposes for the city of Aberdeen – not only 'out-of-centre' but 'out-of-settlement' development. This will undermine Local Development Plan and City Centre Masterplan objectives, and create a facility which ultimately is not accessible for all and will undermine progress on improving public transport infrastructure within the City / City region.

2. Submitted Supporting Documentation

- 2.1 Given the scale of that proposed – mixed use commercial (up to 30,000m²) including retail (class 1), food and drink (class 3), other ancillary uses (such as offices) – the application was screened under The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011.
- 2.2 As no formal EIA was required for the development of the previous Prime Four development phases, Aberdeen City Council considered it unlikely that there would be significantly different effects upon the environment which would require a formal EIA. The Council noted in its Screening Opinion that a series of supporting documents should be submitted with the application. These were listed (and submitted on) as:
- Transport Assessment (19/10)
 - Retail Impact Assessment (3/10)
 - Tree Survey Report (3/10)
 - Protected Species Survey (24/10 Geo-Environmental Desk Study)
 - Flood Risk Statement (19/10)
 - Drainage Statement (19/10)
 - Landscape Statement (08/11)
 - Design and Access Statement (20/10)
 - Pre-Application Consultation Report (03/10)
 - Supporting Planning Statement (20/10).
- 2.3 In addition to those reports, the applicant has submitted additional information to support the application in the form of:
- Socio-Economic Report (19/10)
 - Utility Infrastructure Design Statement (03/10)
 - Planning Sustainability Statement (03/10)
 - Archaeological Desk Based Assessment (03/10).
- 2.4 The sections below focus on the key areas of concern in respect of the potential impact of the proposals on Aberdeen City Centre, planning policy context and highways concerns.
- 2.5 Notwithstanding that, the recently submitted Landscape and Visual Impact Assessment identifies a number of major impacts on the current setting of the area without suggesting any significant mitigation of these. Whilst the area is allocated for a different type of development the current proposals will be of an alternative form and scale to those previously envisaged. There is of course no guarantee that the current allocation will be delivered and that should, in our opinion, not be an excuse to remove the requirement for mitigation measures to be proposed to reduce the significance of the identified major visual impacts.
- 2.6 It is also notable that the only design parameters set out in the design and access statement stated that building heights will be less than 16m, with retail warehousing normally being constructed with eaves heights of 8m and roof heights of 10m. It is considered that for a development of this scale, further indicative design

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details should be provided in order that the potential impacts on the landscape setting in this area can be properly assessed and any required mitigation measures agreed with the Council.

3. Planning Context

Adopted Aberdeen Local Development Plan (2012)

- 3.1 Within the context of the adopted Aberdeen Local Development Plan (2012)(LDP) the site is allocated as Opportunity Site OP40, to accommodate 50 ha employment land over the period 2007 – 2023 under policy LR1: Land Release.

Policy LR1: Land Release

- 3.2 Housing and employment development on sites allocated in Phase 1 will be approved in principle within areas designated for housing or employment. Development on an allocated site or in close proximity to an allocation that jeopardises the full provision of the allocation will be refused.
- 3.3 The site sits within Masterplan Zone 2: Kingswells, where there is a requirement for a Masterplan covering sites OP40, OP41 (50 houses) and OP42 (120 houses) to ensure joined up delivery of essential infrastructure.

Emerging Aberdeen Local Development Plan (2015)

- 3.4 The **Proposed Aberdeen Local Development Plan (2015)** (Proposed Plan) maintains the opportunity site allocation (OP29 Prime Four Business Park, Kingswells – 50ha) but designates the Prime Four site as a Specialist Employment Area (2017 – 2026), situated within the Green Space Network. The plan notes that OP29 is covered by an approved Development Framework, as well as Masterplans for previous phases 1, 2 and 3 of the business park. It is explicitly recognised that the site holds the opportunity to attract high quality businesses or be suitable for company headquarters.
- 3.5 The plan stipulates that the allocation ‘provides employment opportunities in a part of the city where there is little employment land. A further extension to this is proposed’, identified as site OP63, to the north-west of the OP29 site. A Masterplan is required for OP63 Prime Four Extension, which comprises a further 13 hectares of employment land in period from 2017 to 2026.
- 3.6 The proposed land use mix is therefore contrary to both the adopted and emerging site allocations.

Local Development Plan Preparation Process (2012 – 2016)

- 3.7 Drum Kingswells Business Parks Limited (Drum) promoted 3 bids for inclusion in the forthcoming LDP through its statutory consultation process, including a bid to alter the existing zoning for the application site (formerly phase 4). Following assessment this proposal was identified as undesirable in the Council’s Main Issues Report (2013). Drum’s response was that the site was already zoned for employment uses and that retail allocation would help diversify the range of uses and ensure that Prime Four remains a successful and attractive business location, with all of the economic benefits that brings to Aberdeen. The suggested mix of uses included: business, retail, leisure, service and food and drink uses and in particular it could accommodate the new convenience retail identified as a requirement for west Aberdeen.

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- 3.8 The response highlighted the requirement for 5,500sqm convenience retailing to the west of the city (zone 29N) in the **Aberdeen City and Aberdeenshire Retail Capacity Study (2013) (ACARS)**, with a quantum to be provided at Countesswells. Drum suggested that this would be more sustainable located at Prime Four, due to its proximity to the AWPR junction and that it was already an established location (Paragraphs 10.2 and 11.3). At no point was a case made for the scale of comparison retail floorspace now sought. (Clearly, local convenience retail should be convenient to access on foot – Prime Four is not a location ‘in’ a settlement, as Countesswells would be; similarly, there are more accessible locations in zone 29N than Prime Four.)
- 3.9 The site was carried through to the Proposed Plan (2015) and amended from an ‘employment’ designation to ‘Specialist Employment Areas’, reflecting the high quality of the business park.
- 3.10 In their response to the Proposed Plan consultation, Drum stated that they ‘fully support site OP63’s inclusion as a Specialist Employment site and extension to the existing allocation (identified as OP29). The letter recaps the success of the park, the mix of uses; and that the first three phases were now at capacity. It goes on to state that further land was ‘now required in order that occupier demand can continue to be met’, this was ‘in spite of recent reports regarding the impact of the fall in oil price’.
- 3.11 In Schedule 4 of the Reporter’s Report, the Council defended the allocation of OP63, a formerly ‘undesirable’ option in the MIR, saying that subsequently ‘several factors have come to light and been considered which have led to the designation of this site for development. The south west corner of site OP29 is constrained and undevelopable at present due to access issues. The Prime Four Business Park has been exceptionally successful, bringing a significant positive economic impact to Aberdeen over the last 3 years. The developable land has been built out and demand for plots is continuing’.
- 3.12 In his examination report, the Reporter concludes that Prime Four is ‘a high quality business park to the west of Kingswells’, which is ‘clearly a successful development in terms of its economic benefit to the city region and the attractive working environment it provides. The first three phases of the business park are complete, and a fourth phase remains to be developed within Site OP29. This area is carried forward from the adopted plan and is not subject to any representations before this examination’.
- 3.13 Indeed, the future development of Prime Four is subject of an approved Development Brief and several approved Masterplans. The Development Brief provides a strategic framework and sets landscape and design parameters for the overall development, to ensure continuity of design and that all phases remain focussed on the vision for the development. The Masterplans cover individual phases of development and provide more detail on the design of each particular phase which now conflicts with what is proposed for this site
- 3.14 The Reporter understood that ‘the particular reasons for the release of Site OP63 relate to the exceptional demand for employment land in this area, and access constraints on part of the existing site’, but noted that ‘despite issuing a further information request (partially) regarding the supposed access constraints on the final phase of the existing site, (he remained) unclear as to the nature of these constraints. Plans included within the draft development framework for the OP63 site show access arrangements within the established OP29 allocation that appear workable without requiring additional land in OP63’.

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- 3.15 The Reporter assumed that the allocation of OP63 'is intended to provide a short term alternative to the development of the final phase of Site OP29', despite not being 'fully satisfied that a convincing and coherent case has been made either that OP29 suffers from serious access constraints or that the release of OP63 is required to compensate for an inability to develop the remainder of OP29'.
- 3.16 Whilst the Reporter could identify no strategic need for the allocation of OP63, given the fact that the AWPR would alter the landscape in that part of the greenbelt, its location as an extension to the existing business park and 'the economic success and quality of the existing Prime Four Business Park, (he considered) it likely that development would deliver a significant economic benefit. Scottish Planning Policy (required him) to give due weight to the economic benefit of development, and for this reason, on balance, (he concluded) that the allocation should be maintained'. Thus OP63 was allocated on the basis that this would allow the continuous development of the existing business park for 'Specialist Employment' purposes, as a prelude to the development of OP29 for the same use.
- 3.17 The site has therefore been assessed through the relatively recent review of the LDP with the potential for retail facilities put forward and discounted through this process. It remains allocated for employment uses and should be brought forward in line with the adopted policy, Development Brief and approved Masterplans.
- 3.18 Given this planning context, the only means by which the proposals can be assessed is against the retail policies within the prevailing planning policy context as an out of centre site. We consider these matters in detail in the following section.

4. Retail Matters

Introduction

- 4.1 The emerging Aberdeen Local Development Plan (LDP) 2016 is now at an advanced stage having been through formal examination by the Scottish Government. The modified LDP is being presented to Full Council on 14 December where approval to adopt is expected. The Scottish Ministers will be notified thereafter, commencing the statutory 28 day period (during which time the Council cannot adopt the Plan and the Scottish Ministers may make a response).
- 4.2 As such, the 2016 LDP is a strong material consideration for development management purposes alongside the existing adopted 2012 LDP.

The Prime Four Business Park Proposals

- 4.3 The Supporting case set out in the LSH Retail Capacity Study clarifies that the proposals comprise *“development of up to 26,013 sq.m (gross) of class 1 retail floorspace which would be occupied by a range of comparison goods retailers, with a likely focus on clothing and fashion retailers in response to confirmed market demand. In addition, the proposals would be complemented by a 3,716 sq.m (gross) foodstore and ancillary food and drink premises”*. (Paragraph 2.1)
- 4.4 This clearly constitutes a significant quantum of non-local Class 1 retail floorspace to introduce to an out-of-centre location in sequential terms, which is wholly outwith the established retail hierarchy.

City Centre Masterplan

- 4.5 The City Centre Masterplan was commissioned in light of the recognised need to address the challenges facing Aberdeen City Centre and improve its quality for all, allowing it to better compete with other City Centres in Scotland and become a global City Centre in line with its economic context. The process included extensive public and stakeholder engagement, with more than 4000 people living and working in Aberdeen involved, concluding with a multi-million pound regeneration plan for Aberdeen City Centre.
- 4.6 Proposed LDP Policy NC1 explicitly states that city centre development must contribute towards delivery of the vision for the city centre as a major regional centre as expressed in the City Centre Masterplan. Appendix 4 clarifies that *“New Masterplans and/or Development Frameworks for the following developments will be adopted as Supplementary Guidance ... [inter alia including] City Centre Masterplan and Delivery Programme”*. Appendix 5 includes the Masterplan within the full suite of Supplementary Guidance documentation, further confirming it to be a material consideration for development management purposes.
- 4.7 The Masterplan sets eight objectives to provide a framework for delivering it’s vision, which include:
- Growing the City Centre Employment Base – the Masterplan cites that the service sector, with particular emphasis on retail *“will play a fundamental role in Aberdeen’s future success”* and sees *“increasing the breadth and depth of this offer alongside a step-change in quality”* as *“critical to delivering the vision”*. (Page 19)

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- A Metropolitan Outlook – in recognising that proposals for the city centre have a wider metropolitan context, the City Centre must meet the needs of the wider population (i.e. not just local), including business interests of the City, Shire and beyond, by developing appropriate business, entertainment and transport infrastructure and programmes.
- 4.8 Within Section 8, the Masterplan recognises the investor and retailer focus on 'quality' and top performing UK retail centres. The current retail offer is described as *"bland in both range of shops and shopping environments"*, with acknowledgment that there is *"un-met retail capacity and scope to expand the Bon Accord and Union Square shopping centres, the opportunity to create diversity and distinctiveness in Aberdeen's retail offer lies in those areas that connect these anchors"*. (Page 40)
- 4.9 The Masterplan promotes a range of projects linked to economy, environment and infrastructure aim to enhance the attractiveness and viability of the City Centre core. It identifies that there is the opportunity to create a higher quality retail circuit via increased provision, enhanced experience, diversity of retail, complementary uses (e.g. food & drink) and improved public realm. (Page 40)
- 4.10 The City Centre Masterplan Executive Summary document identifies that the 49 projects identified have the potential to accommodate 66,960 sq.m retail and leisure floorspace (including upgrade of existing accommodation). (Page 39)
- 4.11 Clearly, the proposal for c. 30,000 sq.m of major retail floorspace at Prime Four will have a major adverse effect undermining the entire foundation of the Masterplan. It is highly illuminating that the LSH Retail Capacity Study makes no attempt to address the issue and show how the City Centre Masterplan delivery would not be compromised. Its inability to do so can only lead to the conclusion that there can be no logical outcome other than compromise of the City Centre Masterplan delivery.

Planning Policy Assessment

- 4.12 The key adopted 2012 LDP policies for assessment of the Prime Four proposals are largely mirrored by the corresponding emerging 2016 LDP policies. In commenting on the key criteria of each:

Adopted LDP Policy RT1 Sequential Approach and Retail Impact / Emerging Policy NC4 Sequential Approach and Impact

- 4.13 The Policy begins by directing that all development appropriate to town centres should be located in accordance with the identified hierarchy and sequential approach (as set out in the Policy and associated detailed in the Hierarchy of Centres Supplementary Guidance).
- Comment: The Prime Four proposals fall completely outwith the identified hierarchy of centres defined within adopted and emerging planning policy.
- 4.14 Policies RT1 / NC4 specify the Council's clear position on the sequential approach, stating that *"Proposals serving a catchment area that is city-wide or larger shall be located in the city centre"*, and preferably in the City Centre Business Zone (adopted policy) or City Centre Retail Core (emerging policy).

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- Comment: the proposals are significant in scale with a corresponding city-wide reach. They are in locational terms wholly divorced from the City Centre, whilst also detracting from aspirations to maintain its current offer and expand in line with the LDP and City Centre Masterplan. The proposals are contrary to this policy provision.

4.15 Both adopted and emerging policy is clear that in all cases, proposals shall not detract significantly from the vitality or viability of any centre listed in the Supplementary Guidance, and shall accord with all other relevant policies in the Plan, including those relating to design, access and amenity. Those proposals over 2,500 sq.m not in accordance with the LDP should be supported by a Retail Impact Assessment (RIA).

- Comment: The Retail Capacity Study prepared in support of the Prime Four application concludes that the *“overall impacts of the proposed development on the city centre will be benign”*. This is contested (see commentary on Policy RT2 / NC5 Criterion 2 below).

Adopted LDP Policy RT2 Out of Centre Proposals / Emerging Policy NC5 Out of Centre Proposals

4.16 Adopted and emerging policy is explicit in stating that proposals for town centre uses – such as that proposed at Prime Four – should be refused where they do not satisfy all the policy criteria requirements relating to the sequential approach to site selection; retail impact; quantitative and qualitative deficiencies; accessibility; and, travel patterns/air quality. In considering each in turn:

(1) No other suitable site in a location that is acceptable in terms of policy RT1 [or emerging Policy NC4] is available or is likely to become available in a reasonable time

4.17 The sequential approach to site selection is well established at all levels of the planning policy hierarchy. In line with the provisions of Scottish Planning Policy (SPP), both adopted and emerging local planning policy direct development in accordance with the defined retail hierarchy, requiring sequentially preferable alternative sites to be discounted as unavailable or unsuitable.

4.18 In this respect, the applicant proposes almost 30,000 sq.m of Class 1 retail floorspace at an ‘out of centre’ site located well outwith the urban area of Aberdeen and on the very periphery of the Council area. As established, the (wholly unjustified) scale of that proposed; the corresponding city-wide reach; and, the location means the proposed development site is itself not acceptable in terms of LDP Policy RT1 / Policy NC4 given the clear conflict with the adopted and emerging strategy contained therein.

4.19 The sequential assessment undertaken on behalf of the applicant asserts that in order to deliver a development which meets the specific identified retailer requirements a site of 10.05 ha is required, and attempts to justify this narrow and inflexible approach via select passages from the Supreme Court’s Judgement in Tesco Stores Ltd v Dundee City Council (2012). The sentence quoted has to be read in context. That broad proposition was qualified in paragraphs 28 and 29 of his judgement. Paragraph 28 refers to the sequential approach set out in NPPG 8, referring to the need for “flexibility and realism” and that developers and retailers as part of such an approach: *“are expected to consider the scope for accommodating the proposed development in a different built form, and where appropriate, adjusting or subdividing large proposals in order that their scale may fit better with existing development in the town centre.”* Paragraph 29 of the judgement explains that, following the foregoing in paragraph 28 *“it would be an oversimplification to say that the characteristics of the proposed development, such as its scale, are*

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necessarily definitive for the purposes of the sequential test.” Moreover, there is of course a substantial body of supplementary case law on the sequential approach, presenting a number of further nuances depending on the corresponding proposal / development context.

4.20 In addition, the current SPP, which was published 2 years after the Dundee decision, acknowledges that *“Planning authorities, developers, owners and occupiers should be flexible and realistic in applying the sequential approach”*. (Paragraph 69) It goes on to clarify that out-of-centre locations should only be considered for uses which generate significant footfall where *“the scale of development proposed is appropriate, and it has been shown that the proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location”*. In this regard, it is our contention that the scale is excessive and could easily be reduced to accommodate fewer retailers – this is quite distinct from forcing individual retailers to operate in formats which they do not wish to operate.

4.21 The sequential assessment considered eight sites:

- Site 1: Land at Denburn / Woolmanhill;
- Site 2: Land at Schoolhill, Robert Gordon College and University;
- Site 3: Land at George Street / Crooked Lane, Aberdeen;
- Site 4: 73-149 Union Street, Aberdeen;
- Site 5: Aberdeen Market, Union Street, Aberdeen;
- Site 6: Land at Virginia Street / Regent Quay, Aberdeen;
- Site 7: Union Square Surface Level Car Park, Aberdeen; and,
- Site 8: Union Square South, Palmerston Road, Aberdeen.

4.22 It is submitted that the narrow sequential assessment carried out by LSH does not consider all the sequentially preferable LDP Opportunity Sites in sufficient detail, nor, all sites / locations within or on the edge of the hierarchy of centres in Aberdeen which can accommodate the retail floorspace proposed at Prime Four. There has been a lack of flexibility shown in the failure to consider the scope of disaggregating the proposals. Clearly, when a scheme of this scale is predominantly a speculative, comparison goods proposal, there is great scope to sub-divide the proposal (see for example, the Reporter’s conclusions at the Atholl House Appeal, East Kilbride [Ref: PPA-380-2031] and the cases R v Cambridge City Council, 2000 WL 1274079, Scottish Widows plc v Cherwell DC [2013] EWHC 398 and Truro City Council v Cornwall City Council [2013] EWHC 2525).

4.23 In addition to the sites listed above, one example is proposed opportunity site OP75 Denmore Road, which is not included in the applicant’s sequential assessment. In line with the policy designation, a good level of (bulky) retail floorspace can be provided at the 4.56ha site in line with the retail hierarchy. While the sequential assessment claims that a site of 10.05ha is required, this is based on the unjustified quantum of retail floorspace proposed and takes no account of potential mezzanine floorspace. Reducing the proposal in scale and utilising maximum site efficiencies would go a long way in making the Denmore Road site suitable for development. This coupled with just some of the city centre opportunities would more than account for the identified retail capacity within Aberdeen.

4.24 With regard to Site 7 Union Square, the LSH commentary accepts that *“there is no question that the Union Square site has the ability to accommodate additional retail floorspace.”*

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4.25 It is however considered incorrect to claim that the proposals are “*fundamentally different in their form and nature to what is being proposed at Union Square and our client’s proposals are incapable of being altered or reduced to fit onto the existing car park at Union Square, even if one allowed for some degree of flexibility. To accommodate the proposed retail floorspace at Union Square it would be necessary to develop our client’s proposals over multiple levels something which would not meet with retailer requirements.*” The applicant’s argument concludes by stating that the extensive development proposals have been “*tailored to address a specific requirement from retailers, many of whom already have a presence in Aberdeen City Centre. These retailers do not require additional city centre representation and instead wish to invest in other parts of the city region. This is important as the proposals will not prejudice the delivery of sites identifies for retailing in the city centre*”. (Paragraph 9.5)

4.26 In response to these assertions, it is clear that:

- the quantum of floorspace *could* be accommodated at Union Square alone
- it is not credible to assert that the floorspace proposed is ‘fundamentally different’ to that being proposed at the likes of Union Square (or Bon Accord or otherwise) – unrestricted comparison/convenience goods retail floorspace is proposed and would be permitted without being limited to individual retailers. Large, modern floorplates are capable of being provided at locations such as Union Square alongside all other expected retailer requirements (i.e. that proposed does not relate to bulky goods retailing, and the associated requirements for e.g. high shelving)
- there is a lack of evidence to demonstrate that the demand from retailers within the City Centre is significant, especially when this is presented as justification for an out of centre proposal of this scale. Moreover, those occupiers who have been identified to be in agreement to open units at Prime Four already have representation across the retail hierarchy in Aberdeen and a new significant floorplate at Prime Four may well result in a consolidation of their existing operations (via a reduction in locations and/or scale).

4.27 In discussing these points in greater detail:

(1) **The quantum of floorspace proposed could be accommodated at Union Square alone**, as is demonstrated by the current planning application which includes for floorspace of c. 38,500 sq.m (gross)

(2) While much is made of the Prime Four proposals having been shaped by “*retailer requirements, many of whom already have a presence in Aberdeen City Centre*”, only Boots and Next have been claimed as tenants, with recent press reports that the applicant is in active discussions with retailers new to Aberdeen (<https://www.pressandjournal.co.uk/fp/news/aberdeen/1046717/designs-for-100million-retail-park-on-outskirts-of-aberdeen-revealed/>). This brings the out of centre proposals at Prime Four into direct competition with the active City Centre proposals and wider LDP / City Centre Masterplan provisions, with Prime Four seeking to divert retailers from the new floorspace being delivered in the City Centre. None of these are bulky goods retailers with any such associated retailing requirements.

(3) Indeed, at section 2.2 of the LSH report, it states that the development of up to 26,013 sq.m (gross) of Class 1 retail floorspace “*would be occupied by a range of comparison goods retailers, with a likely focus on clothing and fashion retailers in response to confirmed market demand*”. Clearly, this type of retailing can be accommodated in a range of unit sizes (as is provided for at Union Square and elsewhere within the City Centre).

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(4) Even if the Prime Four scheme consisted primarily of retailers who already have representation in the City Centre / wider hierarchy (i.e. who were seeking additional representation) (which is not the case), the applicant or for that matter, the retailers themselves, will be unable to provide any guarantee of their continued city centre or retail hierarchy presence beyond their current leases. Clearly, retail is a dynamic sector and there are ongoing changes in the way people are shopping. Even a reduced presence of key retailers in the City Centre i.e. whereby they opt for smaller stores in the City Centre and substantially larger (cheaper) floorplates in out of centre location(s), such as Prime Four, would result in the dominance of the City Centre being challenged. This scenario is unacceptable in terms of the sequential approach and there have been notable decisions where the Scottish Government has upheld the appropriate retail hierarchy (for example, Fort Kinnaird in Edinburgh Ref: PPA-230-2113).

(5) **The retail element of the proposals is for unrestricted Class 1 floorspace and can only be assessed as such.** As set out within Circular 4/1998: The Use of Conditions in Planning Permissions, conditions restricting occupancy to a particular occupier should only be used when special planning grounds can be demonstrated and where the alternative would normally be refusal of permission (paragraph 91). A permission personal to a company is generally inappropriate. Conditions of this type will scarcely ever be justified in the case of permission for the erection of a permanent building (paragraph 92).

Moreover, as concluded by the Scottish Government at the Debenhams appeal in Edinburgh (Ref: PPA-230-2113):

“54. If a permission were subject to a condition requiring Debenhams to be the occupier, a proposed change in occupier after initial occupation by Debenhams might nevertheless be difficult to resist. For example, it might be argued that, without a change in occupier, the building would be left empty, contrary to the principle of making efficient use of existing capacities of buildings (Scottish Planning Policy, paragraph 29).

55. I find that government policy in circular 4/1998 and the possible difficulty in seeking to enforce an occupancy condition cast great doubt on the appropriateness of imposing an occupancy condition on any permission for the proposed development. The most that might be done is imposition of a first occupancy condition, but I find it hard to view such a condition as being much more than a token gesture. I therefore conclude that any permission should not be subject to an occupancy condition.”

In supplementing the above, the High Court decision in Mansfield states at paragraph 35 that “*“suitable” and “available” generally mean “suitable” and “available” for the broad type of development which is proposed in the application by approximate size, type, and range of goods. This incorporates the requirement for flexibility ... and excludes, generally, the identity and personal or corporate attitudes of an individual retailer. The area and sites covered by the sequential test search should not vary from applicant to applicant according to their identity, but from application to application based on their content. Nothing in Tesco v Dundee City Council, properly understood, holds that the application of the sequential test depends on the individual corporate personality of the applicant or intended operator.*” (Aldergate Properties and Mansfield District Council, High Court of Justice, Case No CO/6256/2015)

(6) Comments on the availability of the car park site at Union Square are not positive grounds supporting the Prime Four proposals; the Union Square site is of course available for development in that they are already the subject of alternative, competing proposals by our client. Floorspace will be developed and made available in a reasonable timeframe. These proposals however will be compromised by the approval of

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substantial levels of retail floorspace at Prime Four, leading to a dilution of the retail offering in the City Centre and undermining the City Centre Masterplan.

- 4.28 Given the foregoing i.e. that planning permission will be granted for Class 1 retail units, not for individual retailers, and the fact that Union Square and other City Centre sites can accommodate the retailers mentioned or courted, it is untrue to assert that the proposals are *“fundamentally different in their form and nature to what is being proposed at Union Square”*. **As such, there is clear conflict with the delivery of sites identified – and being actively progressed – for retailing within the City Centre.**
- 4.29 Paragraph 7.27 of the LSH report also concludes that *“what separates Prime Four from other opportunities is the issue of effectiveness and deliverability.”* Again, this is contested. The development proposals at Union Square – as currently being assessed by Aberdeen City Council – are wholly effective and deliverable. Similarly, proposals are being advanced by Bon Accord at George Street / Crooked Lane, and are expected to be approved and built out in a reasonable timeframe (delivering 10,000 sq.m of new floorspace across a range of uses). Marischal Square is also on site in the process of delivering 2,193 sq.m of class 1 retail floorspace by June 2017.
- 4.30 In combination with Union Square and Bon Accord, there is considered to be a good supply of quality new retail floorspace in Aberdeen City Centre, which will combine to significantly improve the quantitative and qualitative retail offer. Moreover, sites like Aberdeen Market are now considered to be more developable following the freeing up of the anchor store floorspace (formerly BHS). Granting further floorspace in an unsustainable location will not only undermine the progress of these three sites, but also undermine the delivery of the LDP and wider City Centre Masterplan provisions.

(2) There will be no significant adverse effect on the vitality or viability of any retail location listed in Supplementary Guidance: Hierarchy of Retail Centres.

- 4.31 Vitality and viability is affected in both quantitative and qualitative terms.
- 4.32 The LSH assessment concludes that the *“overall impacts of the proposed development on the city centre will be benign”*.
- 4.33 The retail impact calculation predicts comparison goods impacts within the City Centre of 9% (Bon Accord), 18% (St Nicholas) and 11% (Union Square). The corresponding predicted total diversion of trade (£48m, from a total predicted turnover of £110.29m) and effects are not considered to be ‘benign’, and will be of greater impact. Indeed, if the proposed floorspace is calculated to trade at £6,000 per sq.m, this generates a total turnover of some £124.86m. In addition, the quantitative assessment makes substantial assumptions with regard to clawback of leaked expenditure which is highly questionable when key anchors are identified to be retailers already with comprehensive representation in the City. This again would simply lead to greater impacts.
- 4.34 Moreover, the convenience turnover figure appears to be subject to error, whereby the net floorspace is shown to be only 40%. For a supermarket of this scale, the net figure is likely to be 55%-65% or even higher, depending on the operator. Accordingly, and in also utilising a more robust sales density, this could mean the new supermarket could have a turnover of closer to £27.78m, as opposed to the £14.86m shown in the LSH assessment. Clearly, this would produce different (greater) retail impacts.

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- 4.35 Indeed, clearly, the retail impact estimations made show just one possible scenario – no sensitivity analysis has been provided testing alternative scenarios where higher sales densities are achieved by the proposed floorspace with improved gross to net efficiencies or, where there is an increased level of trade diversion from existing stores/centres within the catchment (i.e. less clawback). As such, the submitted quantitative assessment is considered to be fundamentally flawed and insufficient for a proposal of this magnitude.
- 4.36 Regardless of the retail impact figures, the fact that the new development would (a) rely on existing town centre retailers opening new stores (with no guarantee that their City and District Centre stores would continue (or, continue with the same scale of store, and an inevitable loss of trade from the City Centre) and (b) compete with the City Centre (as exists and is proposed) for new retailers looking to open their first stores in Aberdeen, means that there will be an adverse effect on the vitality (and to some degree, viability) of the City Centre. Moreover, spin off trade normally spent in the City Centre will then also be diverted away and lost.
- 4.37 The quantum of development proposed will compromise the planned investment in and improvement of the City Centre and, by extension, delivery of the City Centre Masterplan. There are active City Centre proposals which are already the subject of formal planning applications (i.e. at the two main shopping centres in Aberdeen), whilst new retail floorspace is being delivered at Marischal Square. Beyond this immediate pipeline, there are other available sites (as set out above) which should not be held back from being taken forward by inappropriate out of centre development.
- 4.38 Moreover, as stated, there is no way to control that the proposed occupiers for Prime Four would each retain their town centre stores (or other stores within the retail hierarchy), in the current format and extent. Development of this scale would simply draw footfall away from the City Centre and undermine attempts to attract new retailers to the City, which would ordinarily lead to an improvement in the quality of the retail offer (and not simply aiming to replicate it and diffuse the retail spend and City Centre vitality).
- 4.39 In conclusion, there would be clear impact on the LDP and City Centre Masterplan delivery, competing for retailers and trade, thereby undermining vitality and viability. Quantitative retail impacts are also likely to be substantially higher than suggested.

(3) There is, in qualitative or quantitative terms, a proven deficiency in provision of the kind of development that is proposed

- 4.40 The Aberdeen City and Aberdeenshire Retail Study (ACARS) establishes a quantitative and qualitative retail deficiency in Aberdeen. Notwithstanding, this deficiency is accounted for in quantitative terms by the provisions of the recently approved City Centre Masterplan, which the Union Square proposals are fully in accordance with and an immediate result of. In qualitative terms, the operators signed up so far to the scheme are not considered to meet this qualitative deficiency, given that both have stores already in the City Centre or existing retail parks within the established (protected) retail hierarchy. It is unclear as to how a fourth Next or Boots store – the two tenants announced thusfar – would materially improve the shopping provision within Aberdeen, especially to such an extent as to justify a new out of centre retail location, with the risks that this poses and implications that this has across a number of planning considerations.
- 4.41 Moreover, in working towards the SDP aim of maintaining Aberdeen as a top 20 retail destination, clearly, new high quality retailers are best accommodated within the City Centre, the only place where an

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appropriate critical mass of quality can be achieved to maintain (and improve on) this status. Disparate shopping facilities at extremely peripheral – and currently non-existent – locations such as Prime Four will not best achieve this aim.

(4) The proposed development would be easily and safely accessible by a choice of means of transport using a network of walking, cycle and public transport routes which link with the catchment population. In particular, the proposed development would be easily accessible by regular, frequent and convenient public transport services and would not be dependent solely on access by private car.

4.42 Transportation issues are dealt with at Section 6 and Appendix 1 of this objection. Despite the attempts to argue to the contrary, there can be no question that the site is a poor relation in accessibility terms to those which exist within the City Centre, including Union Square. The site is not readily accessible to the majority of the catchment and is reliant upon the private motor car.

(5) The proposed development would have no significantly adverse effect on travel patterns and air pollution

4.43 Transportation issues are fully dealt with at Section 6 and Appendix 1 of this objection. Clearly, the floorspace as proposed will result in significantly changed traffic flows, and will be much less accessible than the City Centre for most shoppers.

Proposed LDP Policy NC1 City Centre Development – Regional Centre

4.44 The policy states that “*the city centre is the preferred location for retail, commercial, leisure and other significant footfall generating development serving a city-wide or regional market*” in delivering the City Centre Masterplan vision. Moreover, supporting paragraph 3.22 specifically states new development should be directed to City Centre Retail Core.

- Comment: proposals of the scale submitted are contrary to the aspirations of Policy NC1 at the site location, and will directly undermine both active proposals and immediate opportunities for new retail development in the City Centre.

Proposed LDP Policy NC2 ‘City Centre Retail Core and Union Street’

4.45 This policy reinforces the Council’s position that the City Centre Retail Core is the preferred location for major retail developments, and where such sites are not available, within the wider City Centre.

- Comment: proposals of the scale submitted are contrary to the aspirations of Policy NC2 at the site location, and will directly undermine both active proposals and immediate and future opportunities for new retail development in the City Centre.

5. Socio-economics

Introduction

5.1 The socio-economic case for retail development at Prime 4 Business Park has been prepared by Rettie & Co.

5.2 In commenting on the key conclusions reached:

Prime Four Business Park Context

5.3 While it is acknowledged that Prime Four is a top ranking business park, it is not accepted that retail uses of the scale proposed are required to enable it to continue to grow and reach its full potential. The cherry picking of business parks throughout the UK is not considered to provide sufficient justification for this approach – clearly, each have their own set of economic, political and spatial drivers which have resulted in local decisions being taken to allow retail as part of the development mix.

5.4 Any new centres should be properly planned and come forward through the LDP process, and it is likely that any eventual, new (and modest) levels of comparison retail in the area will form part of the eventual Countesswells development. The Prime Four proposals constitute speculative development proposals which conflict with the existing strategy, and should not be supported at this time.

Aberdeen Retail Offer

5.5 It is fully accepted that the retail offer in Aberdeen could be improved. Notwithstanding, the City Centre must lead the way in delivering significant improvements. This is already being addressed by the redevelopment proposals at Union Square, Bon Accord and Marsichal Square, with an extensive complimentary strategy set out within the newly prepared City Centre Masterplan. This emerging floorspace is not accounted for within the pipeline data quoted in the supporting case.

5.6 Aberdeen is in this regard well placed to achieve the balance of retail which is clearly led by the City Centre and less focused on out of town retail parks than is the case in other cities within Scotland and the wider UK, all in line with the planning principles of supporting a defined hierarchy of centres and securing high levels of vitality and viability.

Retail Tenants

5.7 It is not disputed that some large retailers such as Next – at the current time – operate within a city centre and retail park concurrently. Indeed, this is already the case in Aberdeen, with Next having representation at both Bon Accord and Union Square within the City Centre and at Berryden Retail Park.

5.8 Clearly though, retailing is a dynamic sector and should Next open at Prime Four, there could be no guarantees that they would not consolidate their existing presence within the retail hierarchy. Regardless though, as set out in detail in the previous section, planning permission would not be made personal to an individual retailer.

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Population Growth

- 5.9 The projected population growth quoted is substantial and additional facilities will be required, but only in the medium to longer term, which should be properly planned for and not the subject of speculative development proposals. There was no corresponding case made to the emerging LDP process to support retail uses at this location.
- 5.10 Moreover, convenience retailing will be a significant part of any new local requirement. Population growth to the west does not justify local comparison goods facilities of the scale proposed in conflict with the existing LDP and City Centre Masterplan strategy.
- 5.11 While the points regarding increased population catchments due to the AWPR are noted, it is important to recognise that the large scale comparison retailing being assessed would in any case benefit from an extensive North East catchment.
- 5.12 Moreover, the statistics are considered to only emphasise the car based nature of the proposal.

Retail Impact

- 5.13 Retail impact assessment for out-of-centre proposals of this scale should incorporate sufficient sensitivity testing. This is discussed in greater detail within Section 5.

Job Creation

- 5.14 Clearly, retail development generates new direct and indirect jobs at different levels, both during construction and in operation.
- 5.15 While such estimations are by their nature broad, the submitted socio-economic case however appears to over-estimate the job creation associated with the proposals.
- 5.16 A range of jobs will be generated through the construction phase of the proposed development, which would include a number of stages including site preparation, building construction, roads and access work and engineering works. The level of temporary construction employment generated can be estimated by dividing the capital cost estimate for the project (£65m) by the gross average output per construction industry employee per annum (£37,727). The forecast number of temporary construction jobs supported nationally by the project would be 1,723 job years. This can be converted to a permanent full time equivalent (FTE) job figure using the standard ratio of ten construction job years to one FTE job. The gross generation of 1,723 job years thus translates to 172 FTE jobs over the construction period. This equates to 1,084 jobs (non FTE) when utilising a conversion rate of 6.3 (see Hammerson et al, Demonstrating the True Value of Shopping Centres, 2013, p.5).

Direct Construction Employment Generation	Capital Costs	Job Years	Full Time Equivalent
	£65m (estimate)	1,723	172 FTE (Savills estimation)
			400 FTE (Applicant estimation)

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- 5.17 In addition there will however be wider economic impacts, known as the 'multiplier effect'. Indirect impact / employment will be created amongst suppliers as a result of purchases from the new activity generated by the project (supply chain impacts of construction and their knock on effects, i.e. increase in output and income up and down the supply chain). Induced impacts occur as construction workers and suppliers' employees spending on local goods and services, thereby bringing further benefits in terms of new jobs/skills, and increases in household income, leading to an increase in spending and demand / output in the economy).
- 5.18 Research commissioned by the UK Contractors Group in 2012 showed that the construction industry is a key contributor to the economy. Every £1 spent on construction output is estimated to generate £2.84 in total economic activity (i.e. GDP increase) as a result of direct impacts, indirect impacts and induced impacts. (Calculated using Input – Output data from the ONS, *Construction in the UK Economy*, May 2012)
- 5.19 Lastly, the following provides an estimation of the level of operational employment arising from the proposals, calculated in accordance with the Employment Densities Guide (3rd Edition) (2015):

Direct Operational Employment Generation from Proposals	Retail Floorspace	Area (sq.m) per FTE (estimation)	Full Time Equivalent
	29,729 sq.m	20 (if solely high street retailers)	1,486 FTE (Savills estimation 1)
	29,729 sq.m	55 (estimation, if equal mix of high street and non high street retailers)	540 FTE (Savills estimation 2)
	29,729 sq.m	90 (if retail warehouse)	330 FTE (Savills estimation 3)
			c. 1,500 FTE (Applicant estimation)

- 5.20 The above calculations therefore strongly suggest that the proposals are anticipated by the applicant to be of a fully high street nature (i.e. non-bulky, and competing with the City Centre).

Conclusion

- 5.21 In summary, the socio-economic case for the proposals is considered to overestimate the employment generated in construction while confirming that the proposals will be of a high street nature (by way of the operational employment estimate). While the population growth referred to is noted, this does not justify comparison retailing of the scale proposed at this new location and at this time, in advance of the proper LDP process. The case for incorporating new uses – based on the experiences elsewhere in a number of select locations – is considered to be overly simplistic and unconvincing, with a failure to acknowledge the planning, economic, spatial and political contexts within such locations.

6. Transport

Introduction

- 6.1 The applicants have submitted a Transport Assessment (TA) prepared by Fairhurst. In order to properly review this, we instructed Dougall Baillie Associates, Highways Engineers of long standing and experience to review the TA.
- 6.2 Their key concern is that the submitted TA appears to significantly under estimate the likely traffic generation from the proposals and in turn misrepresents likely impacts on the road network. Their general comment is that the two week period from the issuing of the Scoping Proposal for the TA (5th October 2016) to the receipt of comments from Transport Scotland (14th October) to the submission of the TA to Aberdeen City Council (19th October) is an extraordinarily short period of time for all parties to properly consider matters and for the applicants to finalise a TA suitable for a development of this scale.

Development Details

- 6.3 In para. 3.1.4, the TA notes that ' the proposed Aberdeen Local Development Plan (2015) recognises the success of the existing Prime Four Business Park and has proposed a further 13 hectares of employment land identified as 'OP63 – Prime Four Extension'. Further research indicates that part of the case made for the extension was due to the success to the existing employment site and the difficulty in accessing the part of the site now proposed for the retail development.
- 6.4 Under Parking the TA notes that '*Parking provision within the site would be in accordance with ACC parking standards. This could include a reduction in car parking to allow for linked trip aspects which are common within retail parks. Detailed car parking proposals would be discussed in connection with future detailed planning applications.*' The TA does not include any assessment of parking provision in line with ACC standards or include any indication of the proposed reduction in parking.

Existing Transport Conditions

- 6.5 The TA makes the link between residential, employment and retail development and the potential to minimise vehicle trips if these uses are in close proximity to each other.
- 6.6 We would question the walking catchment identified in the TA which suggests that the retail development would have a walking threshold of 2,400m. The TA suggests that this catchment is supported by the TAG however, it clearly contradicts PAN 75 which notes that local amenities should be within 1600m. TAG does suggest that walking journey times of up to 20-30 mins are appropriate however, it also notes that '*The choice of time-band may vary in response to the use and scale of the development. People may be prepared to travel further for some activities, for example, to a sports stadium than to a shop.*'
- 6.7 Our view is that people are less likely to walk to a retail development when they will be required to carry home any purchases. In our view the 1600m remains the most appropriate distance to apply to retail development. The TA identifies that only a very small area of Kingswells lies within this distance.

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- 6.8 We would note that while the TA makes the case for the 2400m walk-in catchment, the trip generation does not reflect this to any particular extent.
- 6.9 The assessment of public transport identifies the relative proximity of existing bus stops at between 750m and 1000m. This exceeds the generally accepted limit of 400m.

Trip Generation and Distribution

- 6.10 The trip generation characteristics of the development site were issued to TS and ACC as part of the Scoping Proposals document. The TS response of 14th October accepts the proposed trip generation characteristics however, our view is that the assessment underestimates the vehicle trip generation of the food retail element.
- 6.11 The TA indicates vehicle trip generation equivalent to those indicated in Table 5.1. These rates are based on data from the industry standard TRICS database but are based on multi-modal survey of sites sized between 1,825m² and 11,101m².
- 6.12 It is the case that retail visitor trip rates tend to decrease with increasing GFA, the inclusion of a site of 11,101m² will influence the resulting trip rates. For comparison purposes, we have undertaken an assessment of potential vehicle trips rates based on sites between 1000m² – 6000m² and 1000m² – 8000m². The results of this assessment are also included in Table 6.1, below.

	Weekday AM		Weekday PM		Saturday	
	Trip Rates		Trip Rates		Trip Rates	
	Arrivals	Departures	Arrivals	Departures	Arrivals	Departures
Fairhurst TA	1.911	1.507	4.117	4.279	4.575	4.575
1000m ² -6000m ²	3.746	2.751	9.989	10.116	7.063	7.343
1000m ² -8000m ²	3.143	2.495	6.565	6.721	4.771	4.759
	Trips		Trips		Trips	
	Arrivals	Departures	Arrivals	Departures	Arrivals	Departures
Fairhurst TA	71	56	153	159	170	170
1000m ² -6000m ²	139	102	371	376	262	272
1000m ² -8000m ²	117	93	244	250	177	177

Table 6.1 – Vehicle Trip Generation Comparison

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- 6.13 As indicated the vehicle trip rates for the smaller range option are significantly higher and during the weekday evening peak would result in approximately 200% of the trip generation used in the TA. The larger range option is also significantly higher than those used in the TA resulting in approximately 160% of the trips used in the TA.
- 6.14 We are of the view that the development vehicle trip generation and therefore road network impact are significantly underestimated. Whilst the trip generation figures have been accepted by Transport Scotland, given the length of time taken to review the scope of the TA the Council should ask Transport Scotland to re-confirm this position.
- 6.15 With regard to the distribution of trips TS have commented that they consider a higher proportion of trips should travel to and from the site via the AWPR (south) this, in turn, increases the impact of the development on this new junction. This TS comment is not addressed in the TA.
- 6.16 It is noted that the TA discounts new trip generation by 20% to account for linked trips. It is our experience that there is little justification for discounting trips between food stores and non-food stores. TS reflects this view but accept a 10% discount on the basis that research indicates that 11% of car shoppers bought durable goods as part of their main food shopping trips. Our view is that the durable goods are bought in large supermarkets where they form part of the retail offer

Traffic Modelling and Capacity Testing

Base Traffic Flows

- 6.17 The TA notes that base traffic flows have been sourced from Countesswells New Community Development TA. In response to the Scoping Proposal document, TS question why this data is to be used when Fairhurst have previously used traffic flows extracted from the Aberdeenshire Council's 2023 Paramics Model in their assessments of the Prime Four employment and Aberdeen FC proposals. TS notes that the flows proposed for use are significantly lower than those in the Aberdeenshire Paramics Model. TS has suggested that use of the flows presented in the TA would not reflect a robust assessment of the road network. Our view would be that it would be good practice for the assessment to be consistent with the approach taken in Prime Four assessment. Furthermore, given the proximity of the development site to the AWPR, it would be prudent to use a robust base traffic data set. In both cases this would be the data extracted from the Aberdeenshire Paramics Model
- 6.18 The TA notes that base traffic flows have been sourced from Countesswells New Community Development TA. In response to the Scoping Proposal document, TS question why this data is to be used when Fairhurst have previously used traffic flows extracted from the Aberdeenshire Council's 2023 Paramics Model in their assessments of the Prime Four employment and Aberdeen FC proposals. TS notes that the flows proposed for use are significantly lower than those in the Aberdeenshire Paramics Model. TS has suggested that use of the flows presented in the TA would not reflect a robust assessment of the road network. Our view would be that it would be good practice for the assessment to be consistent with the approach taken in Prime Four assessment. Furthermore, given the proximity of the development site to the AWPR, it would be prudent to use a robust base traffic data set. In both cases this would be the data extracted from the Aberdeenshire Paramics Model.

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Committed Development Traffic

- 6.19 The flows used in the TA include traffic generated by the Countesswells and Prime Four development sites. In responding to the Scoping Proposals, TS suggest that an assessment of the traffic generation of both Aberdeenshire and Aberdeen LDP's be included in the TA along with the traffic generation of the Aberdeen FC proposals. TS note that the interaction of the AFC proposals and the proposed retail site be considered particularly during the Saturday afternoon peak. This has not been addressed in the TA.
- 6.20 The omission of a cumulative assessment, together with an inconsistent use of base traffic data would result in an assessment that does not address the impact of the proposed development in a robust way.

Junction Capacity Analysis

- 6.21 The TA includes only summary tables of the analysis results however, based on our observations of development trip generation together with TS's comments on base traffic flows and committed development we would comment as follows:

Proposed A944 / AWPR Kingswells South Roundabout Junction

- 6.22 The analysis summary indicates impacts on each of the main junction approaches with a maximum Ratio of Flow to Capacity (RFC) of 118% predicted to occur during the morning peak on the AWPR Nbd Off Slip. This is predicted to result in an increase in queue of 15 vehicles (approx 90m) compared to the base reference case. The maximum RFC predicted during the evening peak is 115% with a queue of 157 vehicles, an increase of 63 vehicles compared to the base reference case.
- 6.23 The TA proposes capacity improvements to the junction layout which would see three lane entries introduced on all main approaches. These are currently indicated as two lane entries. This is proposed without any widening of the circulatory carriageway or indication as to how the circulatory carriageway would be marked to accommodate the additional lanes.
- 6.24 Entry path radius is noted in the Design Manual for Roads and Bridges (DMRB) as '*the most important determinant of safety at roundabouts*'. We have carried out an assessment of entry path radii resulting from the capacity improvements proposed in the TA. With regard to the improvements to the A944 approaches and the AWPR Sbd Off Slip, we do not anticipate that the proposals would significantly affect the entry path radii. Our assessment indicates that there would be a significant impact on the AWPR Nbd Off Slip. Our view is that the proposed improvement increases the entry path radius to such a degree that it exceeds the parameters set down in the DMRB. We would anticipate that this would not be acceptable to TS.
- 6.25 As noted previously, we are of the view that the development traffic impact is significantly underestimated. TS have also queried the base traffic data used. On the basis of this we do not consider the analysis to reflect a robust assessment of the operation of this junction.

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A944 / Prime Four Access Junction and Kingswells Roundabout

- 6.26 The analysis summary of this linked signal network indicates a maximum Degree of Saturation (DoS) of 92.1% on the A944 Ebnd approach. The TA notes that this junction currently operates on a MOVA control which the LINSIG analysis cannot reflect. This is correct however as noted previously, we are of the view that the development traffic impact is significantly underestimated. TS have also queried the base traffic data used and identified a requirement for a cumulative assessment including Aberdeen FC proposals and LDP traffic. Based on this we do not consider the analysis to reflect a robust assessment of the operation of these two junctions.

A944 / New Countesswells Access 'Jessiefield' Signal Junction

- 6.27 The analysis summary of this signal controlled junction indicates a maximum Degree of Saturation (DoS) of 84.1% on the Lang Stracht Westbound approach. This would indicate that the junction operates within capacity however, as with the other junctions we consider the development traffic generation to be significantly underestimated. This, together with the base traffic data used and omission of a cumulative assessment has in our view resulted in an underestimation of demand on the road network and an assessment that would not reflect a robust assessment of the operation of this junction.

Proposed A944 / Prime Four Phase 5 Signal 'All Movements' Junction

- 6.28 The analysis summary of this signal controlled junction indicates a maximum Degree of Saturation (DoS) of 81.9% on the A944 Eastbound approach. This would indicate that the junction operates within capacity however, as with the other junctions we consider the development traffic generation to be significantly underestimated. This, together with the base traffic data used would not reflect a robust assessment of the operation of this junction.
- 6.29 As part of a wider timetable recast, Transport Scotland are currently working to dual the line between Aberdeen and Inverurie, to provide a new half-hourly service (15/ 20 min peak), with a new station at Kintore, by March 2019. This will combine with the new hourly Aberdeen – Montrose service (Aberdeen Crossrail).
- 6.30 Prime Four relies solely on the road network for access, with high car ownership in the North East; 85% of households in Aberdeenshire have access to a car; and Aberdeen City has the highest number of cars per household of all Scotland's principal cities. Rail usage in the North East increased significantly, with a net increase in rail passengers between 2004/05 and 2012/13 of 90% - significantly higher than the national growth of 47% over the same period. Over the same period bus patronage only increased by 6.5% over the same period. As such, in terms of promoting a sustainable location it would be remiss of the Council; and a backward step to allow such a substantial retail development to occur in an out of centre location with such convenient access by private car, but no rail access. Certainly it would be counter to the substantial rail investment in the region.

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Summary Highways Position

- 6.31 The proposed development is located on a site currently identified for employment use.
- 6.32 The site is located to the west of Kingswells. We consider it an Out of Town Centre location.
- 6.33 The TA overestimates the walk-in catchment of the development.
- 6.34 A scoping document was issued on the 5th October. A response from Transport Scotland, dated the 14th October, is included in the TA. The TA dated the 19th of October does not address any of the points raised in the Transport Scotland response. On this basis alone, we consider that the TA fails to reflect a robust assessment of the development impact on network operation and should be updated to take account of the Transport Scotland response.
- 6.35 The TA identifies that the development will have a significant impact on the operation of the AWPR Kingswells roundabout. While the TA proposes increasing the number of lanes entering the roundabout on the main approaches to the junction, no markings of the circulatory carriageway are included to demonstrate how the junction would operate.
- 6.36 We consider the proposed widening of the AWPR Nbd off slip approach would increase the entry path radius to be outwith the parameters set out in the DMRB. We would anticipate that this proposed capacity improvement would be unacceptable to Transport Scotland on safety grounds.
- 6.37 Transport Scotland consider that base traffic data extracted from the Aberdeenshire Paramics model would be more appropriate than the traffic data used in the TA. Transport Scotland have requested clarification on why this data has not been used when Fairhurst have previously used this model data in assessments of other development proposals in the vicinity of the development.
- 6.38 Transport Scotland note that the Aberdeenshire Paramics model traffic data is significantly higher than that used in the TA. They have expressed concern that the TA will not reflect a robust assessment of road network operation.
- 6.39 We consider that the TA underestimates the vehicle trip generation of the proposed development. The TA discounts the trip generation to account for linked trips. We consider that there is limited justification for this reduction in vehicle trip generation.

7. Summary & Conclusions

7.1 Union Square Developments Limited formally object to the proposed significant levels of Class 1 retail floorspace (26,013 sq.m of comparison and) at Prime Four Business Park proposals on the following grounds:

- The proposals are **contrary to the adopted and emerging LDP site allocations** which support employment uses.
- The proposals are **contrary to the adopted and emerging LDP retail strategy**, which is clear in its direction that proposals with a city-wide (or larger) catchment should be located in the City Centre. The City Centre Masterplan delivery would be further compromised.
- The proposals **fail to meet with the requirements of the sequential approach**, as set out within SPP, the adopted Aberdeen City Local Development Plan 2012 and the emerging Aberdeen City Local Development Plan 2016 (Proposed Plan), incorrectly concluding that there are no suitable sequentially preferable sites / opportunities available, utilising a narrow assessment without sufficient flexibility, based on an unjustified quantum of retail floorspace.
- The supporting case attempts to justify the proposed significant retail floorspace by citing the circumstances of **individual retailers**, which has been demonstrated by case law and appeal decisions to be inappropriate.
- The proposals would have a **material impact on the vitality and viability of Aberdeen City Centre**, contrary to adopted LDP policies RT1 and RT2 and emerging LDP policies NC4 and NC5: the turnover of the proposals and associated quantitative impacts have been underestimated; and, the proposals will compete with the delivery of the LDP/Proposed Plan and City Centre Masterplan, seeking to divert retailers (who are new to Aberdeen) to Prime Four, away from the active proposals at Union Square and Bon Accord.
- The **socio-economic** case for the proposals is considered to overestimate the employment generated in construction whilst confirming that the proposals will be of a high street nature (by way of the operational employment estimate). While the population growth referred to is noted, this does not justify comparison retailing of the scale proposed at this new location and at this time, in advance of the proper LDP process. The case for incorporating new uses – based on the experiences elsewhere in a number of select locations – is considered to be overly simplistic and unconvincing, with a failure to acknowledge the economic, spatial and political contexts within such locations.
- The proposals are detached from the urban form of both Aberdeen and Kingswells. In **transportation terms**, the site is **inaccessible**, being unreachable by rail and reliant on the private car and infrequent and distant bus services (the site is currently between 750 and 1,000 metres from a bus stop without any proposals to improve this provision).

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- A review by DBA of the submitted **Transport Assessment**, drawing also on commentary by Transport Scotland, has concluded that the operational assessment carried out is **fundamentally flawed** and that the conclusions drawn from this assessment cannot be justified.
- The supporting case is not supported by a sufficiently detailed Landscape and Visual Impact Assessment (LVIA), whilst the low rise development is in any case out of sync with the Development Framework provisions.

7.2 We trust that the representation will be given full consideration in the assessment of the Prime Four proposals.

**Additional representation to
proposed retail development at
Prime Four Business Park,
Kingswells (Ref: P161429/PPP)
(February 2017)**

On behalf of Union Square Developments Ltd



Representation to proposed retail development

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1. Introduction

1.1 This representation has been prepared on behalf of **Union Square Developments Limited** in order to maintain formal objection to the proposals at **Prime Four Business Park, Kingswells, Aberdeen (Ref: P161429/PPP)**:

Major Development mixed use commercial (up to 30,000m²) including retail (class 1), food and drink (class 3), other ancillary uses (such as offices) and associated landscaping, infrastructure and access works

1.2 This representation supplements that previously submitted on behalf of Union Square Developments Limited, clarifying our client's position in response to the following documents submitted on behalf of the applicant:

- Retail Impact Assessment (Update) (January 2017) – Lambert Smith Hampton ('RIA Update')
- Transport Assessment (October 2016) – Fairhurst ('TA')

2. Retail Matters

2.1 The submitted Retail Impact Assessment (Update) ('RIA Update') fundamentally provides additional information in the form of:

- an indicative scheme layout
- replacement justification on the need for new retail floorspace (Section 5)
- supplementary consideration of sequentially preferable sites (Section 7)
- additional Retail Impact Analysis & quantitative figures (Section 8)

2.2 In supplementing the existing comprehensive response, the following commentary is submitted with respect to the Prime Four proposals:

Retail Park Scale and Format

2.3 The RIA Update clarifies that the proposals are indeed of a standard out of town retail park format:

"This indicative layout illustrates the proposed retail development being provided in a modern retail park warehouse format, mostly likely split across 16 new retail units of varying sizes and supported by surface level car parking. The indicative layout indicates a number of the unit including mezzanine floors, meaning not all of the proposed retail floorspace is being split across individual retail units. (Para 2.5)

Our client's application seeks to deliver a retail park development in a retail warehouse format. (Para 2.6)

The proposed retail park will largely be of appeal to general comparison goods and bulky goods retailers and to be commercially attractive to occupiers, the scheme must proceed in the proposed retail warehouse format. (Para 2.7)

2.4 The 'Indicative Retail Park Layout' shows a full range of retail unit sizes, whereby maximum flexibility is clearly being sought by the applicant (to allow any market interest attracted to be accommodated), over an extensive, unjustified floorspace quantum:

"emerging proposals involve the development of up to 26,013 sq.m (gross) of Class 1 retail floorspace to be occupied by a range of comparison goods retailers, with a likely focus on general comparison and bulky goods retailers in response to confirmed market demand. In addition, the proposals would be complemented by 3,716 sq.m (gross) of convenience retail floorspace and ancillary food and drink premises."

2.5 In this respect, the units range from a 40,000 sq.ft unit to small 3,000 sq.ft units, as follows:

- Unit 1: 40,000 sq.ft + mezzanine (40k sq.ft)
- Unit 10: 25,000 sq.ft + mezzanine (10k sq.ft)
- Units 2 & 9: 15,000 sq.ft
- Units 3, 4, 7 & 8: 10,000 sq.ft

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- Units 5 & 6: 7,500 sq.ft
- Unit 11: 6,000 sq.ft
- Units 12 & 13, 15: 5,000 sq.ft
- Units 17, 18, 19, & 20: 3,000 sq.ft

2.6 In addition to the large format 'anchor units', the submitted store sizes take in a number of smaller units i.e. 6,000 sq.ft and below. These units are far more easily accommodated within the existing hierarchy of centres. The size of these units confirms the conflict that the proposals will have with efforts seeking to attract retailers to the City Centre.

Operator Interest

- 2.7 The RIA Update identifies that there will be a *"likely focus on general comparison and bulky goods retailers in response to confirmed market demand"*. The RIA Update has identified occupier interest from Boots, JD Sports, Cotswold Outdoors, Next and Superdrug (though none are understood to have been reported in the RIA Update as having formally committed to the scheme).
- 2.8 A first key point here is that planning permission would not be made personal to any individual retailers (see previous Savills representation which draws on Circular 4/1998: The Use of Conditions in Planning Permissions and PPA-230-2113) and what is being applied for is a major retail scheme, in a wholly out of centre location, with little restrictions.
- 2.9 The operators referred to are typical high street retailers who already have an extensive existing representation throughout the retail hierarchy in Aberdeen:

Retailer	Address	Sequential Location
Boots	1) 161 Union Street, Aberdeen, AB11 6BB	City Centre Retail Core
	2) Bon Accord Centre, Aberdeen, AB25 1HZ	City Centre Retail Core
	3) Union Square Shopping Centre, Aberdeen, AB11 5PF	City Centre Retail Core
	4) Foresterhill Health Centre, Aberdeen, AB25 2AY	OOC
	5) 475 Great Western Road, Aberdeen, AB10 6NN	Mannofield Neighbourhood Centre
	6) Garthdee Road Retail Park, Garthdee Road AB10 7AY	Garthdee Commercial Centre
	7) Mastrick Shopping Centre, Aberdeen, AB16 6JR	Mastrick Neighbourhood Centre
	8) 27 Scotstown Road, Aberdeen, AB22 8HH	Scotstown Neighbourhood Centre
	9) Unit 1-2 Dyce Shopping Centre, Aberdeen, AB21 7LW	Dyce District Centre
	10) Aberdeen Airport Airside, Aberdeen, AB21 7DU	OOC
JD Sports	1) 1 East Terrace, Union Square Shopping Centre, Aberdeen AB11 5RD	City Centre Retail Core
Cotswold Outdoor	1) The Atrium, Union Square Shopping Centre, Aberdeen AB11 5PS	City Centre Retail Core
Next	1) Bon Accord Centre, Aberdeen, AB25 1UH	City Centre Retail Core
	2) Unit 6, Union Square Shopping Centre, Aberdeen AB11 5PN	City Centre Retail Core
	3) Unit 4, Berryden Retail Park, Berryden Road, Aberdeen, AB25 3SG	Lower Berryden Commercial Centre

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Superdrug	1) St Nicholas Centre, Aberdeen, AB10 1HW 2) Bon Accord Centre, Unit 39, Aberdeen, AB25 1HZ 3) The Trinity Centre, Unit 13, Aberdeen, AB11 6BE	City Centre Retail Core City Centre Retail Core City Centre Retail Core
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Retail Deficiencies

- 2.10 Given the foregoing – the range of unit sizes and general comparison goods retailers – the argument that *“the type of retail proposed at Prime Four is quite different to that which exists and is proposed in the City Centre”* is considered to be flawed.
- 2.11 Moreover, it is effectively argued by the applicant that the existing representation of the named retailers in the City Centre, and their apparent desire to open an additional store at the application site, is justification to create a new (unsustainable and otherwise wholly inappropriate) retail location. Attempting to meet any existing quantitative or qualitative deficiency in this way is considered to be highly questionable.
- 2.12 The creation of a new retail location would have profound impacts on investor confidence in the City Centre. Approving that proposed would seriously undermine the ability of City Centre redevelopment from coming forward, creating uncertainty and competing for any new retailers.
- 2.13 Clearly, one of the key issues with respect to the proposals is the direction of travel of any new retail operators to Aberdeen. The quantum of development proposed will compromise the planned investment in and improvement of the City Centre and, by extension, delivery of the City Centre Masterplan and the existing/emerging LDP. Any retail deficiency is accounted for in quantitative terms. There are active City Centre proposals which are already the subject of formal planning applications (i.e. at the two main shopping centres in Aberdeen), whilst new retail floorspace is being delivered at Marischal Square. Beyond this immediate pipeline, there are other available sites (e.g. Denmore Road and those in the City Centre Masterplan) which should not be undermined from being taken forward by inappropriate out of centre development.
- 2.14 It is considered key that any additions constitute qualitative improvement to Aberdeen’s retail provision (and wider urban form). There has been no evidence provided that such retailers would commit to new stores at Prime Four (and no certainty could be secured that this would not be at the expense of some of the existing store estate), but even then, it is unclear how additional stores from retailers who already have strong representation in the city would help meet broader aspirations to make Aberdeen more attractive (e.g. the SDP aim of maintaining Aberdeen as a top 20 retail destination). In this regard, clearly, new high quality retailers are best accommodated within the City Centre, the only place where an appropriate critical mass of quality can be achieved to maintain (and improve on) this status. Disparate shopping facilities at extremely peripheral – and currently non-existent – locations such as Prime Four will not best achieve this aim.
- 2.15 The conclusions of Hargest in the February 2017 must also be noted, who concludes that the RIA Update fails to demonstrate that the retail development proposed at Prime Four meets a corresponding quantitative or qualitative retail deficiency, pointing to an incorrect interpretation of the ACARS projections on expenditure growth and quantitative retail deficiency; a failure to account for macro economic changes such as a

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sustained low oil price and geo-political uncertainties; and, unconvincing analysis with respect to the asserted lack of retail floorspace in out of centre locations (and associated comparisons).

Sequential Assessment

Application of the sequential assessment and appropriate case law

- 2.16 We fully maintain our previous commentary with respect to the sequential approach and the requirement for an appropriate level of flexibility – the central consideration here – which, in these circumstances (i.e. an extremely large and generally speculative retail park proposals), has far reaching implications.
- 2.17 As a point of clarification regarding the RIA Update makes reference to the Atholl House appeal (Ref: PPA-380-2031). In this regard, the scale of that proposal is materially different that proposed currently at Prime Four (scenario 2 equated to 3,716 sq.m). Subdividing an already modest retail warehouse proposal would materially change the character of what was proposed there (in stark contrast to what is being proposed at Prime Four). Indeed, the relevant point here is that the Reporters were *“satisfied that this judgement [Tesco Stores Ltd v Dundee CC [2012] UKSC 13] does not undermine the principle of disaggregation in appropriate cases”*, in line with the various case law presented on behalf of the local authority.
- 2.18 It is asserted that the current proposals are such an appropriate case. The circumstances at play i.e. the scale / extent of the proposals, and their generally speculative nature, mean that they have great flexibility to still function successfully at a much reduced scale. Such circumstances are quite distinct from any assertion that single store operations, or even more modest retail park proposals, should be disaggregated / reduced substantially in scale.

Updated Sequential Assessment

- 2.19 The RIA Update provides the following additional site assessment:
- **Edge of City Centre** – Site 9 Land at Virginia Street / Regent Quay, Aberdeen & Site 10 Broadford Works, Maberley Street
 - **Town Centre & District Centre Opportunities** – Torry TC, Rosemount TC, Danestone DC, Dyce DC, Middleton Park DC, Rousay Drive (Langstracht) DC, Upper Berryden DC
 - **Commercial Centres** – Kittybrewster RP, Garthdee RP, Lower Berryden RP, Beach Boulevard RP, Bridge of Don RP
- 2.20 While the RIA Update assessment charts the remainder of the Aberdeen City sequential hierarchy, it is considered to be flawed as it has been completed on the assumption that (a) the scale of the proposal is appropriate (with associated site area requirements); and, (b) there is no requirement for disaggregation in this case.
- 2.21 As has been shown in our previous representations and by the likes of Hargest (February 2017), the scale is unjustified and inappropriate. It therefore follows that defining and applying an appropriate level of flexibility on this is therefore problematic. The scale of the proposal in the first instance must be appropriate i.e. it is not an acceptable approach to simply devise a huge scale of proposal, of a 'catch all' format and in an

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unsustainable location, to simply allow for an argument to be run that a site of that scale proposed (unsurprisingly) cannot be located within a more central location. This is key in framing what is an appropriate level of flexibility and the size of site required to accommodate development.

- 2.22 The applicants have sought to show this flexibility by revising their original claim that a site of 10.05 hectares is required *"to meet the specific identified retailer requirements"*, stating instead that the proposal can be accommodated on a site of 5.5 hectares (RIA Update, Paragraph 7.6) In this respect, firstly, neither the quantum of retail floorspace proposed nor the asserted retailer requirements have been substantiated. Second, this (admittedly much reduced) site area has been shown to accommodate the same level of retail floorspace (30,000 sq.m) through site design efficiencies. **Taken together then, when flexibility is applied on both variables – floorspace quantum and layout – it follows that a reduced level of floorspace could be accommodated on smaller site still, leading to potentially significantly different conclusions in the sequential assessment.**
- 2.23 In any case, the sequential assessment is already considered to fail on account of the available / suitable (emerging) LDP development opportunity site **OP75 Denmore Road**. In line with the Commercial Centre policy designation, the vast majority of the retail floorspace proposed (which is not otherwise justifiable in any case) could be provided at the 4.56ha site. **Even without reducing the proposal scale to any substantial degree (having utilised maximum site efficiencies), the Denmore Road site would in broad terms be suitable for development. It is contested that the site layout would be insurmountable in delivering retail floorspace.**
- 2.24 This coupled with just some of the **city centre opportunities** would more than account for the identified retail capacity within Aberdeen. As stated, the Union Square is a key proposal here which will deliver 11,148 sq.m retail floorspace within an overall extension of some 27,870 sq.m. The units being provided here are directly comparable in scale with much of what is being proposed at Prime Four.
- 2.25 Other retail provision within the Proposed LDP – including Grandholme Town Centre, Countesswells Town Centre and Rowett South Town Centre – is noted within the policy section of the RIA Update (page 12) but is not addressed in the sequential assessment. Leaving aside the retail park element, it is maintained that the convenience aspect of the proposals would more appropriately be accommodated at these locations. Settlements such as Inverurie and Westhill are similarly not assessed.
- 2.26 Lastly, the planning policy hierarchy requires that, for an out of centre site to be acceptable in terms of the sequential approach, it must be accessible by a range of transport modes (and not reliant on the private car). As stated, the proposals are detached from the urban form of both Aberdeen and Kingswells. In transportation terms, the site is inaccessible, being unreachable by rail and reliant on the private car and infrequent and distant bus services (the site is currently between 750 and 1,000 metres from a bus stop without any proposals to improve this provision). The site therefore fails this policy requirement.

Retail Impact

- 2.27 As set out in our previous representation, and assessed in detail by the latest Hargest analysis (February 2017), quantitative retail impacts would be "significantly" higher than suggested by the applicant, even before cumulative impacts are considered. The scale of the proposed development combined with prevailing

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economic uncertainties and the parameters contained in the RIA Update mean it fails to provide a reliable and robust assessment of potential retail impact on existing or proposed centres. The actual adverse impact that would take place would have a material effect on the vitality and viability of Aberdeen City Centre, and would directly undermine the planned investment in the City Centre.

- 2.28 Indeed, regardless of the retail impact figures produced, it is clear that the new development would (a) rely on existing town centre retailers opening new stores (with no guarantee that their City and District Centre stores would continue in the same extent or scale, with an inevitable loss of trade from the retail hierarchy, and (b) compete with the City Centre (as exists and is proposed) for new retailers looking to open their first stores in Aberdeen. This further confirms that there would be an adverse effect on the vitality and viability of the City Centre and wider retail hierarchy.
- 2.29 Development of this scale would simply draw footfall away from the City Centre and undermine attempts to attract new retailers to the City, which would ordinarily lead to an improvement in the quality of the retail offer (and not simply aiming to replicate it and diffuse the retail spend and City Centre vitality). Moreover, spin off trade normally spent in the City Centre will then also be diverted away and lost.
- 2.30 Ultimately, there would be clear impact on the LDP and City Centre Masterplan delivery, competing for retailers and trade, thereby undermining vitality and viability.

Concluding Assessment

- 2.31 Clearly, the pertinent retail impact tests must be considered together as a whole, alongside the provisions of the rest of the LDP, SG and material considerations such as the City Centre Masterplan.
- 2.32 Adopted / emerging LDP Policies RT1 / NC4 specify the Council's clear position on the sequential approach, stating that *"Proposals serving a catchment area that is city-wide or larger shall be located in the city centre"*, and preferably in the City Centre Business Zone (adopted policy) or City Centre Retail Core (emerging policy). The proposals are significant in scale with a corresponding city-wide reach. They are in locational terms wholly divorced from the City Centre, whilst also detracting from aspirations to maintain its current offer and expand in line with the LDP and City Centre Masterplan. **The proposals are contrary to this policy provision.**
- 2.33 Adopted LDP Policy RT2 Out of Centre Proposals / Emerging Policy NC5 Out of Centre Proposals is explicit in stating that proposals for town centre uses – such as that proposed at Prime Four – should be refused where they do not satisfy all the policy criteria requirements relating to the sequential approach to site selection; retail impact; quantitative and qualitative deficiencies; accessibility; and, travel patterns/air quality.
- 2.34 The City Centre Masterplan Executive Summary document identifies that the 49 projects identified have the potential to accommodate 66,960 sq.m retail and leisure floorspace (including upgrade of existing accommodation). (Page 39) Clearly, the proposal for c. 30,000 sq.m of major retail floorspace at Prime Four will have a major adverse effect undermining the entire foundation of the Masterplan. The Masterplan promotes a range of projects linked to economy, environment and infrastructure aim to enhance the attractiveness and viability of the City Centre core. It identifies that there is the opportunity to create a higher

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quality retail circuit via increased provision, enhanced experience, diversity of retail, complementary uses (e.g. food & drink) and improved public realm. (Page 40)

- 2.35 Indeed, this policy thrust is advanced and consolidated in the Proposed LDP Policies NC1 and NC2.
- 2.36 Proposed LDP Policy NC1 'City Centre Development – Regional Centre' states that *"the city centre is the preferred location for retail, commercial, leisure and other significant footfall generating development serving a city-wide or regional market"* in delivering the City Centre Masterplan vision. Moreover, supporting paragraph 3.22 specifically states new development should be directed to City Centre Retail Core. Clearly, the proposals of the scale submitted are contrary to the aspirations of Policy NC1 at the site location, and will directly undermine both active proposals and immediate opportunities for new retail development in the City Centre.
- 2.37 Proposed LDP Policy NC2 'City Centre Retail Core and Union Street' reinforces the Council's position that the City Centre Retail Core is the preferred location for major retail developments, and where such sites are not available, within the wider City Centre. Proposals of the scale submitted are contrary to the aspirations of Policy NC2 at the site location, and will directly undermine both active proposals and immediate and future opportunities for new retail development in the City Centre.

3. Transportation

Introduction

- 3.1 The applicants initially submitted a Transport Assessment (TA) dated October 2016. Dougall Baillie Associates (DBA), Highways Engineers of long standing and experience reviewed this TA and comments were included in the November 2016 representation.
- 3.2 The key concern identified as part of this review was that the submitted TA appeared to significantly underestimate the likely traffic generation from the proposals; and in turn misrepresents likely impacts on the road network. The two week period from the issuing of the Scoping Proposal to the submission of the TA to Aberdeen City Council was an extraordinarily short period of time for all parties to properly consider matters and for the applicants to finalise a TA suitable for a development of this scale.
- 3.3 An amended TA was submitted in December 2016 following further discussion between Fairhurst, Aberdeen City Council and Transport Scotland. The updated TA identifies that amendments to the initial TA include:
- Removal of traffic from the consented circa 17,000sqm Ardene House office proposal on the basis that it would not proceed and would be replaced by the retail proposal.
 - Agreement that the retail proposal will benefit the road network during the weekday AM peak hour in comparison to the consented Ardene House office proposal alone.
 - Only 10% linked trips will be used, rather than 20%.
 - Amended trip distribution.
 - Subsequent alterations to AWPR Kingswells South roundabout mitigation drawings as necessary to account for revised traffic flows.
- 3.4 It is noted that the issues discussed do not address the issue of City and Shire LDP traffic as noted in Transport Scotland's response of 14 November 2016.

Details of Development

- 3.5 The details of development remain unaltered from the initial TA, however the amended TA notes at para. 3.4.1 that parking will not exceed ACC's parking standards; and continues that it will be reduced by at least 10%. It does not state that the 10% reduction will be below ACC standards although this is inferred.

Existing Transport Conditions

- 3.6 The assessment of *Existing Transport Conditions* in the amended TA is largely unchanged from the initial TA albeit, First Groups intention to withdraw the X40 bus service is acknowledged.
- 3.7 Again, we question the walking catchment identified in the amended TA, suggesting that the retail development would have a walking threshold of 2,400m. While this catchment is supported in the Transport Assessment Guidance (TAG), it clearly contradicts the established policy set out in PAN 75 Planning for Transport, which notes that local amenities should be within 1,600m. TAG does suggest that walking journey times of up to 20-30 mins are appropriate however, it also notes that 'the choice of time-band may

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vary in response to the use and scale of the development. People may be prepared to travel further for some activities, for example, to a sports stadium than to a shop’.

- 3.8 Our view remains that people are less likely to walk to a retail development when they will be required to carry home any purchases. In our view the 1,600m remains the most appropriate distance to apply to retail development. The TA identifies that only a very small area of Kingswells lies within this distance.
- 3.9 The assessment of public transport identifies the relative proximity of existing bus stops at between 750m and 1,000m. This exceeds the limit of 400m set out in PAN 75; and reiterated in Scottish Planning Policy (2014), ‘planning permission should not be granted for significant travel-generating uses at locations which would increase reliance on the car and where access to local facilities via public transport networks would involve walking more than 400m’.

Trip Generation and Distribution

- 3.10 While Transport Scotland accepted the trip rates used in the initial, they do not appear to have been subject to any further discussion with ACC and our previous comments in relation to underestimation of vehicle trip generation stand. We have included our assessment of the trip generation characteristics of the food retail element from the November representation.
- 3.11 The TA indicates vehicle trip generation equivalent to those indicated in Table 6.1. These rates are based on data from the industry standard TRICS database but are based on multi-modal survey of sites sized between 1,825m² and 11,101m².
- 3.12 It is the case that retail visitor trip rates tend to decrease with increasing GFA, the result of this will be that the inclusion of a site of 11,101m² will tend to reduce the resulting trip rates. For comparison purposes, we have undertaken an assessment of potential vehicle trips rates based on sites between 1,000m² – 6,000m² and 1,000m² – 8,000m². The results of this assessment are also included in Table 6.1, below.

	Weekday AM		Weekday PM		Saturday	
	Trip Rates		Trip Rates		Trip Rates	
	Arrivals	Departures	Arrivals	Departures	Arrivals	Departures
Fairhurst TA	1.911	1.507	4.117	4.279	4.575	4.575
1000m ² -6000m ²	3.746	2.751	9.989	10.116	7.063	7.343
1000m ² -8000m ²	3.143	2.495	6.565	6.721	4.771	4.759
	Trips		Trips		Trips	
	Arrivals	Departures	Arrivals	Departures	Arrivals	Departures
Fairhurst TA	71	56	153	159	170	170
1000m ² -6000m ²	139	102	371	376	262	272
1000m ² -8000m ²	117	93	244	250	177	177

Table 6.1 – Vehicle Trip Generation Comparison

- 3.13 As indicated, the vehicle trip rates for the smaller range option are significantly higher and during the weekday evening peak would result in approximately 200% of the trip generation used in the TA. The larger range option is also significantly higher than those used in the TA resulting in approximately 160% of the

Representation to proposed retail development

Prime Four Business Park, Kingswells (Ref: P161429/PPP)



trips used in the TA. We remain of the view that the development vehicle trip generation and therefore road network impact are significantly underestimated.

- 3.14 The amended TA has addressed the distribution of development trips to reflect the comment received from Transport Scotland that a larger proportion of trips would travel to and from the development via the AWPR south.
- 3.15 The amended TA discounts vehicle trip generation by 10% on the basis of TRICS Research Report 05/1 - Trip Attraction Rates of Developments with Multiple Retail and Leisure Uses. This document was reviewed and, while it does suggest that multi-use development would typically experience a reduction in overall trip generation, the research is based on Saturday data. In our view, the logic of this is sound as shopping trips at the weekend are more likely to include visits to other nearby destinations. We consider that this would be less likely during the morning or evening commuting peak periods. We also note that the research states that, where generous parking is provided, the trip reduction can be lost entirely. A definition of generous parking is not included and it cannot be established if the proposed parking levels would offset any reduction in shared trips.
- 3.16 The TA adopts a pass-by rate of 30% during the weekday evening peak. While we tend to agree that this would be appropriate for the food retail element, in our experience it generally is the case that a pass-by rate of 10% is used for non-food retail. The combination of the applied shared and pass-by rates is that the TA only considers the impact of 60% of the overall trip generation on the wider road network during the evening peak period.

Traffic Modelling and Capacity Testing

Base Traffic Flows

- 3.17 The TA base traffic flows have been sourced from the Countesswells New Community Development TA. In response to the Scoping Proposal document, Transport Scotland questioned why this data was used when Fairhurst previously used traffic flows extracted from the Aberdeenshire Council's 2023 Paramics Model in their assessments of the Prime Four employment and AFC Kingshill proposals. Transport Scotland noted that the flows proposed for use are significantly lower than those in the Aberdeenshire Paramics Model. This issue has not been addressed in the updated TA and it remains our view that it would be good practice for the assessment to be consistent with the approach taken in the Prime Four assessment.
- 3.18 Furthermore, given the proximity of the development site to the AWPR, it would be prudent to use a robust base traffic data set. In both cases this would be the data extracted from the Aberdeenshire Paramics Model.

Committed Development Traffic

- 3.19 The flows used in the TA include traffic generated by the Countesswells and Prime Four development sites. In responding to the Scoping Proposals, Transport Scotland suggest that an assessment of the traffic generation of both Aberdeenshire and Aberdeen City LDP's be included in the TA along with the traffic generation of the Aberdeen FC proposals. Transport Scotland note that the interaction of the AFC proposals and the proposed retail site be considered particularly during the Saturday afternoon peak. This has not been addressed in the updated TA.

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- 3.20 The amended TA notes 'A number of committed development sites, with planning consents, were considered in the Countesswells TA. The 2033 Design year ASAM flows also account for a number of allocated sites in both Aberdeen City and Aberdeenshire LDPs.' It does not identify these sites. The TA continues 'Fairhurst are contend that there is no need to consider other undeveloped LDP sites with no planning permission as being committed developments.'
- 3.21 While we are unaware of what was discussed and agreed in their meeting of 25th November 2016, the position taken in the TA is contrary to that previously suggested by Transport Scotland. It remains our view that the omission of a cumulative assessment, together with an inconsistent use of base traffic data would resulted in an assessment that does not address the impact of the proposed development in a robust way.

Junction Capacity Analysis

- 3.22 The amended TA includes only summary tables of the analysis results however, based on our observations of development trip generation together with Transport Scotland's comments on base traffic flows and committed development we would comment as follows:

Proposed A944 / AWPR Kingswells South Roundabout Junction

- 3.23 The analysis summary indicates impacts on each of the main junction approaches with a maximum Ratio of Flow to Capacity (RFC) of 111% predicted to occur during the evening peak on the A944 East approach. This is predicted to result in an increase in queue of 32 vehicles (approx 190m) compared to the base reference case. The maximum RFC predicted during the morning peak is 108% Due to the removal of Ardene House traffic generation this reflects a reduction compared to the base reference case.
- 3.24 The amended TA proposes revised capacity improvements to the junction layout which would see widening of the A944 east and AWPR Nth Bound Offslip approaches.
- 3.25 Entry path radius is noted in the Design Manual for Roads and Bridges (DMRB) as 'the most important determinant of safety at roundabouts'. We have carried out an assessment of entry path radii resulting from the capacity improvements proposed in the TA. With regard to the improvements to the A944 approach we do not anticipate that the proposals would significantly affect the entry path radii. Our assessment indicates that there would be a significant impact on the AWPR Northbound Off Slip. Our view remains that while reduced in scale, the proposed improvement would still increase the entry path radius to such a degree that it exceeds the parameters set down in the DMRB. We would anticipate that this would not be acceptable to Transport Scotland.
- 3.26 As noted previously, we are of the view that the development traffic impact is significantly underestimated. Transport Scotland have also queried the base traffic data used and identified a requirement for a cumulative assessment including Aberdeen FC proposals and LDP traffic. On the basis of this we do not consider the analysis to reflect a robust assessment of the operation of this junction.

A944 / Prime Four Access Junction and Kingswells Roundabout

- 3.27 The analysis summary of this linked signal network indicates a maximum Degree of Saturation (DoS) of 87.4% on the A944 Eastbound approach. The TA notes that this junction currently operates on a MOVA control which the LINSIG analysis cannot reflect. This is correct however as noted previously, we are of the

Representation to proposed retail development

Prime Four Business Park, Kingswells (Ref: P161429/PPP)



view that the development traffic impact is significantly underestimated. Transport Scotland have also queried the base traffic data used and identified a requirement for a cumulative assessment including Aberdeen FC proposals and LDP traffic. Based on this, we do not consider the analysis to reflect a robust assessment of the operation of these two junctions.

A944 / New Countesswells Access 'Jessiefield' Signal Junction

3.28 The analysis summary of this signal controlled junction indicates a Degree of Saturation (DoS) of 83.0% on the Lang Stracht Westbound approach. This would indicate that the junction operates within capacity however, as with the other junctions we consider the development traffic generation to be significantly underestimated. This, together with the base traffic data used and omission of a cumulative assessment has in our view resulted in an underestimation of demand on the road network and an assessment that would not reflect a robust assessment of the operation of this junction.

Proposed A944 / Prime Four Phase 5 Signal 'All Movements' Junction

3.29 The analysis summary of this signal controlled junction indicates a maximum Degree of Saturation (DoS) of 89.7% on the A944 Eastbound approach. This would indicate that the junction operates within capacity however, as with the other junctions we consider the development traffic generation to be significantly underestimated. This, together with the base traffic data used and omission of a cumulative assessment has in our view resulted in an underestimation of demand on the road network and an assessment that would not reflect a robust assessment of the operation of this junction.

Summary Highways Position

- 3.30 The proposed development is located on a site currently identified for employment use. Given the location of the development, the TA overestimates the walk-in catchment of the development. We would consider the proposals to be in an Out of Town Centre location.
- 3.31 The TA has been amended following discussions with Transport Scotland and ACC however, in our view, the amended TA still underestimates the traffic generation of the development site and on this basis alone, we consider that the TA fails to reflect a robust assessment of the development impact on network operation.
- 3.32 The TA identifies that the development will have a significant impact on the operation of the AWPR Kingswells roundabout.
- 3.33 We consider the proposed widening of the AWPR Northbound off slip approach would increase the entry path radius to be outwith the parameters set out in the DMRB. We would anticipate that this proposed capacity improvement would be unacceptable to Transport Scotland on safety grounds.
- 3.34 In their scoping response, Transport Scotland considered that base traffic data extracted from the Aberdeenshire Paramics model would be more appropriate than the traffic data used in the TA. Transport Scotland requested clarification on why this data has not been used when Fairhurst have previously used this model data in assessments of other development proposals in the vicinity of the development. The amended TA fails to address this point.

Representation to proposed retail development

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- 3.35 Transport Scotland note that the Aberdeenshire Paramics model traffic data is significantly higher than that used in the TA. They have expressed concern that the TA will not reflect a robust assessment of road network operation. The amended TA fails to address this point.
- 3.36 We consider that the TA underestimates the vehicle trip generation of the proposed development. The TA discounts the trip generation to account for linked trips. We consider that there is limited justification for this reduction in vehicle trip generation.

4. Summary & Conclusions

4.1 Union Square Developments Limited formally maintain objection to the proposed significant levels of Class 1 retail floorspace (26,013 sq.m of comparison and 3,716 sq.m) at Prime Four Business Park proposals on the following grounds:

- The proposals are **contrary to the adopted and emerging LDP site allocations** which support employment uses.
- The proposals are **contrary to the adopted and emerging LDP retail strategy**, which is clear in its direction that proposals with a city-wide (or larger) catchment should be located in the City Centre. The City Centre Masterplan delivery would be further compromised.
- The proposals **fail to meet with the requirements of the sequential approach**, as set out within SPP, the adopted Aberdeen City Local Development Plan 2012 and the emerging Aberdeen City Local Development Plan 2016 (Proposed Plan), incorrectly concluding that there are no suitable sequentially preferable sites / opportunities available, utilising a narrow assessment without sufficient flexibility, based on an unjustified quantum of retail floorspace.
- The supporting case attempts to justify the proposed significant retail floorspace by citing the circumstances of **individual retailers**, which has been demonstrated by case law and appeal decisions to be inappropriate.
- The proposals would have a **material impact on the vitality and viability of Aberdeen City Centre**, contrary to adopted LDP policies RT1 and RT2 and emerging LDP policies NC4 and NC5: the turnover of the proposals and associated quantitative impacts have been underestimated; and, the proposals will compete with the delivery of the LDP/Proposed Plan and City Centre Masterplan, seeking to divert retailers (who are new to Aberdeen) to Prime Four, away from the active proposals at Union Square and Bon Accord.
- The **socio-economic** case for the proposals is considered to overestimate the employment generated in construction whilst confirming that the proposals will be of a high street nature (by way of the operational employment estimate). While the population growth referred to is noted, this does not justify comparison retailing of the scale proposed at this new location and at this time, in advance of the proper LDP process. The case for incorporating new uses – based on the experiences elsewhere in a number of select locations – is considered to be overly simplistic and unconvincing, with a failure to acknowledge the economic, spatial and political contexts within such locations.
- The proposals are detached from the urban form of both Aberdeen and Kingswells. In **transportation terms**, the site is **inaccessible**, being unreachable by rail and reliant on the private car and infrequent and distant bus services (the site is currently between 750 and 1,000 metres from a bus stop without any proposals to improve this provision).
- A review by DBA of the submitted **Transport Assessment**, drawing also on commentary by Transport Scotland, has concluded that the operational assessment carried out is **fundamentally flawed** and that

Representation to proposed retail development

Prime Four Business Park, Kingswells (Ref: P161429/PPP)



the conclusions drawn from this assessment cannot be justified. Fundamentally, the TA underestimates the vehicle trip generation of the proposed development.

- 4.2 In conclusion, the additional layout and operator information provided only serves to confirm the conflict with opportunities throughout the existing retail hierarchy which are supported by the Council and are being progressed. The additional sequential assessment demonstrates how site efficiencies can be achieved in layout; however, it does not show flexibility on the quantum of retail floorspace proposed, which would further reduce the required land take for a reasonably functioning retail park, thereby undermining the conclusions of the sequential assessment (even before disaggregation is considered). The quantitative information provided fails to demonstrate that there will be no material impact on vitality and viability of the retail hierarchy in Aberdeen – quantitative retail impacts would be significantly higher than that suggested by the applicant, even before cumulative impacts are factored. Finally, the unsuitability of the location in sustainability terms is unchanged by the additional submissions, with inaccessibility remaining a major issue.
- 4.3 We trust that the foregoing, and that submitted previously, will be given full consideration in the assessment of the Prime Four proposals.

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09 November 2016

KNIGHT PROPERTY GROUP

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

Dear Sirs

Proposal: Major Development mixed use commercial (up to 30,000m²) including retail (class 1), food and drink (class 3), other ancillary uses (such as offices) and associated landscaping, infrastructure and access works
Address: Site OP40 Prime Four Business Park Kingswells Aberdeen
Application Ref: 161429/PPP

We write in relation to the above proposals for site OP40 Prime Four Business Park Kingswells Aberdeen. Knight Property Group have significant assets throughout Aberdeen city centre and the wider area itself, including the recently completed refurbishment and extension of the former art deco Capitol theatre at the west end of Union Street which provides 75,000sqft of grade-A commercial floorspace for which PWC take occupation in a matter of a few weeks.

Alongside other prominent city centre developments currently underway, this is a significant development for both Knight Property Group and for the regeneration of the city centre as a whole. Investment in the Capitol redevelopment alone totals £30 million. As such, and as a local company, Knight Property Group are firmly committed to enhancement of the vitality and viability of the city centre and its development as a regional hub for commercial, retail, leisure and residential activity.

Spatial Strategy

The Spatial Strategy in the Proposed Aberdeen Local Development Plan (2015)(Proposed Plan)¹ echoes that of the current Aberdeen Local Development Plan (2012)(LDP) and the approved Strategic Development Plan (2014)(SDP) for the region:

Our strategy promotes the city centre as the commercial, economic, social, civic and cultural heart of Aberdeen. The maintenance of a vibrant city centre and the enhancement of its fine buildings and open spaces is vital to Aberdeen's future prosperity and to sustaining its attractiveness as a place to live and visit. A strong and thriving city centre is a key attribute in delivering the wider strategic aims of the Strategic Development Plan and our policies and proposals seek to enhance its role as a key commercial centre.

¹ Reference throughout this letter is made to policies and allocations in the Proposed Aberdeen Local Development Plan (2015) (Proposed Plan), as amended by the recent Report of Examination, where necessary. This emerging Local Development Plan (LDP) will be approved for adoption on 14th December 2016 and will form part of the extant Development Plan at the time of determination of this application.

The applicants, Prime Four Ltd. claim that there will be a 'benign' impact on the city centre, however despite the fact that the supporting documents claim that the *retail impact of this development on city centre retail is estimated to be relatively small – just 4.31%*, the reality is that the development of circa 30,000sqm retail space to the west of the city, with easy access from the AWPR and unrestricted surface car parking will cause significant harm to the Council's efforts to encourage modal shift towards more sustainable methods of transport.

Proposed Plan Policy **NC1 City Centre Development – Regional Centre** cites the city centre as the *preferred location for significant footfall-generating development serving a city-wide or regional market*, such as the proposed development, as acknowledged in its supporting planning statement.

Similarly policy **NC2 City Centre Retail Core and Union Street** defines the *City Centre Retail Core* as the *preferred location for major retail developments*; and *where sites are not available in the City Centre Retail Core, then sites elsewhere in the city centre may be appropriate*.

Aberdeen City Centre Masterplan

Aberdeen City Centre Masterplan (CCM) was approved in June 2015 and as a 20-year development strategy for the city centre it is in its infancy. Commitment to implementation of the Masterplan and the 49 projects identified within that *'will support future economic growth and will secure more benefits and opportunities for the communities of Aberdeen City and Shire'* has been strong; with the appointment of a City Centre Director and delivery team and establishment of a reference group in quick succession demonstrate the Council's ambition to see the strategy delivered.

The Masterplan acknowledges that:

In more recent times investment in the city centre has not kept pace with the periphery of the city. There is now a renewed appreciation of the social, cultural and economic value of city centres, Aberdeen city centre needs to reassert itself with a clear vision that establishes future priorities. However, this should be achieved in a way which reflects the unique history of the city so that Aberdeen remains distinctive and rooted in place and culture.

However it also highlights the complacency of recent years in the lack of investment, due to the high oil price and ease of Greenfield development to cater to the industry:

As the metropolitan centre of a globally significant economic region, Aberdeen city centre's importance to the economy of the region and the nation should not be underestimated. The city centre should be the heart of the Aberdeen and Aberdeenshire economy; a hub where people come together to work, learn, collaborate, trade, invent and promote – this is clearly not currently the case and the city centre needs (for the good of the region as a whole) to reinvent itself as the metropolitan and commercial heart of the wider Aberdeen economic region.

The CCM recognises that the city centre requires transformation to fulfil its role as a regional hub, attracting office and residential activity back from the periphery and reintroducing a more sustainable access strategy. Clearly the approval of such a significant attraction on the periphery of Kingswells, let alone the periphery of the city centre is significantly damaging to the regeneration of the city centre.

Land Use

Prime Four Business Park and the allocated development land to its west are designated as **Specialist Employment Areas** in the Proposed Plan. The site forms part of site OP29, allocated to provide 50ha employment land under the terms of **policy B2** between 2017 and 2026, as a continuation of the Masterplanned development of phases 1-3 of the park.

In areas that are identified as Specialist Employment Areas on the Proposals Map, only Class 4 (Business) uses shall be permitted in order to maintain a high quality environment. Activities associated with research, design and development, knowledge-driven industries and related education and training will be encouraged in these areas.

Facilities that directly support business uses may be permitted where they enhance the attraction and sustainability of the Specialist Employment Area for investment. Such facilities should be aimed primarily at meeting the needs of businesses and employees within the Specialist Employment Area.

At 30,000 sqm the proposed development is not of a complimentary nature to directly support the businesses, such as the community hub that is currently proposed in the approved Masterplan and Development Framework; and in direct conflict with this policy.

Retail Use

The application site lies within allocation OP40 in the current LDP. Drum Kingswells Business Park Ltd. sought the change of use of the application site to accommodate retail, leisure and commercial uses through the Council's *Call for Sites* (2013) and *Main Issues Report* (2014) (MIR) consultations, simultaneously seeking an extension to the Prime Four Business Park to accommodate overwhelming commercial requirements and to maintain a supply of developable commercial land to meet these requirements as there were (unspecified) access constraints to the immediate development of OP40.

The *Aberdeen City and Aberdeenshire Retail Capacity Study* (2013)(ACARS) identified capacity for 5,500sqm convenience retail floorspace in zone 29N, to the west of Aberdeen. Whilst the ACARS suggested that some of this floorspace *should be located in the Countesswells development to serve local day-to-day and limited main food shopping needs*; in their MIR consultation response Drum sought that the full amount be provided at Prime Four.

This was on the basis that as no site had been specifically identified within the zone for this floorspace, its allocation within OP40 would *add to spectrum of uses being offered to occupiers, who seek to maximise the benefits they can offer to their employees*. It was also argued that *given the sites proximity to both the AWPR junction and the Kingswells Park and Ride, there is a strong argument to say that locating the acknowledged retail requirement at Prime Four is the most sustainable option. It is clear that working and shopping in the same Park reduces car journeys on the network*. This justification did not focus on local retail provision, pedestrian or cycle access to local convenience retail – it was suggested purely to cater to the residents of the business park and car-borne trips.

The Council did not accept these arguments and the Proposed Plan continued the allocation for employment development at Prime Four, adding in its supporting text for Kingswells and Greenferns that:

Around 50 hectares of employment land allocations have been made to the west of the city at Prime Four Business Park, Kingswells, which provides employment opportunities in a part of the city where there is little employment land.

In their response to the Proposed Plan consultation (2015), Drum supported this allocation and the inclusion of further commercial land as OP63.

Summary

In conclusion the above development is highly speculative and does not cater for an identified need. It runs counter to national, regional and local planning policy, which seeks to locate such developments with a regional catchment in the city centre. Approval of the above development would have a damaging impact on the economy of the city centre and undermine the primacy of the Development Plan, which is particularly up-to-date.

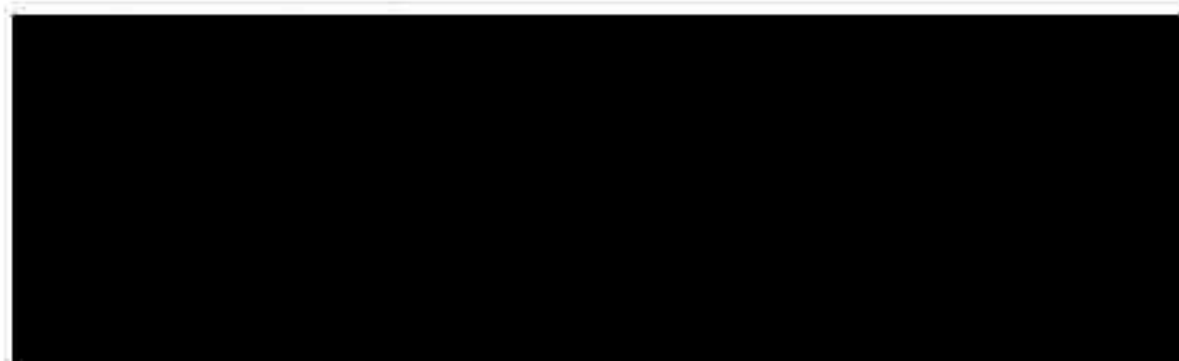
Drum promoted retail development on the application site through the recent LDP review and after consideration the employment designation was upheld. The proposed development is of a regional scale and significance and should be located in the city centre, in accordance with national, regional and local planning policy and where such retail capacity exists.

We should not further rip the heart out of our city centre and move retail to the outskirts, we should be investing in the city centre and bringing footfall back in order to stimulate our many local and national traders who operate from Aberdeen city centre.

The Council has invested considerable time and money in creating a City Centre Masterplan to drive transformation and investment, which relies heavily on public and private sector investment in delivering the vision for the city centre. The approval of a significant retail development that would be such a direct threat to the success of the transformation of the city centre, the Council's proposals for city centre access and significant mode shift would be reckless and combative to attempts to secure buy-in to its proposals.

We would be happy to discuss any of the above with the Council or the applicants, should you wish to do so please do not hesitate to contact me.

Yours sincerely

A large black rectangular redaction box covering the signature area.

HOWARD CRAWSHAW
Director

06 February 2017



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

KNIGHT PROPERTY GROUP

Dear Sirs

Proposal: Major Development mixed use commercial (up to 30,000m²) including retail (class 1), food and drink (class 3), other ancillary uses (such as offices) and associated landscaping, infrastructure and access works
Address: Site OP40 Prime Four Business Park Kingswells Aberdeen
Application Ref: 161429/PPP

Following the submission of updated information in support of the above proposals, we write to augment our objection of 9th November 2016. Following a review of the Retail Impact Assessment (Update)(RIA) and Transport Assessment (TA) we maintain our objection to the above proposals for at site OP40 Prime Four Business Park Kingswells Aberdeen.

Knight Property Group have significant assets throughout Aberdeen city centre, including the recently completed refurbishment of the former art deco Capitol theatre at the west end of Union Street to provide 75,000sqft of grade-A commercial floorspace over 9 levels.

Alongside other prominent city centre developments currently underway, this is a significant development for both Knight Property Group and the for the regeneration of the city centre as a whole. Investment in the Capitol redevelopment alone totals £30 million. As such, and as a local company, Knight Property Group are firmly committed to enhancement of the vitality and viability of the city centre and its development as a regional hub for commercial, retail, leisure and residential activity.

Proposed Design and Layout

Following further information requests details on the nature and form of the proposed scheme have only just been made available. The applicant maintains that this proposal is not speculative, if this is the case then why were such details not available when the application was submitted? The submitted layout shows an out of town retail park, split over 16 warehouse units of varying sizes, with potential for mezzanine flooring and surface-car only car parking.

The RIA stipulates that the development "must" proceed in the proposed retail warehouse format and "must" provide clustered retail units, which are regular in shape, with capacity for high shelving and storage, to have adjacent at-grade customer car parking with trolley bays, and be supported by a service yard with easy access to storage areas. The justification for this is that the proposed retail park will largely be of appeal to general comparison goods and bulky goods retailers and to be commercially attractive to occupiers, the scheme must proceed in the proposed retail warehouse format.

However the retailer interest reported by the applicant comprises Boots, JD Sports, Cotswold Outdoors, Next and Superdrug – none of which are bulky goods retailers and all of whom operate and have operated from multiple city centre and out-of-centre locations in Aberdeen for many years.

The RIA asserts however that "sequentially, Aberdeen city centre cannot accommodate a new retail warehouse park and neither can any of the other centres identified in the development plan". It seems the more likely reason that the development "must" be of the specified size and format is in order to manufacture justification for its location.

It is unclear what the benefits to Aberdeen, and in particular the city centre would gain from an out-of-town development that seeks to duplicate existing city centre retail units.

Retail Justification

Aberdeen & Aberdeenshire Retail Capacity Study (2013) (ACARS) tested 3 of 6 scenarios for retail development in the region; of these scenario 3 formed the basis of the recommended strategy and forms the basis of the adopted Local Development Plan policy.

- Scenario 1: Do Minimum –assumes only "committed" developments plus a modest amount of retail development within the proposed redevelopment of St Nicholas House in the City Centre.
- Scenario 3: Development, meeting all retail deficiencies identified, plus 30,000 sq m GFA floorspace for comparison goods within the City Centre).
- Scenario 5: Addressing deficiencies plus comparison floorspace development within the City Centre (i.e. Scenario 3) together with a further 30,000 sq m GFA comparison floorspace elsewhere in Aberdeen City (outwith the City Centre).

Following testing, ACARS recommended a strategy based on scenario 3 "in order to support retail investment in the City Centre, to minimise potential adverse impacts on existing centres and to facilitate re-use of vacant floorspace".

Scenario 5 was rejected "on grounds of potential adverse impacts and potential undermining of City Centre retail investment" (table 5.7: Summary Evaluation of Development Scenario Options).

The study notes that "the provision of large scale comparison floorspace in new areas of Aberdeen will be much easier than redevelopment of land within the City Centre; which could easily be undermined by relatively easy alternatives elsewhere. Therefore a balance needs to be struck between providing new comparison floorspace in new District Centres and support for the provision of new City Centre floorspace".

The proposed site is neither an existing nor a new District Centre, in the heart of an established or developing residential neighbourhood. The RIA contends that the submitted proposals "can comfortably co-exist with the city centre and will not prejudice any planned investment in the city", however the reality set out in the RIA is that they aim to provide retail floorspace at all costs, including and mainly the vitality of the city centre.

Impact on the City Centre

The applicant's RIA concludes that that the retail impacts associated with the proposed development will be "benign", with "no significant adverse impact on any of the defined centres", and "no question that the proposed retail park at Prime Four can comfortably co-exist with Aberdeen city centre and the other centres within the catchment".

We contend that the impact analysis in the RIA grossly underestimates the scale of impact on the city centre, not just in terms of retail capacity, but of vitality of the centre as a whole. The Council has invested over a million pounds on the preparation and implementation of a Masterplan for the City Centre, confirming the Council's commitment to the regeneration of its civic heart.

We contend that the assertion that the "proposals can comfortably co-exist with the city centre and will not prejudice any planned investment in the city" is absolutely untrue. There is a very real risk of knocking fragile investor confidence in the city centre, if the Council were to permit a development that flies in the face of its recently adopted Local Development Plan and Masterplan.

Accessibility

The TA overestimates the walk-in catchment of the proposals. The heavy reliance on the Park and Ride, which is located over 1 km away from the site is unrealistic, especially for a development that seeks to attract bulky goods retailers. The existing bus services and infrastructure are sub-standard and far exceed the established guidelines set out in PAN 75.

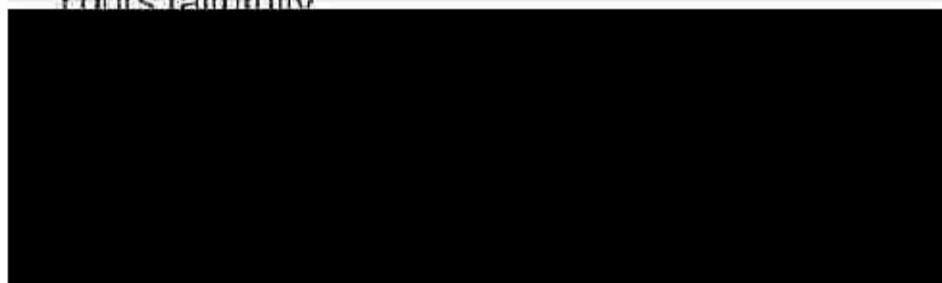
The proposals are much less accessible by all forms of public transport than the city centre, which is the transport hub for the region; they are heavily reliant on car-based traffic and accessibility from the AWPR, in a region with the highest car ownership in Scotland this runs contrary to Aberdeen City and Shire's efforts to reduce traffic and promote more sustainable forms of travel.

The Scottish Government is committed to the provision of additional crossrail services within the next two years, with an hourly 'local' service across the city between Inverurie Montrose, stopping at all stations; additional services to create a half hourly service between Aberdeen and Inverurie; and additional early morning and late evening services to Elgin, Keith, Huntly and Insch. This seeks to increase the accessibility and attractiveness of the city centre access by public transport. The proposals run contrary to aims to increase public transport use, the notion that a development that would serve to reverse any gains appears misguided.

This objection is an addendum to our earlier submission and the two should be read together. We reiterate that the Council has invested considerable time and money in creating a City Centre Masterplan to drive transformation and investment, which relies heavily on public and private sector investment in delivering the vision for the city centre. The approval of a significant retail development that would be such a direct threat to the success of the transformation of the city centre, the Council's proposals for city centre access and significant mode shift would be reckless and combative to attempts to secure buy-in to its proposals.

We would be happy to discuss any of the above with the Council or the applicants, should you wish to do so please do not hesitate to contact me.

Yours faithfully



HOWARD CRAWSHAW
Director

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09 November 2016

KNIGHT PROPERTY GROUP

Planning and Sustainable Development
Aberdeen City Council
Business Hub 4
Marischal College
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AB10 1AB



Dear Sirs

Proposal: Major Development mixed use commercial (up to 30,000m²) including retail (class 1), food and drink (class 3), other ancillary uses (such as offices) and associated landscaping, infrastructure and access works
Address: Site OP40 Prime Four Business Park Kingswells Aberdeen
Application Ref: 161429/PPP

We write in objection to the above proposals for at site OP40 Prime Four Business Park Kingswells Aberdeen. Knight Property Group have significant assets throughout Aberdeen city centre, including the recently completed refurbishment of the former art deco Capitol theatre at the west end of Union Street to provide 75,000sqft of grade-A commercial floorspace over 9 levels.

Alongside other prominent city centre developments currently underway, this is a significant development for both Knight Property Group and the for the regeneration of the city centre as a whole. Investment in the Capitol redevelopment alone totals £30 million. As such, and as a local company, Knight Property Group are firmly committed to enhancement of the vitality and viability of the city centre and its development as a regional hub for commercial, retail, leisure and residential activity.

Spatial Strategy

The Spatial Strategy in the Proposed Aberdeen Local Development Plan (2015)(Proposed Plan)¹ echoes that of the current Aberdeen Local Development Plan (2012)(LDP) and the approved Strategic Development Plan (2014)(SDP) for the region:

Our strategy promotes the city centre as the commercial, economic, social, civic and cultural heart of Aberdeen. The maintenance of a vibrant city centre and the enhancement of its fine buildings and open spaces is vital to Aberdeen's future prosperity and to sustaining its attractiveness as a place to live and visit. A strong and thriving city centre is a key attribute in delivering the wider strategic aims of the Strategic Development Plan and our policies and proposals seek to enhance its role as a key commercial centre.

¹ Reference throughout this letter is made to policies and allocations in the Proposed Aberdeen Local Development Plan (2015) (Proposed Plan), as amended by the recent Report of Examination, where necessary. This emerging Local Development Plan (LDP) will be approved for adoption on 14th December 2016 and will form part of the extant Development Plan at the time of determination of this application.

The applicants, Prime Four Ltd. claim that there will be a 'benign' impact on the city centre, however despite the fact that the supporting documents claim that the *retail impact of this development on city centre retail is estimated to be relatively small – just 4.31%*, the reality is that the development of circa 30,000sqm retail space to the west of the city, with easy access from the AWPR and unrestricted surface car parking will cause significant harm to the Council's efforts to encourage modal shift towards more sustainable methods of transport.

Proposed Plan Policy **NC1 City Centre Development – Regional Centre** cites the city centre as the *preferred location for significant footfall-generating development serving a city-wide or regional market*, such as the proposed development, as acknowledged in its supporting planning statement.

Similarly policy **NC2 City Centre Retail Core and Union Street** defines the *City Centre Retail Core* as the *preferred location for major retail developments*; and *where sites are not available in the City Centre Retail Core, then sites elsewhere in the city centre may be appropriate*.

Aberdeen City Centre Masterplan

Aberdeen City Centre Masterplan (CCM) was approved in June 2015 and as a 20-year development strategy for the city centre it is in its infancy. Commitment to implementation of the Masterplan and the 49 projects identified within that *'will support future economic growth and will secure more benefits and opportunities for the communities of Aberdeen City and Shire'* has been strong; with the appointment of a City Centre Director and delivery team and establishment of a reference group in quick succession demonstrate the Council's ambition to see the strategy delivered.

The Masterplan acknowledges that:

In more recent times investment in the city centre has not kept pace with the periphery of the city. There is now a renewed appreciation of the social, cultural and economic value of city centres, Aberdeen city centre needs to reassert itself with a clear vision that establishes future priorities. However, this should be achieved in a way which reflects the unique history of the city so that Aberdeen remains distinctive and rooted in place and culture.

However it also highlights the complacency of recent years in the lack of investment, due to the high oil price and ease of Greenfield development to cater to the industry:

As the metropolitan centre of a globally significant economic region, Aberdeen city centre's importance to the economy of the region and the nation should not be underestimated. The city centre should be the heart of the Aberdeen and Aberdeenshire economy; a hub where people come together to work, learn, collaborate, trade, invent and promote – this is clearly not currently the case and the city centre needs (for the good of the region as a whole) to reinvent itself as the metropolitan and commercial heart of the wider Aberdeen economic region.

The CCM recognises that the city centre requires transformation to fulfil its role as a regional hub, attracting office and residential activity back from the periphery and reintroducing a more sustainable access strategy. Clearly the approval of such a significant attraction on the periphery of Kingswells, let alone the periphery of the city centre is significantly damaging to the regeneration of the city centre.

Land Use

Prime Four Business Park and the allocated development land to its west are designated as **Specialist Employment Areas** in the Proposed Plan. The site forms part of site OP29, allocated to provide 50ha employment land under the terms of **policy B2** between 2017 and 2026, as a continuation of the Masterplanned development of phases 1-3 of the park.

In areas that are identified as Specialist Employment Areas on the Proposals Map, only Class 4 (Business) uses shall be permitted in order to maintain a high quality environment. Activities associated with research, design and development, knowledge-driven industries and related education and training will be encouraged in these areas.

Facilities that directly support business uses may be permitted where they enhance the attraction and sustainability of the Specialist Employment Area for investment. Such facilities should be aimed primarily at meeting the needs of businesses and employees within the Specialist Employment Area.

At 30,000 sqm the proposed development is not of a complimentary nature to directly support the businesses, such as the community hub that is currently proposed in the approved Masterplan and Development Framework; and in direct conflict with this policy.

Retail Use

The application site lies within allocation OP40 in the current LDP. Drum Kingswells Business Park Ltd. sought the change of use of the application site to accommodate retail, leisure and commercial uses through the Council's *Call for Sites* (2013) and *Main Issues Report* (2014) (MIR) consultations, simultaneously seeking an extension to the Prime Four Business Park to accommodate overwhelming commercial requirements and to maintain a supply of developable commercial land to meet these requirements as there were (unspecified) access constraints to the immediate development of OP40.

The *Aberdeen City and Aberdeenshire Retail Capacity Study* (2013)(ACARS) identified capacity for 5,500sqm convenience retail floorspace in zone 29N, to the west of Aberdeen. Whilst the ACARS suggested that some of this floorspace *should be located in the Countesswells development to serve local day-to-day and limited main food shopping needs*; in their MIR consultation response Drum sought that the full amount be provided at Prime Four.

This was on the basis that as no site had been specifically identified within the zone for this floorspace, its allocation within OP40 would *add to spectrum of uses being offered to occupiers, who seek to maximise the benefits they can offer to their employees*. It was also argued that *given the sites proximity to both the AWPR junction and the Kingswells Park and Ride, there is a strong argument to say that locating the acknowledged retail requirement at Prime Four is the most sustainable option. It is clear that working and shopping in the same Park reduces car journeys on the network*. This justification did not focus on local retail provision, pedestrian or cycle access to local convenience retail – it was suggested purely to cater to the residents of the business park and car-borne trips.

The Council did not accept these arguments and the Proposed Plan continued the allocation for employment development at Prime Four, adding in its supporting text for Kingswells and Greenferns that:

Around 50 hectares of employment land allocations have been made to the west of the city at Prime Four Business Park, Kingswells, which provides employment opportunities in a part of the city where there is little employment land.

In their response to the Proposed Plan consultation (2015), Drum supported this allocation and the inclusion of further commercial land as OP63.

Summary

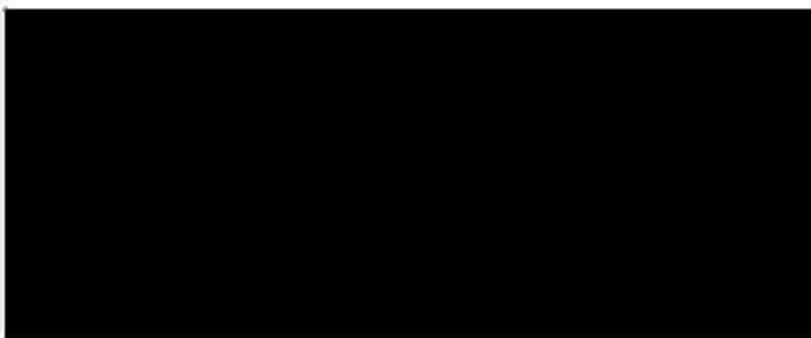
In conclusion the above development is highly speculative and does not cater for an identified need. It runs counter to national, regional and local planning policy, which seeks to locate such developments with a regional catchment in the city centre. Approval of the above development would have a damaging impact on the economy of the city centre and undermine the primacy of the Development Plan, which is particularly up-to-date.

Drum promoted retail development on the application site through the recent LDP review and after consideration the employment designation was upheld. The proposed development is of a regional scale and significance and should be located in the city centre, in accordance with national, regional and local planning policy and where such retail capacity exists.

The Council has invested considerable time and money in creating a City Centre Masterplan to drive transformation and investment, which relies heavily on public and private sector investment in delivering the vision for the city centre. The approval of a significant retail development that would be such a direct threat to the success of the transformation of the city centre, the Council's proposals for city centre access and significant mode shift would be reckless and combative to attempts to secure buy-in to its proposals.

We would be happy to discuss any of the above with the Council or the applicants, should you wish to do so please do not hesitate to contact me.

Yours sincerely



JAMES BARRACK
Managing Director

06 February 2017



Planning and Sustainable Development
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KNIGHT PROPERTY GROUP

By Email: pi@aberdeencity.gov.uk

Dear Sirs

Proposal: Major Development mixed use commercial (up to 30,000m²) including retail (class 1), food and drink (class 3), other ancillary uses (such as offices) and associated landscaping, infrastructure and access works
Address: Site OP40 Prime Four Business Park Kingswells Aberdeen
Application Ref: 161429/PPP

Following the submission of updated information in support of the above proposals, we write to augment our objection of 9th November 2016. Following a review of the Retail Impact Assessment (Update)(RIA) and Transport Assessment (TA) we maintain our objection to the above proposals for at site OP40 Prime Four Business Park Kingswells Aberdeen.

Knight Property Group have significant assets throughout Aberdeen city centre, including the recently completed refurbishment of the former art deco Capitol theatre at the west end of Union Street to provide 75,000sqft of grade-A commercial floorspace over 9 levels.

Alongside other prominent city centre developments currently underway, this is a significant development for both Knight Property Group and the for the regeneration of the city centre as a whole. Investment in the Capitol redevelopment alone totals £30 million. As such, and as a local company, Knight Property Group are firmly committed to enhancement of the vitality and viability of the city centre and its development as a regional hub for commercial, retail, leisure and residential activity.

Proposed Design and Layout

Following further information requests details on the nature and form of the proposed scheme have only just been made available. The applicant maintains that this proposal is not speculative, if this is the case then why were such details not available when the application was submitted? The submitted layout shows an out of town retail park, split over 16 warehouse units of varying sizes, with potential for mezzanine flooring and surface-car only car parking.

The RIA stipulates that the development "must" proceed in the proposed retail warehouse format and "must" provide clustered retail units, which are regular in shape, with capacity for high shelving and storage, to have adjacent at-grade customer car parking with trolley bays, and be supported by a service yard with easy access to storage areas. The justification for this is that the proposed retail park will largely be of appeal to general comparison goods and bulky goods retailers and to be commercially attractive to occupiers, the scheme must proceed in the proposed retail warehouse format.

However the retailer interest reported by the applicant comprises Boots, JD Sports, Cotswold Outdoors, Next and Superdrug – none of which are bulky goods retailers and all of whom operate and have operated from multiple city centre and out-of-centre locations in Aberdeen for many years.

The RIA asserts however that "sequentially, Aberdeen city centre cannot accommodate a new retail warehouse park and neither can any of the other centres identified in the development plan". It seems the more likely reason that the development "must" be of the specified size and format is in order to manufacture justification for its location.

It is unclear what the benefits to Aberdeen, and in particular the city centre would gain from an out-of-town development that seeks to duplicate existing city centre retail units.

Retail Justification

Aberdeen & Aberdeenshire Retail Capacity Study (2013) (ACARS) tested 3 of 6 scenarios for retail development in the region; of these scenario 3 formed the basis of the recommended strategy and forms the basis of the adopted Local Development Plan policy.

- Scenario 1: Do Minimum –assumes only "committed" developments plus a modest amount of retail development within the proposed redevelopment of St Nicholas House in the City Centre.
- Scenario 3: Development, meeting all retail deficiencies identified, plus 30,000 sq m GFA floorspace for comparison goods within the City Centre).
- Scenario 5: Addressing deficiencies plus comparison floorspace development within the City Centre (i.e. Scenario 3) together with a further 30,000 sq m GFA comparison floorspace elsewhere in Aberdeen City (outwith the City Centre).

Following testing, ACARS recommended a strategy based on scenario 3 "in order to support retail investment in the City Centre, to minimise potential adverse impacts on existing centres and to facilitate re-use of vacant floorspace".

Scenario 5 was rejected "on grounds of potential adverse impacts and potential undermining of City Centre retail investment" (table 5.7: Summary Evaluation of Development Scenario Options).

The study notes that "the provision of large scale comparison floorspace in new areas of Aberdeen will be much easier than redevelopment of land within the City Centre; which could easily be undermined by relatively easy alternatives elsewhere. Therefore a balance needs to be struck between providing new comparison floorspace in new District Centres and support for the provision of new City Centre floorspace".

The proposed site is neither an existing nor a new District Centre, in the heart of an established or developing residential neighbourhood. The RIA contends that the submitted proposals "can comfortably co-exist with the city centre and will not prejudice any planned investment in the city", however the reality set out in the RIA is that they aim to provide retail floorspace at all costs, including and mainly the vitality of the city centre.

Impact on the City Centre

The applicant's RIA concludes that that the retail impacts associated with the proposed development will be "benign", with "no significant adverse impact on any of the defined centres", and "no question that the proposed retail park at Prime Four can comfortably co-exist with Aberdeen city centre and the other centres within the catchment".

We contend that the impact analysis in the RIA grossly underestimates the scale of impact on the city centre, not just in terms of retail capacity, but of vitality of the centre as a whole. The Council has invested over a million pounds on the preparation and implementation of a Masterplan for the City Centre, confirming the Council's commitment to the regeneration of its civic heart.

We contend that the assertion that the "proposals can comfortably co-exist with the city centre and will not prejudice any planned investment in the city" is absolutely untrue. There is a very real risk of knocking fragile investor confidence in the city centre, if the Council were to permit a development that flies in the face of its recently adopted Local Development Plan and Masterplan.

Accessibility

The TA overestimates the walk-in catchment of the proposals. The heavy reliance on the Park and Ride, which is located over 1 km away from the site is unrealistic, especially for a development that seeks to attract bulky goods retailers. The existing bus services and infrastructure are sub-standard and far exceed the established guidelines set out in PAN 75.

The proposals are much less accessible by all forms of public transport than the city centre, which is the transport hub for the region; they are heavily reliant on car-based traffic and accessibility from the AWPR, in a region with the highest car ownership in Scotland this runs contrary to Aberdeen City and Shire's efforts to reduce traffic and promote more sustainable forms of travel.

The Scottish Government is committed to the provision of additional crossrail services within the next two years, with an hourly 'local' service across the city between Inverurie Montrose, stopping at all stations; additional services to create a half hourly service between Aberdeen and Inverurie; and additional early morning and late evening services to Elgin, Keith, Huntly and Insch. This seeks to increase the accessibility and attractiveness of the city centre access by public transport. The proposals run contrary to aims to increase public transport use, the notion that a development that would serve to reverse any gains appears misguided.

This objection is an addendum to our earlier submission and the two should be read together. We reiterate that the Council has invested considerable time and money in creating a City Centre Masterplan to drive transformation and investment, which relies heavily on public and private sector investment in delivering the vision for the city centre. The approval of a significant retail development that would be such a direct threat to the success of the transformation of the city centre, the Council's proposals for city centre access and significant mode shift would be reckless and combative to attempts to secure buy-in to its proposals.

We would be happy to discuss any of the above with the Council or the applicants, should you wish to do so please do not hesitate to contact me.

Yours faithfully



JAMES BARRACK
Managing Director

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Development Management Team
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HF1327/04

8th November 2016

FAO Matthew Easton [REDACTED]

Dear Sir

MAJOR DEVELOPMENT: MIXED USE COMMERCIAL (UP TO 30,000M2) INCLUDING RETAIL (CLASS 1), FOOD AND DRINK (CLASS 3), OTHER ANCILLARY USES (SUCH AS OFFICES) AND ASSOCIATED LANDSCAPING, INFRASTRUCTURE AND ACCESS WORKS AT SITE OP40 PRIME FOUR BUSINESS PARK, KINGSWELLS, ABERDEEN. APPLICATION REFERENCE 161429/PPP

We write with reference to the above application submitted recently to Aberdeen City Council.

Rockspring Hanover Property Unit Trust (RHPUT) have significant retail interests in Aberdeen City Centre including the former BHS unit on Union Street.

We wish to formally object to the principle of the proposed development. Our grounds for objecting to the proposed development are set out below.

Background

The application site covers an area of approximately 13 ha (32 acres) and is located within the Aberdeen City Local Authority Area, and within the Kingswells / Sheddocksley Ward. The site lies circa. four miles to the west of Aberdeen City Centre and circa. two miles to the east of Westhill (Aberdeenshire Council). The settlement of Kingswells is adjacent to the east.

The application seeks permission in principle for retail uses to complement the existing business park, and create a commercial mixed use scheme.

Drum Property Group are advancing proposals which involve the development of up to **26,013sqm** (gross) of Class 1 Retail floorspace which would be occupied by a range of comparison goods retailers, with a likely focus on clothing and fashion retailers. In addition,

the proposals would include a 3,716sqm (gross) foodstore and ancillary food and drink premises.

The retail proposals are significant. The site is not designated for retail in the Local Development Plan, and as such is significantly contrary to it, and constitutes an out-of-centre location in the context of Scottish Planning Policy (SPP).

Policy Context

Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. Scotland Act 2006 requires all planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan comprises the Aberdeen City and Shire Strategic Development Plan, and the Aberdeen Local Development Plan, adopted 29 February 2012.

Aberdeen City Council are in the process of replacing the Local Development Plan. Their Proposed Plan has recently been the subject of Examination and the Reporter's Report has now been received by the City Council.

The site of the subject proposals is identified in the emerging Local Development Plan as an extension to the Prime Four development. It is allocated as Green Belt in the current extant Local Development Plan.

The review of the LDP and the Report of Examination represent significant material considerations in the assessment of planning applications, as is Scottish Planning Policy (SPP).

Briefly stated it is submitted that the proposed development does not comply with the Development Plan and there are no material considerations, either presented by the applicant nor are evident in our assessment, that would indicate otherwise.

SDP

Aberdeen City is identified as a strategic growth area within the SDP. Paragraph 3.15 states that *"Aberdeen is Scotland's third-largest city and the regional centre for employment, retail, culture, health and higher education as well as being the region's transport hub – with road, rail, sea and air links."*

The SDP continues at 4.2 that *"in line with Scottish Planning Policy, a sequential approach will be taken when identifying sites for new retail development across the strategic development plan area."*

It is stated at paragraph 4.40 that *"to create sustainable mixed communities, retail services must be one of the main considerations in preparing masterplans and development briefs for new development. We will take a sequential approach to new retail development. However, we will also support existing retail centres to make sure that the needs of the community are met now as well as in the future."*

LDP

The site of the subject proposals is allocated as Green Belt (NE2) and as part of the Green Space Network (NE1).

An extract of the Proposals Map is copied below:-



Material Considerations

As noted above, the review of the LDP and the Report of Examination represent significant material considerations in the assessment of planning applications, as is Scottish Planning Policy (SPP).

Scottish Planning Policy (SPP)

Paragraph 1. of SPP recognises that *“the planning system has a vital role to play in delivering high-quality places for Scotland.”* It continues that *“Scottish Planning Policy (SPP) focuses plan making, planning decisions and development design on the Scottish Government’s Purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.”*

Core Values of the Planning Service include that Scottish Ministers expect for the planning service to perform to a high standard and to pursue continuous improvement are noted at paragraph 4. of SPP, include:-

- focus on outcomes, maximising benefits and balancing competing interests;

- play a key role in facilitating sustainable economic growth, particularly the creation of new jobs and the strengthening of economic capacity and resilience within communities;

Paragraph 24. of SPP states that *“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.”*

Further it states at paragraph 27. that *“the Government Economic Strategy indicates that sustainable economic growth is the key to unlocking Scotland’s potential and outlines the multiple benefits of delivering the Government’s purpose, including creating a supportive business environment, achieving a low carbon economy, tackling health and social problems, maintaining a high-quality environment and passing on sustainable legacy for future generations.”*

In this respect it is stated that *“this SPP introduces a presumption in favour of development that contributes to sustainable development.”*

Paragraph 58. states that *“NPF3 reflects the importance of town centres as a key element of the economic and social fabric of Scotland.”* It continues that *“....town centres are at the heart of their communities and can be hubs for a range of activities”* and that *“it is important that planning supports the role of town centres to thrive and meet the needs of their residents, businesses and visitors for the 21st century.”*

SPP states (at paragraph 39.) that *“planning should direct the right development to the right place.”*

As previously, SPP states (at paragraph 60.) that planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres. In this respect it is stated that the planning system should:-

- apply a town centre first policy when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities;
- encourage a mix of uses in town centres to support their vibrancy, vitality and viability throughout the day and into the evening; and
- ensure development plans, decision-making and monitoring support successful town centres....

In specific relation to commercial centres paragraph 63. states that:-

“Plans should identify as commercial centres those centres which have a more specific focus on retailing and/or leisure uses, such as shopping centres, commercial leisure developments, mixed retail and leisure developments, retail parks and factory outlet centres. Where necessary to protect the role of town centres, plans should specify the function of commercial centres, for example where retail activity may be restricted to the sale of bulky goods.”

Paragraph 68. States that development plans should adopt a sequential town centre first approach when planning for uses which generate significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities.

It continues that this requires that locations are considered in the following order of preference:-

- town centres (including city centres and local centres);
- edge of town centre;
- other commercial centres identified in the development plan; and
- out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes.

Paragraph 69. states that *“planning authorities, developers, owners and occupiers should be flexible and realistic in applying the sequential approach, to ensure that different uses are developed in the most appropriate locations.”*

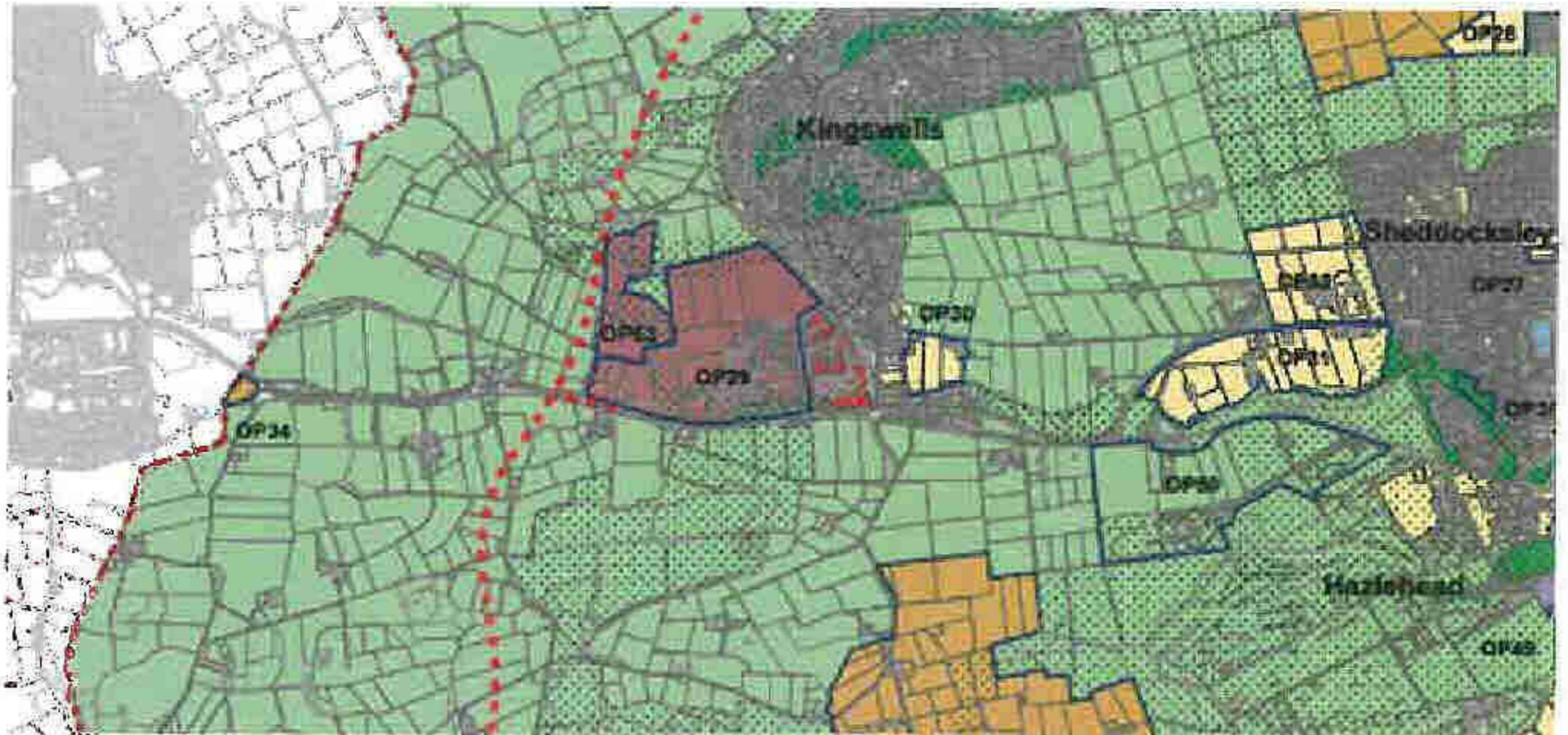
It continues that where a retail development over 2,500 sqm is proposed outwith a town centre, contrary to the development plan, SPP requires a retail analysis to be undertaken. In relation to transportation matters, SPP refers to making sound choices on the location of new development (at paragraph 280.) and placing a focus on places well served by public transport (paragraph 279).

Aberdeen Local Development Plan – Proposed Plan

The LDP identifies Kingswells as a direction for growth. The plan, at 2.2, states that

“Around 50 hectares of employment land allocations have been made to the west of the city at Prime Four Business Park, Kingswells, which provides employment opportunities in a part of the city where there is little employment land. A further extension to this is proposed. The main housing sites are at Maidencraig (750 homes) on the A944 corridor and at Greenferns (1,350 homes plus 10ha employment land). The AWPR will provide benefits to this area with junctions proposed to the north and south-west of Kingswells.”

An extract of the Proposed Plan Proposals Map is copied below. The plan suggests allocations in line with the strategy, including to the west of Kingswells at OP63 (Prime Four Extension) and OP29 (Prime Four Business Park):-



The plan refers to OP63 (Prime Four Extension) as accommodating some 13ha of employment land and OP29 (Prime Four Business Park) as accommodating 50ha. A masterplan is noted as being a requirement for the development of OP63.

In relation to the Network of Centres paragraph 3.18 states that the city centre plays a major role in the commercial, economic, social, civic and cultural life of Aberdeen and the wider North East. It continues that it is an important regional centre providing a focus for employment and business interaction, it offers access to a wide range of goods and services, it is a place where many people meet socially and choose to live and visit.

Paragraph 3.19 states that the City Centre is vital for the future prosperity of Aberdeen that the city centre is enhanced and promoted as a resilient, safe, attractive, accessible and well-connected place which contributes to an improved quality of life, noting that the Plan supports the delivery of this vision within a framework of securing sustainable development and continuing that this will be achieved through applying policies which positively promote what can happen, and where, in tandem with the City Centre Masterplan and Delivery Programme.

Policy NC4 of the plan relates to the Sequential Approach and Impact. It states that:-

"All significant footfall generating development appropriate to town centres should be located in accordance with the hierarchy and sequential approach as set out below and detailed in Supplementary Guidance Hierarchy of Centres:

- Tier 1 : Regional Centre
- Tier 2 : Town Centres
- Tier 3 : District Centres
- Tier 4 : Neighbourhood Centres
- Tier 5 : Commercial Centres

Proposals serving a catchment area that is city-wide or larger shall be located in the city centre. Retail proposals shall preferably be located in the City Centre Retail Core.

Proposals serving a catchment area of a size similar to that of a town centre or district centre shall be located in a town centre or a district centre. They may also be located in the city centre. Proposals serving a catchment area of size similar to that of a neighbourhood centre shall be located in a neighbourhood centre.

They may also be located in any centre that is in the first, second or third tiers of the hierarchy.

Proposals for bulky goods shall only be located in a commercial centre if a suitable site is unavailable in the first, second or third tiers of the hierarchy.

Proposals for significant footfall generating development on an edge-of-centre site will not be supported unless:

- the proposal is one that would have been appropriately located in the centre to which it relates; and*
- in the centre to which it relates no suitable site for the proposal is available or is likely to become available in a reasonable time.*

In all cases, proposals shall not detract significantly from the vitality or viability of any centre listed in the Supplementary Guidance, and shall accord with all other relevant policies in the Plan, including those relating to design, access and amenity.

In major new development areas that are more than 800m walking distance from shopping facilities, permission may be granted for the establishment of a new second, third or fourth tier centre. Developers may be required to reserve land for this purpose.

Retail Impact Assessments should be undertaken where a retail development over 2,500sqm gross floorspace outwith a defined regional or town centre is proposed which is not in accordance with the development plan.

An analysis of impact should be undertaken where a significant footfall generating development over 2,500sqm gross floorspace outwith a defined regional or town centre is proposed which is not in accordance with the development plan.

A restriction may be imposed on the amount of comparison goods floorspace allowed within convenience shopping developments outside the city centre or other town centres.”

Policy NC4 of the plan relates to Out of Centre Proposals. It states that:-

All significant footfall generating development appropriate to designated centres, when proposed on a site that is out-of-centre, will be refused planning permission if it does not satisfy all of the following requirements:

"1 no other suitable site in a location that is acceptable in terms of Policy NC4 is available or likely to become available in a reasonable time.

2 there will be no adverse effect on the vitality or viability of any centre listed in Supplementary Guidance Hierarchy of Centres.

3 there is in qualitative and quantitative terms, a proven deficiency in provision of the kind of development that is proposed.

4 the proposed development would be easily and safely accessible by a choice of means of transport using a network of walking, cycling and public transport routes which link with the catchment population. In particular, the proposed development would be easily accessible by regular, frequent and convenient public transport services and would not be dependent solely on access by private car.

5 the proposed development would have no significantly adverse effect on travel patterns and air pollution."

The retail proposals are significant. The site is not designated for retail in the Local Development Plan, and as such is significantly contrary to it, and constitutes an out-of-centre location in the context of Scottish Planning Policy (SPP).

It is submitted that the proposed development would have a significant impact on the City Centre, and will significantly undermine the Development Plan strategy in this respect.

Conclusion

In conclusion we wish to formally object to the principle of the proposed development.

The information submitted with the current application and which appears on the Council's planning portal appears in no way to justify the development. No detailed assessment of planning policy has been provided for example, and should be requested of the applicant.

The correct process to promote exceptions to policy would be through a review of the Local Development Plan, and not by a speculative application which appears to be accompanied by limited, if any, policy justification.

We would submit that based on the forgoing assessment the proposed development is contrary to the LDP, and indeed represents a significant departure.

No material considerations, either submitted by the applicant nor assessed here support the proposed development where no justification is provided. The LDP Report of Examination underlines the Council and Scottish Government's position relative to the site:

Neither indicate the development warrants a departure from the development plan.

We trust that the above objection will be given due regard in the Council's consideration of the proposed development.

We would reserve the right at this stage to supplement our objections in the event that additional information is submitted by the applicant.

As noted above the review of the SDP and LDP Report of Examination represent significant material considerations in the assessment of planning applications, as is Scottish Planning Policy (SPP).

We would be grateful to receive acknowledgement of the receipt of the objection. Should you require further information or clarification at this stage please do not hesitate to contact Shaun Hose of this office direct.

Yours faithfully



ROCKSPRING PROPERTY INVESTMENT MANAGEMENT

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SV10327/04

6th February 2017

FAO Matthew Easton [REDACTED]

Dear Sir

MAJOR DEVELOPMENT: MIXED USE COMMERCIAL (UP TO 30,000M²) INCLUDING RETAIL (CLASS 1), FOOD AND DRINK (CLASS 3), OTHER ANCILLARY USES (SUCH AS OFFICES) AND ASSOCIATED LANDSCAPING, INFRASTRUCTURE AND ACCESS WORKS AT SITE OP40 PRIME FOUR BUSINESS PARK, KINGSWELLS, ABERDEEN. APPLICATION REFERENCE 161429/PPP

We write with reference to the above application for Planning Permission in Principle and to our earlier representations.

As previously stated Rockspring Hanover Property Trust (RHPUT) have significant retail interests in Aberdeen City Centre including the former BHS unit on Union Street.

We would underline our continued objection to the principle of the proposed development.

In light of the receipt of the revised retail capacity assessment in response to the Council's independent review of the initial submission, we have the following additional observations.

These submissions are intended to supplement our earlier representations:-

- Notwithstanding the additional detail provided by the applicant, as to the nature of the proposed retail development, no evidence is submitted that demonstrates that there is market demand for retailers in this location which cannot be met in other locations within the City. The proposal presents itself as a speculative development proposal.
- Consequently it is considered that the assertions made by the applicant in relation to the application of the sequential approach are misplaced.

- Current market conditions in Aberdeen are a material consideration in any assessment of the proposals by the Council. Whilst we note the findings of the review of the retail capacity assessment by the Council's consultant in this regard a cautious approach must be taken in this regard as well as to population projections.
- We note and support the Council's consultant highlighting a significant underestimating of the turnover of the proposed development.
- The LDP strategy seeks to reflect the findings of the ACARS. The LDP strategy has been clear as to its focus in respect of retailing, and indeed of meeting retailers requirements.
- The City Centre Masterplan continues to identify significant opportunity to consolidate the role of the City Centre.
- We do not accept that the proposed development will not compete with the City Centre. It is submitted that the nature of the proposed development and in particular its scale will have an adverse impact on the City Centre.
- We would question the applicant's suggestion that the site is accessible by modes of
- We trust that the above further representations will be given due regard in the Council's consideration of the proposed development.

We would be grateful to receive acknowledgement of the receipt of the objection. Should you require further information or clarification at this stage please do not hesitate to contact Shaun Hose of this office direct.

Yours faithfully



ROCKSPRING PROPERTY INVESTMENT MANAGEMENT

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10 November 2016



JOHN HANDLEY ASSOCIATES LTD

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EH3 6AA

FAO: Matthew Easton

Planning and Sustainable Development
Communities, Housing and Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
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Aberdeen
AB10 1AB



Dear Sirs,

Planning Application Reference: 161429/PPP

Major Development mixed use commercial (up to 30,000m²) including retail (class 1), food and drink (class 3), other ancillary uses (such as offices) and associated landscaping, infrastructure and access works

Site OP40, Prime Four Business Park, Kingswells, Aberdeen

Objection on behalf of Standard Life Assurance Limited

We refer to the above planning application which is currently under consideration by Aberdeen City Council.

On behalf of our client, Standard Life Assurance Limited, we wish to record our objection to this speculative planning application for a number of reasons.

To assist your consideration of this objection, we have set out below some background information on our client's retail interests in Aberdeen, and have detailed our grounds for objecting to this proposed out-of-town retail park development which is being promoted by Prime Four Ltd.

Standard Life Assurance

Standard Life Assurance has significant property interests in Aberdeen, and is a major, long-term investor in Aberdeen's retail sector.

Standard Life is the owner and manager of the Beach Boulevard Retail Park at Links Road, and the Denmore Road Retail Park at Bridge of Don, Aberdeen. Both of which are established and protected retail destinations which play an important role in the City's retail hierarchy.

The Beach Boulevard and Denmore Road Retail Parks have been owned, developed and managed by Standard Life for over 15 years. Standard Life's investment in Aberdeen is therefore significant, which in turns helps to secure and retain a large number of jobs in the City.

The Beach Boulevard Retail Park is a purpose-built Commercial Centre which provides 22,644 sqm of modern retail floorspace in 11 large floorplate retail units. It is anchored by a major food superstore with two other food retailers, eight general comparison retailers, and a health and fitness centre. It is allocated in the adopted Local Development Plan as a "Retail Park" and included under Policy RT1; and within the Proposed Local Development Plans as a "Commercial Centre", included under Policy NC6.

The retail units at the Denmore Road Retail Park were originally constructed in the 1980's and have been adapted and extended over time to meet modern retailer and customer requirements.

The Denmore Road Retail Park is now a well-established Commercial Centre, and is currently occupied by two separate retail units totalling almost 7,500 sqm. The northern unit extends to 3,753 sqm and is subdivided into four individual retail units. The southern unit extends to a total of 3,724 sqm and is occupied by B&Q as a DIY store.

The Denmore Road Retail Park currently comprises predominately bulky comparison goods, but none of the units have any goods restriction and all benefit from an open class 1 retail use. This was confirmed through the granting of two Certificates of Lawfulness of Existing Use in 2009 which establish that the entire site has unrestricted Class 1 retail use (Application Refs: 09/0333 and 09/0334).

The Denmore Road site also benefits from a planning permission in principle which was granted in June 2011 (Ref No: P101203). This planning permission permitted the demolition of the existing retail units on the site and the redevelopment of the site to provide a new open class 1 retail unit of 7,400 sqm, with service and vehicular access maintained from the existing points on Denmore Road, and car parking for a total of 494 vehicles.

Although the Denmore Road Retail Park does not contain the same range and extent of retail and leisure uses as the Boulevard Retail Park, it is nonetheless an established retail location which enjoys the benefit of an open Class 1 retail consent. It is also allocated in the adopted Local Development Plan as a "Retail Park" and included under Policy RT1; and within the Proposed Local Development Plans as a "Commercial Centre", included under Policy NC6.

Review of Retail Capacity Study prepared by LSH

Having set this context and explained the nature and extent of Standard Life's current retail interests in Aberdeen, we have reviewed the Retail Capacity Study which has been prepared by LSH and submitted in support of this planning application. This provides the applicant's assessment of retail capacity and impact following a review of existing retail centres.

Our client's retail centres are listed in *Table 4: Existing Retail Floorspace*, with the Denmore Road Retail Park included at *section 23: Aberdeen City: Bridge of Don; Denmore Road Area* and the Beach Boulevard Retail Park included at *section 30: Aberdeen City: City Centre, Torry, Aberdeen Beach*.

However, Table 4 does not appear to provide accurate floorspace figures for either of our client's retail centres, with the Denmore Road Retail Park listed as a "commitment" providing a total of 4,104 sqm of floorspace and the Beach Boulevard Retail Park listed as having a total of 9,086 sqm of retail floorspace.

These figures are not correct. As we have confirmed above, the Denmore Road Retail Park currently provides a total of 7,477 sqm of floorspace and the Beach Boulevard Retail Park provides a total of 22,644 sqm of retail floorspace. We would also note that paragraph 4.19 of LSH's Retail Capacity Study advises that the Beach Boulevard Retail Park "provides 22,644 sqm of retail floorspace", but the figure provided in Table 4 is substantially less at 9,086 sqm.

The submitted Retail Capacity Study (at Table 4) has therefore significantly underestimated the existing floorspace provided by our client's retail centres.

We would also note that *Table 5: Retail Capacity* has omitted any reference to the existing retail floorspace provided at "Aberdeen City: City Centre, Torry, Aberdeen Beach", which includes the Beach Boulevard Retail Park.

These are serious flaws and omissions, which place significant doubt on the robustness of the remainder of the applicant's retail study. We would suggest that this matter should be taken up with the applicant, and clarification sought for the approach undertaken to the preparation of this study.

Paragraph 8.17 of the Retail Capacity Study also states that the proposed retail park at Prime Four will draw trade from the Beach Boulevard Retail Park, but suggests that this is not an issue as the Beach Boulevard's "focus is not on general comparison goods retailing". This is not correct, and further highlights the inaccuracies of the applicant's retail study.

We would therefore request that the submitted retail study is independently assessed by the Council's retained retail consultants.

Contrary to the Development Plan – Loss of Safeguarded Business Land

Notwithstanding the limitations of the submitted retail information, it is clear from a review of both the adopted and the proposed replacement Local Development Plans (LDP) that this planning application is significantly contrary to the terms of both of these development plans.

The application site is allocated in the adopted LDP as part of Opportunity Site OP40 which was identified as an *“Opportunity for a 50ha development of business land which will attract high quality businesses or be suitable for company headquarters”*. It is therefore safeguarded for business and employment uses under the terms of **Policy B11 - Business and Industrial Land**.

The proposed retail development of this allocated business site is therefore contrary to its allocation in the adopted LDP.

The application site has also been allocated as a **“Specialist Employment Area”** in the Proposed LDP and is identified as part of Opportunity Site OP29 which is described as an *“Opportunity for a 50ha development of business land which will attract high quality businesses or be suitable for company headquarters. Masterplan and Development Framework prepared”*.

Further reference to this site is provided at paragraph 2.22 of the Proposed LDP which explains that: *“Around 50 hectares of employment land allocations have been made to the west of the city at Prime Four Business Park, Kingswells, which provides employment opportunities in a part of the city where there is little employment land”*.

In respect of allocated business land, paragraph 3.55 of the Proposed LDP advises that: *“Maintaining a ready supply of employment land in the right places is vital to Aberdeen retaining its position as a competitive and sustainable business location. If a ready supply of employment land is not maintained, then it is unlikely that the housing population targets set by the Aberdeen City and Shire Strategic Development Plan (SDP) will be achieved. Therefore, in accordance with the SDP, a phased, large allocation of employment land has been identified, to meet the diverse needs of different types and sizes of businesses”*.

Paragraph 3.57 of the Proposed LDP further warns that: *“In addition to the provision of new sites, it is important to safeguard the supply of existing industrial and business land throughout the city from other development pressures”*.

Policy B2 Specialist Employment Areas confirms the need to safeguard allocated business sites and states that: *“In areas that are identified as Specialist Employment Areas on the Proposals Map, only Class 4 (Business) uses shall be permitted...”*

The application site is therefore an important and safeguarded business location where only class 4 business uses will be permitted. The proposed retail development of this site is therefore contrary to its allocation in the Proposed LDP, and conflicts with the requirements of Policy B2.

From a review of the Examination Report into the Proposed LDP, which was issued by the DPEA on 23 September 2016, there were no representations made in respect of Opportunity Site OP29.

However, the site is discussed at page 81 of the Examination Report, and the Reporter concluded (at paragraph 8) that: *“The Prime Four Business Park is a high quality business park to the west of Kingswells. It is clearly a successful development in terms of its economic benefit to the city region and the attractive working environment it provides. The first three phases of the business park are complete, and a fourth phase remains to be developed within Site OP29. This area is carried forward from the adopted plan and is not subject to any representations before this examination. A fifth phase is now proposed as Site OP63”*.

The application site's development for retail uses was not therefore promoted through the replacement LDP process, but an extension to the allocated business park was promoted by the developer (as Site OP63).

The Reporter also noted at paragraph 10 on page 81 of the Examination Report that: *The particular reasons for the release of Site OP63 given in paragraph 2.16 of the plan relate to the exceptional demand for employment land in this area, and access constraints on part of the existing site. With regard to the first of these factors, it is reasonable for the council and the developer to wish to build upon the success of the existing business park”*.

It is therefore clear from the very recently issued LDP Examination Report that the Prime Four Business Park (including the application site) is considered to be an important business location of some considerable significance to the economy of the city region.

The loss of this safeguarded business site to retail uses cannot therefore be supported.

Contrary to the Development Plan – Retail Policies

In addition to the application's conflict with the business land policies of the adopted and proposed LDPs, we also consider that this unallocated, out-of-town retail development is contrary to the retail policies of the current and emerging development plan.

Adopted LDP **Policy C1 - City Centre Development – Regional Centre** confirms that the City Centre is the preferred location for retail, commercial and leisure development serving a city-wide or regional market.

Adopted LDP **Policy RT1 - Sequential Approach and Retail Impact** further confirms that all retail, commercial, leisure and other development appropriate to town centres should be located in accordance with the hierarchy and sequential approach. The Hierarchy of Retail Centres provided in Policy RT1 does not include out-of-centre or out-of-town sites.

Adopted LDP **Policy RT2 - Out of Centre Proposals** states that retail, commercial, leisure and other development appropriate to town centres, when proposed on a site that is out-of-centre, will be refused planning permission if it does not satisfy all five of the requirements listed under Policy RT2.

The proposed retail development at Prime Four fails to meet all five requirements of Policy RT2. It will have a significant adverse effect on the vitality and viability of retail locations listed in the Council's Hierarchy of Retail Centres – requirement 2.

As noted in the Council's EIA Screening Opinion for this proposed development (which noted the greenfield nature of the site; its location outwith the built up area; and its relatively poor accessibility) the proposed development would not be easily and safely accessible by a choice of means of transport using a network of walking, cycle and public transport routes which link with the catchment population – requirement 4.

The proposed retail development of this out-of-town site is therefore contrary to Policies C1; RT1 and RT2 of the Adopted LDP.

For the same reasons, the proposed development can be considered to be contrary to Proposed LDP Policies **NC1 City Centre Development – Regional Centre**; **NC4 Sequential Approach and Impact**; and **NC5 Out of Centre Proposals**.

We would also note that significant parts of the application site are designated as Green Space Network (Policy NE1) within the existing and proposed LDP, where development is not promoted.

Contrary to the Scottish Planning Policy

In addition to the application's conflict with the retail policies of the adopted and proposed LDPs, we also consider that this unallocated, out-of-town retail development is contrary to the relevant sections of the Scottish Planning Policy, and in particular the advice and guidance set out under paragraphs 60; 70; 73 and 287.

Summary

On the basis of the above, it is clear from a review of the adopted and proposed Local Development Plans, that this planning application is significantly contrary to the following policies:

- Adopted LDP Policy BI1 - Business and Industrial Land;
- Proposed LDP Policy B2 Specialist Employment Areas;
- Adopted LDP Policy C1 - City Centre Development – Regional Centre;
- Adopted LDP Policy RT1 - Sequential Approach and Retail Impact;

- Adopted LDP Policy RT2 - Out of Centre Proposals;
- Proposed LDP Policy NC1 City Centre Development – Regional Centre;
- Proposed LDP Policy NC4 Sequential Approach and Impact; and
- Proposed LDP Policy NC5 Out of Centre Proposals.

It also conflicts with the advice and guidance set out under paragraphs 60; 70; 73 and 287 of the Scottish Planning Policy.

On this basis, this application cannot be supported by the development plan, and there are no material considerations that would outweigh the proposal's serious conflict with the relevant policies of either the adopted or the proposed local development plan.

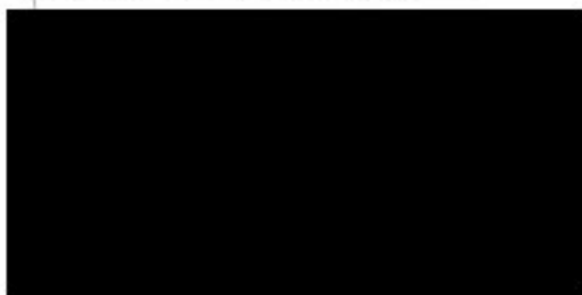
In summary, and on behalf of our client, Standard Life Assurance, we would therefore urge Aberdeen City Council to refuse planning permission for this proposed development for the reasons set out above.

We would be grateful if you would acknowledge safe receipt of this letter and keep us informed of progress on this application.

In particular, we look forward to receiving further information on the outcome of the requested review of the applicant's Retail Capacity Study.

We would also request that we are advised when this application is presented to the Council's Planning Committee for determination, and given an opportunity to address the Planning Committee prior to its consideration of this application.

Yours faithfully,



John Handley
Director
John Handley Associates Ltd
On behalf of Standard Life Assurance Limited

cc: Julie Edwin, Real Estate Investments, Standard Life Investments

06 February 2017

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Dear Mr Easton

**Planning Application Reference: 161429/PPP
Major Development mixed use commercial (up to 30,000m²) including retail (class 1),
food and drink (class 3), other ancillary uses (such as offices) and associated
landscaping, infrastructure and access works
Prime Four Business Park, Kingswells, Aberdeen**

Objection on behalf of Standard Life Assurance Limited

We refer to the above planning application, and our original letter of objection dated 10th November 2016 which was submitted on behalf of our client, Standard Life Assurance Limited.

We also refer to your subsequent email of 25th January advising that the Council are now in receipt of a revised retail capacity assessment for this planning application, and inviting us to provide a supplementary representation.

On behalf of Standard Life Assurance Limited, we would like to thank you for this opportunity to provide further comments on this matter, and can confirm that we wish to maintain our objection to this speculative planning application.

We have also had the opportunity to review the information provided by the applicant in their *Retail Impact Assessment (Update)*, dated January 2017 which has been prepared by retail consultants, Lambert Smith Hampton, and would wish to offer the following additional points of objection to this proposed development.

Review of Retail Impact Assessment (Update) prepared by Lambert Smith Hampton

Within the Executive Summary of the applicant's updated Retail Assessment (page 3) Lambert Smith Hampton attempt to "sell" the concept to the reader by suggesting that: *"The proposed development at Prime Four will deliver something which the City does not currently have, a modern retail warehouse park which complements the city centre's retail offering."*

This is simply not correct. Aberdeen already benefits from a number of modern and purpose built retail parks which complement the retail offering of the city centre. This includes our client's retail park at Beach Boulevard. Others exist in the form of the Garthdee, Kittybrewster, Berryden and Union Square Retail Parks. The claim put forward by the applicant's is therefore not correct.

Contd./

The updated Retail Assessment also advises (on page 3) that: *“This study concludes that the retail impacts associated with the proposed development will be benign and that the Prime Four retail park will complement and strengthen the city’s retail offer”*.

Again, this is simply not correct. In Table 7C of the updated Retail Assessment, the applicant’s retail consultants have estimated a potential trade diversion of 10.41% from the Beach Boulevard Retail Park. This is not a “benign”, but a significant level of impact on this established retail centre.

Moreover, we consider that this level of impact has been seriously underestimated through Lambert Smith Hampton’s approach of attributing only 10% of the proposed Prime Four retail park’s expenditure from the existing retail parks in Aberdeen (see paragraph 8.36 of the updated Retail Assessment). Given that the Prime Four proposal has been specifically designed to provide modern retail warehouse park floorspace, it will compete directly with the exiting retail parks within the City. It is therefore our view that the updated Retail Assessment has significantly underestimated the impact on these exiting retail centres which form a key part of the City’s established network of centres.

This point appears to have been accepted by the applicant’s retail consultants themselves at paragraph 8.65 of the updated Retail Assessment which advises that: *“In terms of other retail centres, the impacts of the proposals will largely fall upon the existing out of town retail parks in Aberdeen city”*.

It is therefore our view that the updated Retail Assessment has underestimated the level of trade that would be diverted from the existing retail parks in Aberdeen and has consequently underestimated the level of impact on these established and protected retail centres. This is a significant flaw in the updated Retail Assessment.

Furthermore, no trade diversion figure has been given for our client’s retail park at Denmore Road, Bridge of Don. This is a further significant omission.

It is also interesting to note the use of the term *“out of town retail parks”* by the applicant’s retail consultants. Again, this is not correct or appropriate. The existing retail parks found in Aberdeen are all identified as part of the existing network of centres in the adopted development plan. They are not *“out of town”* retail locations. Both the Beach Boulevard and Denmore Road Retail Parks are allocated in the recently adopted Local Development Plan as *“Commercial Centres”*, included under Policy NC6. This affords these established retail centres a degree of policy protection from speculative, unplanned retail development in out of town locations.

The proposed development at Prime Four is such a speculative and unplanned retail development in an out of town location. It cannot be supported by current planning policy.

The updated Retail Assessment also suggests that there is an unmet requirement for further retail warehouse floorspace in the City. However if that was the case, such a requirement should have been identified in the very recently adopted Local Development Plan. No such requirement was set out in the Local Development Plan.

Accordingly, this is an entirely speculative application which can draw no support from the adopted development plan and must be refused on this basis.

Our comments on the proposed development’s conflict with the development plan were set out in our original objection letter of 10th November 2016. Since then, the Aberdeen Local Development Plan 2016 was formally adopted by the Council on 20th January 2017. The development plan is therefore up to date. It does not allocate the Prime Four site for major retail development. Our comments on the relevant policies of the adopted LDP are summarised below.

Contrary to the Development Plan – Loss of Safeguarded Business Land

As we set out in our original letter of objection, the application site is allocated as a “*Specialist Employment Area*” in the newly adopted LDP and is identified as part of Opportunity Site OP29 which is described as an “*Opportunity for a 50ha development of business land which will attract high quality businesses or be suitable for company headquarters. Masterplan and Development Framework prepared*”.

Further reference to this site is provided at paragraph 2.22 of the LDP which explains that: “*Around 50 hectares of employment land allocations have been made to the west of the city at Prime Four Business Park, Kingswells, which provides employment opportunities in a part of the city where there is little employment land*”.

In respect of allocated business land, paragraph 3.55 of the LDP advises that: “*Maintaining a ready supply of employment land in the right places is vital to Aberdeen retaining its position as a competitive and sustainable business location. If a ready supply of employment land is not maintained, then it is unlikely that the housing population targets set by the Aberdeen City and Shire Strategic Development Plan (SDP) will be achieved. Therefore, in accordance with the SDP, a phased, large allocation of employment land has been identified, to meet the diverse needs of different types and sizes of businesses*”.

Paragraph 3.57 of the LDP further warns that: “*In addition to the provision of new sites, it is important to safeguard the supply of existing industrial and business land throughout the city from other development pressures*”.

Policy B2 Specialist Employment Areas confirms the need to safeguard allocated business sites and states that: “*In areas that are identified as Specialist Employment Areas on the Proposals Map, only Class 4 (Business) uses shall be permitted...*”

The application site is therefore an important and safeguarded business location where only class 4 business uses will be permitted. The proposed retail development of this site is therefore contrary to its allocation in the newly adopted LDP, and conflicts with the requirements of Policy B2.

The loss of this safeguarded business site to retail uses cannot therefore be supported.

Contrary to the Development Plan – Retail Policies

As noted in our original objection letter, and in addition to the application’s conflict with the business land policies of the adopted LDP, we also consider that this unallocated, out-of-town retail development is contrary to the LDP’s retail policies.

This includes conflicts with Policies NC1 City Centre Development – Regional Centre; NC4 Sequential Approach and Impact; and NC5 Out of Centre Proposals.

This is on the basis that the LDP’s retail strategy and policies confirm that the City Centre is the preferred location for retail, commercial and leisure development serving a city-wide or regional market.

There is also a requirement for all retail, commercial, leisure and other development appropriate to town centres should be located in accordance with the hierarchy and sequential approach. This does not include out-of-centre or out-of-town sites.

NC5 Out of Centre Proposals states that retail, commercial, leisure and other development appropriate to town centres, when proposed on a site that is out-of-centre, will be refused planning permission if it does not satisfy all five of the requirements listed under this policy.

The proposed retail development at Prime Four fails to meet all five requirements of Policy NC5. It will have a significant adverse effect on the vitality and viability of retail locations listed in the Council's Hierarchy of Retail Centres – requirement 2.

As noted in the Council's EIA Screening Opinion for this proposed development (which noted the greenfield nature of the site; its location outwith the built up area; and its relatively poor accessibility) the proposed development would not be easily and safely accessible by a choice of means of transport using a network of walking, cycle and public transport routes which link with the catchment population – requirement 4.

The proposed retail development of this out-of-town site is therefore contrary to Policies NC1; NC4 and NC5 of the Adopted LDP.

We would also note that significant parts of the application site are designated as Green Space Network (Policy NE1) within the LDP, where development is not promoted.

Contrary to the Scottish Planning Policy

In addition to the application's conflict with the retail policies of the adopted LDP, we also consider that this unallocated, out-of-town retail development is contrary to the relevant sections of the Scottish Planning Policy, and in particular the advice and guidance set out under paragraphs 60; 70; 73 and 287.

Summary

On the basis of the above, it is clear from a review of the newly adopted Local Development Plan that this planning application is significantly contrary to the following policies:

- Policy B2 Specialist Employment Areas;
- Policy NC1 City Centre Development – Regional Centre;
- Policy NC4 Sequential Approach and Impact; and
- Policy NC5 Out of Centre Proposals.

It also conflicts with the advice and guidance set out under paragraphs 60; 70; 73 and 287 of the Scottish Planning Policy.

On this basis, this application cannot be supported by the development plan, and there are no material considerations that would outweigh the proposal's serious conflict with the relevant policies of the adopted local development plan.

In summary, and on behalf of our client, Standard Life Assurance, we would therefore urge Aberdeen City Council to refuse planning permission for this proposed development for the reasons set out above.

We would be grateful if you would acknowledge safe receipt of this letter and keep us informed of progress on this application.

Yours sincerely,

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|

John Handley
Director
John Handley Associates Ltd
On behalf of Standard Life Assurance Limited

cc: Julie Edwin, Real Estate Investments, Standard Life Investments

11 November 2016

Matthew Easton
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Dear Mr Easton

REPRESENTATION TO PLANNING APPLICATION 161429/PPP - MAJOR DEVELOPMENT MIXED USE COMMERCIAL (UP TO 30,000 SQM) INCLUDING RETAIL (CLASS 1), FOOD AND DRINK (CLASS 3), OTHER ANCILLARY USES (SUCH AS OFFICES) AND ASSOCIATED LANDSCAPING, INFRASTRUCTURE AND ACCESS WORKS - SITE AT OP40 PRIME FOUR BUSINESS PARK, KINGSWELLS, ABERDEEN

We write on behalf of BMO Real Estate Partners (BMO REP) who is the asset manager for the owners of Bon Accord and St Nicholas Shopping Centres, Aberdeen and 20 smaller properties situated on Schoolhill, Upperkirkgate, George Street and St Andrews Street in Aberdeen city centre (which we will refer to collectively as Bon Accord), to object to the above named planning application by Drum Property Group Ltd at Prime Four Business Park, Kingswells, Aberdeen. We note that this representation is submitted prior to the deadline for comments on 13 November 2016.

The applicant seeks planning permission in principle (PPP) for a major mixed-use development at Prime Four Business Park (Phase 5) providing up to 30,000sqm of commercial floorspace. The schedule of development is summarised as follows:

- up to 26,013 sq.m (gross) of Class 1 comparison retail, with a likely focus on clothing and footwear sales;
- up to 3,716 sq.m (gross) foodstore and ancillary food and drink premises;
- other ancillary uses and associated demolition, infrastructure and access works.

BACKGROUND

BMO REP and the owners of Bon Accord are committed to delivering significant investment in Aberdeen city centre and successfully gained planning consent in 2014 to develop a new leisure hub, incorporating a high-end 700-seat cinema, plus additional food, drink and leisure space, and are now finalising their plans in this regard. Furthermore, they are currently undergoing pre-application consultation for a substantial retail-led mixed-use development proposal within an allocated site around the George Street / Loch Street / Crooked Lane area of the Bon Accord Shopping Centre in Aberdeen city centre, with a view to submitting a planning application early in 2017 (LDP2, OP102).

The redevelopment proposals at Bon Accord will significantly contribute towards meeting a number of key policy objectives both within the current Development Plan and emerging Local Development Plan. In particular, these relate to providing significant new retail floorspace in the city centre to meet the identified shortfall; improving a key city centre site; and safeguarding the primacy of the city centre as the regional focus for retail and town centre uses.

Maintaining and enhancing the primacy of the city centre, together with associated development plan policies which have been purposefully conceived to achieve this, are of the utmost importance to BMO REP and the owners of Bon Accord. This policy context was material to our client's decision to originally invest in Aberdeen city centre and remains so. In light of this and following a review of the above application and available supporting information, it is apparent that the application raises significant issues that are of concern to our client and the city centre, in terms of the scale and impact of the proposed retail development on its vitality and viability and impact on its ability to deliver the objectives and aspirations contained within the prevailing development plan. We therefore submit this representation objecting to the application.

DEVELOPMENT PLAN POLICY BACKGROUND

Consideration of this application should be made taking full cognisance of the relevant policies set out within the development plan, which comprises the Aberdeen City and Shire Strategic Development Plan (2014) and the Aberdeen Local Development Plan (2012). Other relevant material considerations include the Proposed Aberdeen Local Development Plan (2015) and the reporters' examination report dated 23 September 2016. Aberdeen City and Aberdeenshire Retail Study (2013), the Aberdeen City Centre Masterplan (2015), the Bon Accord Quarter Masterplan (2006) and Scottish Planning Policy (2014) are also relevant.

Scottish Planning Policy (2014)

SPP sets out the Scottish Government's policy on land use planning matters and establishes that the planning system should apply a town centre first policy when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities. SPP outlines the sequential approach with town centres as the preferred location for development, including retail and that planning authorities, developers, owners and occupiers should be flexible and realistic in applying the sequential approach, to ensure that different uses are developed in the most appropriate locations.

SPP sets out that out-of-centre locations should only be considered for uses which generate significant footfall where (in part): all town centre, edge of town centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable; the scale of development proposed is appropriate, and it has been shown that the proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location; the proposal will help to meet qualitative or quantitative deficiencies; and, there will be no significant adverse effect on the vitality and viability of existing town centres.

Aberdeen City and Shire Strategic Development Plan (SDP)

The SDP seeks to protect the vitality and viability of town centres within the region and reaffirms the sequential approach when identifying new retail development across the region. A key aim of the SDP is to protect Aberdeen City Centre as the regional centre and remain one of the top-20 retail areas in the UK.

The SDP places particular emphasis on continuing to support the regeneration of Aberdeen city centre and making sure that this 'key regional asset' fulfils its potential by improving its shopping, leisure, commercial and residential environment as well as its visitor experience. The SDP also references the City Centre Development Framework and the Business Improvement District, which have been brought about to help deliver these objectives.

Aberdeen Local Development Plan (2012)

The adopted LDP (2012) confirms the role of the City Centre as a regional centre and reinforces the sequential approach (through policies C1 and RT1) for the direction of proposals for new retail, commercial, leisure and other city centre uses. The Adopted LDP primarily allocates the application site under policy OP40. Policy OP40 comprises a Land Release Policy / Green Space Network provision for an allocation of up to 50 ha of development of business land to attract high quality business or be suitable for company headquarters between 2007 and 2023 and is subject to the requirement of a masterplan.

Policy RT2 (Out of Centre Proposals) is applicable and states that retail, commercial and leisure development proposed at out-of-centre locations will be refused planning permission if it does not satisfy all of the stated requirements, including (in part): compliance with the sequential approach set out in policy RT1; no significant adverse effect on the vitality or viability of a retail location; qualitative or quantitative retail deficiency; accessible location; and, would have no significant adverse effect on travel patterns and air pollution.

Proposed Aberdeen Local Development Plan (2015)

Although not yet adopted, the Proposed LDP is a significant material consideration in the consideration of this planning application. The Proposed LDP confirms the role of Aberdeen city centre as a regional centre and reinforces the sequential approach (through policies NC2, NC4 and NC5) for the direction of proposals for new retail, commercial, leisure and other city centre uses. The Proposed LDP allocates the site under policy OP29, which comprises an Employment Area / Green Space Network Opportunity site to provide for up to 50 ha development of business land up to 2026 to attract high quality businesses or be suitable for company headquarters.

Policy NC5 (Out of Centre Proposals) is applicable and states that retail, commercial and leisure development proposed at out-of-centre locations, will be refused planning permission if it does not satisfy all of the stated requirements, including (in part): compliance with the sequential approach set out in policy NC4; no significant adverse effect on the vitality or viability of a retail location; qualitative or quantitative retail deficiency; accessible location; and, would have no significant adverse effect on travel patterns and air pollution.

Aberdeen City Centre Masterplan (2015) & Bon Accord Quarter Masterplan (2006)

The Aberdeen city centre masterplan (2015) outlines a 20 year development strategy for Aberdeen City Centre. It identifies a series of ambitious projects that will support future economic growth and will secure more benefits and opportunities for the communities of Aberdeen City and Shire. A key part of the masterplan (in part) is to stitch together a distinctive retail offer that enhances the role of the city centre as the dominant regional shopping centre.

The masterplan subsequently provides a range of projects which seek to confirm and enhance its position. Projects include (but are not limited to): introduction of a mixture of uses (including retail) at Aberdeen Indoor Market (Project CM06); expansion of the Bon Accord Centre (Project CM07) (also included within the 2006 Bon Accord Quarter Masterplan); promoting greater independent city centre retail offer (Project CM08); improvement of space at the St. Nicholas Centre (Project CM09); enhancement of existing retail offer at the Trinity Centre and redevelopment of Atholl House (Project CM10); improvements to Union Street Conservation Area (Project CM11); and, expansion of Union Square (Project CM12).

GROUNDS OF OBJECTION

Site specific policy

The Scottish planning system is plan led. As set out above, the site is allocated within both the adopted and emerging LDPs to provide up to 50 ha of development of business land to attract high quality business or be suitable for company headquarters between 2007 and 2023. The LDP states: *"more than 50 hectares of employment land allocations have been made to the west of the city in the Kingswells area which will provide employment opportunities in a part of the city where there is little employment land"*.

It is evident that the application site and this part of the city has been targeted by the Council as a strategic site and key for the Council's vision to deliver sufficient and suitably high quality employment land in an area that has been identified as being deficient of such appropriate uses. The proposed retail development at this location is not only contrary to the LDP allocation; it would occupy part of the business land supply to the west of the city outlined as being key to delivering high quality business development. Considering the existing employment aspirations for this part of the city, we would suggest that the Prime Four Business Park is not an appropriate location for such development.

The Sequential Assessment

The applicant has prepared a sequential assessment to support their retail capacity study, noting that *"SPP and the development plan establish that the first preference for the proposed development would be Aberdeen City Centre and consequently this is where we have focussed our search"*. The applicant identified and discounted 8 potential sequentially preferable city centre locations in their assessment.

The applicant relies upon the Supreme Court's Judgement in the case of *Tesco Stores Ltd v Dundee City Council* (2012) to justify their position that there are no suitable sites within town centres or edge-of-centres large enough to accommodate their development proposals (i.e. 30,000sq.m mix of Class 1 comparison retail floorspace, a foodstore and ancillary food and drink uses).

We are of the view that reliance on this judgement is overly simplistic. The judgement relies on the premise that a developer (in this instance Asda) should not be forced to alter its business model on the basis that it could accommodate a smaller site within a town centre location. In the case of the current Prime Four Business Park development proposal, the applicant has confirmed within their Retail Capacity Study that the development proposals:

'Involve the development of up to 26,013 sqm (gross) of Class 1 retail floorspace which would be occupied by a range of comparison goods retailers, with a likely focus on clothing and fashion retailers in response to confirmed market demand. In addition, the proposals would be complemented by a 3,716 sqm (gross) foodstore and ancillary food and drink premises' (Retail Capacity Study para 2.1).

At paragraph 6.10 of their Retail Capacity Study, they elaborate that this 'confirmed market demand' comprises a range of UK multiple retailers that have 'requirements for new retail units in the order of 2,500 to 20,000 sq.ft GFA' (230 – 2,000 sqm GFA).

The applicants have simply discounted sequentially preferable sites on the basis that none are suitable or available or large enough to accommodate a standalone development providing up to 30,000sqm of additional floorspace. The methodology and parameters underpinning the sequential assessment predetermine the outcome of the exercise. Although various sites have been examined, the basis on which the assessment has been undertaken leads inevitably to the elimination of alternative locations. This approach is not robust and the conclusions are based on a rigid and inflexible interpretation of policy. The sequential approach is designed to direct development to town centres in the first instance so that they benefit from available spending and investment. It not intended to operate in this constrained and artificial way.

Given the type of development proposed (i.e. retail units ranging in size from 230 – 2,000 sqm GFA), it is our view that at least some of the development, if disaggregated, could be accommodated on alternative and sequentially preferable locations within existing town centre locations, as identified in their supporting Retail Capacity Study. In the retail market it has been demonstrated that, in some cases, certain forms of business model are sometimes more suited to an out-of-centre location, including for example, large bulky goods operators and large format food superstores. In this case, however, the proposals at Prime Four Business Park includes a number of individual units designed to accommodate non bulky comparison goods operators, and, taking a flexible approach, could undoubtedly be accommodated instead on clearly identified city centre sites.

The applicants have not demonstrated any degree of flexibility or evidence as to why a smaller site or sites could not meet a similar need in this regard, and have provided no evidence to demonstrate that the scale of the proposed development is appropriate and required for the commercial viability of the scheme.

Furthermore, there can be no weight attached to the statement at paragraph 7.6 of the applicant's retail capacity study that the requirements of retailers seeking dual representation in the city somehow justifies setting aside the 'town centre first' policy principle in SPP and related requirement to address the sequential test.

The retail proposals are essentially speculative. There would be no justification for granting a personal permission in this instance going by the terms of circular 4/1998 ('The use of conditions in planning permissions'), specifically paragraph 92 of annex A. Similarly, the terms of the application do not include any form of commitment by any of the retailers (none of which are named) seeking dual representation to maintain a presence within the city centre.

In which case, the applicant's approach to addressing the sequential test is flawed. As already noted above, they have not demonstrated any flexibility in proving that the development cannot be accommodated within the city centre, being the most appropriate location according to SPP.

As noted above, the policy framework focuses on protecting Aberdeen City Centre as a regional shopping centre and consolidating its position within the top 20 centres in the UK. The strategy set out in the Local Plan and associated Masterplans identifies a series of key development opportunity sites with which to support future economic growth and an improved retail offer that enhances the role of the city centre as the dominant regional shopping centre. It is clear that the identified retail expansion areas within Aberdeen city centre are sequentially preferable and will meet identified deficiencies. This alone provides a basis for refusal of the application at Prime Four Business Park.

The proposals at Prime Four Business Park will form a competing destination in a sequentially less preferable location, detrimentally impacting upon the city centre and the ability to deliver city centre opportunity sites in the future. We discuss this further below.

Deficiency & Retail Impact

The Aberdeen City and Aberdeenshire Retail Study (ACARS) undertaken by Hargest Planning Ltd in 2013, commissioned by Aberdeen City Council and Aberdeenshire Council, identified additional capacity for approximately 30,000 - 35,000 sq.m of additional gross retail floorspace to support retail growth within the City Centre by 2022. The report subsequently identifies a range of sites to accommodate this capacity.

The ACARS recommendation of 30,000 - 35,000 sq.m of additional floorspace was based on the recommended 'Scenario 3' which was identified to address deficiencies and support retail investment in the City Centre and minimise potential adverse impacts on existing centres. This recommendation was taken forward into the Proposed LDP and has subsequently been ratified by the reporter in the recently published Proposed LDP examination report dated 23rd September 2016.

Two of the largest development opportunities within Aberdeen city centre are located at George Street North/Crooked Lane (Bon Accord Centre) and Union Square. Both are currently progressing through the planning system and propose to provide for a combined Class 1 comparison sales floorspace of approximately 20,000 - 25,000 sq.m. These developments, in addition to other identified and allocated sites within the emerging LDP will meet this potential and will help prevent expenditure leakage and maintain the city centre as the primary retail area in the North East.

Furthermore, the ACARS recommendation of 30,000 - 35,000 sq.m of additional floorspace was based on expected growth figures available at the time that the report was prepared, and, crucially prior to the on-going downturn within the oil and gas industry (and associated job losses and economic impacts on the region). BMO REP would therefore encourage ACC to take a precautionary approach when considering the level of expected retail floorspace deficiencies for the region.

The proposals at Prime Four Business Park will clearly impact upon the ability of the city centre to consolidate and enhance its position as the regional shopping centre. The applicant themselves acknowledge existing competition from other Scottish centres and other forms of retailing, and adds that the resilient city centre catchment is due in part to the fact that out-of-centre retail competition is limited (paragraph 4.2-4.3, LSH Retail Capacity Study).

As set out earlier in this letter, the Scottish planning system is plan led. Neither the emerging LDP nor the ACARS identify the application site at Prime Four Business Park as an appropriate location for retail development. Based on the above and the progress currently being made at allocated sites within Aberdeen city centre, we would again suggest that the scale of development being proposed at the Prime Four Business Park is not appropriate and the applicant has not demonstrated how the proposals would address a quantitative or qualitative deficiency that could not otherwise be met within the city centre.

We note that the applicant has sought to assess the direct retail impacts on the city centre within supporting retail tables submitted as part of the 'Retail Capacity Study'. The figures for direct impact presented appear relatively modest (5.2%), albeit we would question the transparency and soundness of the assessment presented. Based on a detailed analysis of Appendix 1 (LSH Retail Capacity Study, final table) we note the following points:

- High levels of trade diversion are expected from key city centre retail areas, notably Bon Accord (£16m / 9% impact), St Nicholas (£9m / 18% impact) and Union Square (£23m / 11% impact). This raises concerns in respect of the level of impact on these core shopping areas.
- The impact assessment assumes that £55m of the total comparison goods turnover of Prime Four (£110.29m) will be derived from Aberdeen city centre. This equates to just 50% which would seem conservative given the proximity and competing nature of the two destinations.
- The remaining trade draw is assumed to come primarily from Glasgow (£12m), Edinburgh (£6.75m) and Berryden retail park (£7m). We would question these figures given the distance of both Edinburgh and Glasgow, and the lack of competition from Berryden which comprises a different form of comparison retailing than that expected at Prime Four.

Based on the factors set out above, the LSH Retail Capacity Study under-estimates the level of quantitative trade diversion from Aberdeen city centre and potential quantitative implications on turnover. Of equal concern to our client are the associated qualitative impacts for allowing the proposals at Prime Four Business Park, which we consider would place it in direct competition with Aberdeen city centre as a shopping destination. This would be wholly contrary to development plan policy and strategy.

Indeed, the potential loss of spin-off consumer expenditure to the city centre through shopping and other associated linked trips is far more significant than simply assessing the direct expenditure loss to the new proposals. It is misleading and insufficient to restrict the consideration of retail impact issues to those set out in the related supporting material.

Often referred to as 'secondary' (or 'indirect' impacts), the report into Town Centre and Retailing Methodologies (2007) by Hargest & Wallace Planning Ltd and Donaldsons, for the Scottish Government, offers relevant commentary on these matters in the context of retail impact assessments. The report confirms that the assessment of secondary impacts is to be encouraged in the retail impact assessment of proposals, however such an assessment is absent from the planning application submission.

The application proposals would seriously undermine the strategic development planning objectives for the city centre. They would undermine vitality and viability of retailing in the city centre, and therefore threaten other relative economic activity and the ability to maintain its competitiveness for the benefit of the wider city region.

Furthermore, it would send out a concerning message to investors and operators alike, if the city centre's role as the regional centre for a wide range of higher order retailing was in any way being undermined. Our client is of the view that allowing the application proposals to proceed would send out such a message.

Planning matters, including decisions taken in respect of planning applications, can be relevant to the investment decision making process. If approved, the resulting development could weaken investor confidence within Aberdeen city centre. As such, we do not believe that the City Council should risk casting any doubt over its commitment to the development plan objectives of promoting investor confidence in the city centre.

The provision of substantial comparison retail floorspace with a focus on clothing and fashion retailers and a significant food and beverage offer at Prime Four Business Park would deliver a significant quantitative and qualitative retail offer in the west of the city that will overlap with the offer of the city centre and pose a serious threat to its role and primacy in the network of centres.

It therefore stands to reason that the proposals would adversely impact on the strategy and objectives for enhancing the vitality and retail attractiveness of the city centre, particularly when there is specific development plan policy in place to support these objectives preventing out-of-centre development proposals on unallocated sites and promoting further retail and town centre based uses within the city centre.

It is essential that Aberdeen City Council continue to support the principles of the development plan and maintain investor confidence for the delivery of investment in Aberdeen city centre. Whilst it might be easier for a developer to deliver a new retail development on a greenfield site at Prime Four Business Park; the more challenging development proposals, such as those within the city centre, require a greater level of confidence in the certainty of development plan policy in order to deliver them.

As a final point, many of the grounds of objection referred to above, in particular those relating to the sequential test and indirect retail impact, were particularly relevant in the decision to refuse, including at appeal, proposals to create a Debenhams department store at Fort Kinnaird Retail Park on the outskirts of Edinburgh (appeal reference PPA-230-21 13). Whilst every planning application is determined on its own merits, we do believe there are sufficient grounds, in this case, to refer to the full terms of this appeal decision, as a material consideration in the determination of the planning application.

Transport

We have concerns regarding the potential impact that the development proposals will have on the surrounding road networks. The Transport Assessment which accompanies the planning application (dated 19/10/16) does not appear to address the points raised by Transport Scotland in their Transport Assessment Scoping Statement response dated 14/10/16 (Transport Assessment, appendix A, page 139). We would therefore question the validity and robustness of the accompanying Transport Assessment.

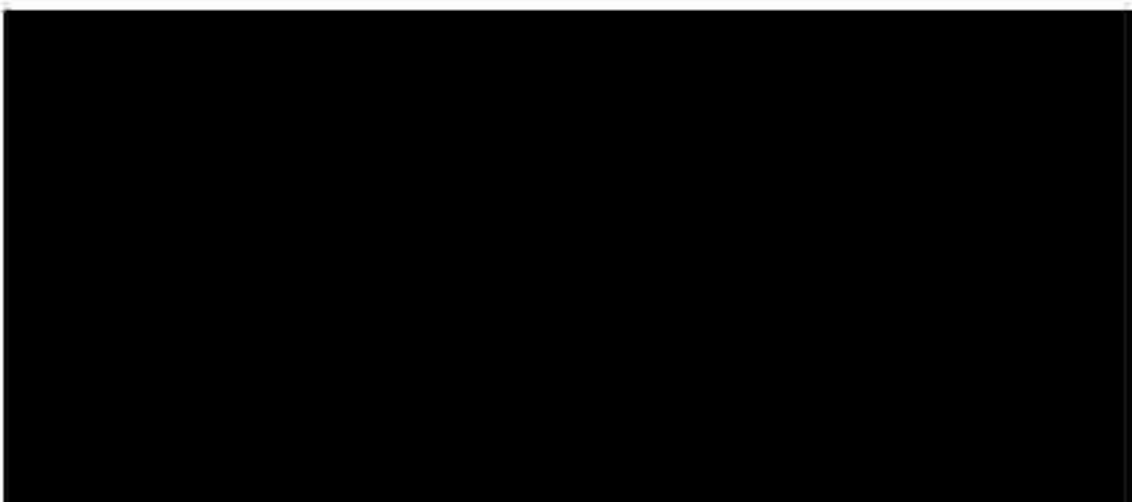
As set out earlier in this letter, BMO REP are currently preparing for the submission of a planning application seeking PPP for a retail-led mixed-use development around the George Street / Loch Street / Crooked Lane area of the Bon Accord Shopping Centre in Aberdeen city centre. The PPP will

be accompanied by a retail assessment in support of the proposals. As we continue to prepare for the submission of the PPP, we reserve the right to further expand on our clients concerns highlighted in this letter of representation, particularly in relation to retail capacity, transport and the impact that the development proposals at Prime Four Business Park would have upon Aberdeen city centre.

On the basis of the arguments set out above, we find strong reasons to suggest that this speculative application seeking planning permission in principle should be refused.

We trust that our comments shall be taken into consideration in the determination of this planning application.

Yours sincerely



Chris Miller
Associate
For and on behalf of GVA Grimley Limited



An **APLEONA** company

Our Ref: CM39
Your Ref: 161429/PPP

07 February 2017

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Dear Mr Easton

REPRESENTATION TO APPLICATION 161429/PPP - MAJOR DEVELOPMENT MIXED USE COMMERCIAL (UP TO 30,000 SQM) INCLUDING RETAIL (CLASS 1), FOOD AND DRINK (CLASS 3), OTHER ANCILLARY USES (SUCH AS OFFICES) AND ASSOCIATED LANDSCAPING, INFRASTRUCTURE AND ACCESS WORKS - SITE AT OP40 PRIME FOUR BUSINESS PARK, KINGSWELLS, ABERDEEN

We write with reference to the planning application above and the submission of an updated Retail Impact Assessment (RIA) (dated January 2017) prepared by Lambert Smith Hampton (LSH), of which we were notified of in your email dated 25 January 2017. Your email also states that the deadline for making further representations to this is 7 February 2017.

GVA has been instructed by BMO Real Estate Partners (BMO REP), the asset manager for the owners of Bon Accord and St Nicholas Shopping Centres, Aberdeen to submit further representations on their behalf in respect of the proposals following the submission of the above noted updated RIA. The comments contained within this letter are submitted to supplement those included within our original letter of representation dated 11 November 2016.

BACKGROUND

As set out in our previous letter of representation, BMO REP and the owners of Bon Accord are committed to delivering significant investment in Aberdeen city centre. They successfully gained planning consent in 2014 to develop a new leisure hub, incorporating a high-end 700-seat cinema, plus additional food, drink and leisure space (LPA REF: P141192). They are now finalising their plans in this regard and expect delivery of this project to commence in the near future.

GVA is the trading name of GVA Grimley Limited registered in England and Wales number 6382509. Registered office, 3 Brindleyplace, Birmingham B1 2JB. Regulated by RICS.

Birmingham Bristol Cardiff Dublin
Edinburgh Glasgow Leeds Liverpool
London Manchester Newcastle



Furthermore, we have just completed extensive pre-application consultation on their behalf for a substantial retail-led mixed-use development proposal (LPA REF: 161104/PAN) within an allocated site around the George Street / Loch Street / Crooked Lane area of the Bon Accord Shopping Centre in Aberdeen city centre, with a view to submitting a planning application in March 2017 (LDP2, OP102).

The emerging development proposals at Bon Accord will provide around 6,000sq.m of additional retail floorspace, a hotel, a selection of flats and associated development. It will significantly contribute towards meeting a number of key policy objectives both within the current Development Plan and emerging Local Development Plan. In particular, these relate to providing significant new retail floorspace in the city centre to meet the identified shortfall; improving a key city centre site; and safeguarding the primacy of the city centre as the regional focus for retail and town centre uses.

Given the position of the Bon Accord and St Nicholas Centres within the heart of Aberdeen city centre, the strength of the city centre is of the utmost importance to our client. Following a review of the recently updated RIA prepared by LSH, it is apparent that this speculative out of centre retail development continues to raise issues that are of significant concern to our client and the city centre as a whole. We therefore maintain an objection to the application on their behalf.

GROUNDS OF OBJECTION

Consideration of this application should be made taking full cognisance of the relevant policies set out within the development plan, which comprises the Aberdeen City and Shire Strategic Development Plan (2014) and the recently adopted Aberdeen Local Development Plan (2017). Aberdeen City and Aberdeenshire Retail Study (2013), the Aberdeen City Centre Masterplan (2015), the Bon Accord Quarter Masterplan (2006) and SPP (2014) are also relevant material considerations.

Our previous letter of representation detailed relevant planning policy and commentary, and we would not seek to repeat such comments in their entirety in this instance. We have therefore sought to limit our comments in this regard relevant to our grounds of objection and in relation to the updated RIA prepared by LSH.

Site specific policy

The Scottish planning system is plan led. We would reiterate that the site is allocated within both the adopted and emerging LDPs to provide up to 50 ha of development of business land to attract high quality business or be suitable for company headquarters between 2007 and 2023.

The application site and this part of the city has been targeted by the Council as a strategic site and is key for the Council's vision to deliver sufficient and suitably high quality employment land in an area that has been identified as being deficient of such uses. Indeed, development at Prime Four Business Park is subject to an approved development brief and associated masterplans which were the subject of substantial community and key stakeholder consultation on the basis of office/employment led development opportunities. The site was also assessed on the basis of possible retail development within the recent review of the LDP, and such development was discounted at that time.

The development proposals should be assessed in line with the development plan; development brief; and, approved masterplans. The proposed retail development at this location is therefore wholly contrary to its allocation within the recently adopted LDP, and could be refused on this basis alone.

The Sequential Assessment

The applicant has updated their original sequential assessment to support their retail capacity study. The applicant identified and discounted 10 potential sequentially preferable city and edge of city centre locations in their assessment. Their assessment also includes consideration of a selection of other smaller town, district and commercial centres and retail parks.

We remain of the view that the applicants have taken an overly simplistic view on quoted case law and their approach to the sequential assessment. The approach taken by the applicant is not sufficiently robust and the conclusions are based on a rigid and inflexible interpretation of policy. The case law quoted by the applicant, and also Hargest, relates to single unit operator developments where disaggregation is clearly more difficult. In this case, however, the proposal comprises multiple units which can more easily be disaggregated, and is a very different scenario to the proposals quoted in chosen case law.

The applicants have clarified that the type of development proposed is a retail park style development comprising one retail unit of 80,000 sq.ft GFA; a series of 9 retail warehouse units ranging from 7,500 – 35,000 sq.ft GFA; and, a series of 11 smaller units ranging from 3,000 - 6,000 sq.ft GFA. They have also confirmed that the development would be appealing to general town centre comparison goods retailing, rather than bulky goods.

We remain of the view that at least some of the development, if disaggregated, could be accommodated on alternative and sequentially preferable locations within existing town centre locations, as identified in their supporting RIA. In the retail market it has been demonstrated that, in some cases, certain forms of business model are sometimes more suited to an out-of-centre location, including, for example, large bulky goods operators and large format food superstores. In this case, however, the proposals include a number of individual units designed to accommodate non bulky comparison goods operators, and, if taking a flexible approach, could undoubtedly be accommodated on clearly identified city centre sites instead.

Furthermore, there can be no weight attached to the applicants continued insistence that the requirements of retailers seeking dual representation in the city somehow justifies setting aside the 'town centre first' policy principle in SPP and related requirements to address the sequential test. There would be no justification for granting a personal permission in this instance going by the terms of circular 4/1998 ('The use of conditions in planning permissions'), specifically paragraph 92 of annex A. Similarly, the terms of the application do not include any form of commitment by any of the retailers seeking dual representation to maintain a presence within the city centre.

Approval of the proposals would undoubtedly lead to additional pressure on city centre rental rates and attractive terms at Prime Four Business Park. Aberdeen city centre would be afforded no protection to prevent existing retailers within the city centre seeking to relocate to Prime Four Business

Park, and would undoubtedly lead to the closure of units currently occupied by operators with existing dual representation within the city centre. Approval of the development would therefore go some way to undermine the ability of ACC to continue to attract investment and the implementation of strategically important allocations within the city centre and would be detrimental to the vitality and viability of the city centre as a whole.

We also maintain our fundamental concerns relating to the sustainability of the proposals, particularly with regards to site accessibility by any mode of transport other than the private car. The development proposals are wholly detached from the urban setting of Aberdeen city centre and associated transportation infrastructure. Despite suggestions by the applicant that the site benefits from '*excellent public transport links*'; other than the private car, there can be no question that the site is not easily accessible and would not be easily accessible to a large proportion of the expected catchment population by a choice of transport modes.

As noted above, the policy framework focuses on protecting Aberdeen City Centre as a regional shopping centre and consolidating its position within the top 20 centres in the UK. The strategy set out in the LDP and associated Masterplans identifies a series of key development opportunity sites with which to support future economic growth and an improved retail offer that enhances the role of the city centre as the dominant regional shopping centre. It is clear that the identified retail expansion areas within Aberdeen city centre are sequentially preferable and will meet identified deficiencies. These points alone provide a basis for refusal of the application at Prime Four Business Park.

Deficiency & Retail Impact

The Aberdeen City and Aberdeenshire Retail Study (ACARS) undertaken by Hargest Planning Ltd in 2013 identified additional capacity for approximately 30,000 - 35,000 sq.m) of additional gross retail floorspace (based on scenario 3). This was identified with the aim to address deficiencies and support retail investment in the City Centre and minimise potential adverse impacts on existing centres. This recommendation was subsequently taken forward into the now adopted LDP (2017).

Two of the largest development opportunities within Aberdeen city centre are located at George Street North/Crooked Lane (Bon Accord Centre) and Union Square. Both are currently progressing through the planning system and propose to provide for a combined Class 1 comparison sales floorspace of around 20,000 sq.m. These developments, in addition to other identified and allocated sites within the emerging LDP will meet this potential and will help prevent expenditure leakage and maintain the city centre as the primary retail area in the North East.

The updated RIA prepared by LSH continues to raise a number of concerns relating to deficiency and retail impact on both a quantitative and qualitative basis.

In terms of their quantitative assessment, we would continue to question the methodology used and their assumptions and outputs, which in turn leads them to significantly over-estimate the amount of available expenditure within the catchment area. Furthermore, we are of the view that the RIA continues to underestimate floorspace turnover and therefore also under-estimates the overall level of impact on Aberdeen city centre. The applicants have not effectively considered cumulative

impact and we also disagree with their trade draw assumptions, which assume a particularly high diversion from retail parks rather than the city centre.

Overall, the updated LSH RIA only reinforces our concerns that the development proposals would have a significant adverse impact on the vitality and viability of Aberdeen city centre. We would also point out that many of the quantitative conclusions reached in our assessment in terms of retail impact have also since been backed up by independent planning consultants Hargest Planning Ltd, who have also recently commented on the updated RIA prepared by LSH.

Furthermore, of equal concern to our client are the associated qualitative impacts for allowing the proposals at Prime Four Business Park, which we consider would place it in direct competition with Aberdeen city centre as a shopping destination. This would be wholly contrary to development plan, policy and strategy. Indeed, the potential loss of spin-off consumer expenditure to the city centre through shopping and other associated linked trips is far more significant than simply assessing the direct expenditure loss to the new proposals.

The applicants continue to make comparisons to other regions in Scotland, such as Glasgow and Edinburgh, and other out of centre retail developments '*complementing the city centres offer*', and mention Braehead as an example of this. We would point out that the consideration of other city region planning policy is not a material consideration of this planning application, and in no way provides any kind of justification for ACC to follow the same approach. Indeed, that fact that Aberdeen does not have the same out of centre provisions serves to demonstrate the commitment of ACC in its approach to retail development and preserving the vitality and viability of the city centre. Furthermore, what the applicant also fails or declines to recognise is that as well as impacting upon the regional centre of Glasgow, out of centre shopping centres such as Braehead have resulted in a significant negative impact on the vitality and viability of surrounding town centres such as of Paisley and Renfrew.

The ACARS recommendation of 30,000 - 35,000 sq.m of additional floorspace was based on expected growth figures available at the time that the report was prepared, and, crucially prior to the on-going downturn within the oil and gas industry (and associated job losses and economic impacts on the region). The applicants themselves have highlighted a current trend of a weakening city centre in terms of retail offer and increasing vacancies in their updated RIA. BMO REP would therefore encourage ACC to take a precautionary approach when considering the level of expected retail floorspace deficiencies for the region.

Given the status of the recently adopted LDP and the progress currently being made at allocated sites within Aberdeen city centre, we would again suggest that the scale of development being proposed at the Prime Four Business Park is not appropriate and the applicant has not demonstrated how the proposals would address a quantitative or qualitative deficiency that could not otherwise be met within the city centre.

The provision of substantial comparison retail floorspace with a focus on clothing and fashion retailers and a significant food and beverage offer at Prime Four Business Park would deliver a significant

quantitative and qualitative retail offer in the west of the city that will overlap with the offer of the city centre and pose a serious threat to its role and primacy in the network of centres.

It therefore stands to reason that the proposals would adversely impact on the strategy and objectives for enhancing the vitality and retail attractiveness of the city centre, particularly when there is specific development plan policy in place to support these objectives preventing out-of-centre development proposals on unallocated sites and promoting further retail and town centre based uses within the city centre.

It is essential that ACC continue to support the principles of the development plan and maintain investor confidence for the delivery of investment in Aberdeen city centre. Whilst it might be easier for a developer to deliver a new retail development on a greenfield site at Prime Four Business Park; the more challenging development proposals, such as those within the city centre, require a greater level of confidence in the certainty of development plan policy in order to deliver them.

As mentioned in our previous letter of representation, many of the grounds of objection, in particular those relating to the sequential test and indirect retail impact, were particularly relevant in the decision to refuse, including at appeal, proposals to create a Debenhams department store at Fort Kinnaird Retail Park on the outskirts of Edinburgh (appeal reference PPA-230-2113). Whilst every planning application is determined on its own merits, we do believe there are sufficient grounds, in this case, to refer to the full terms of this appeal decision, as a material consideration in the determination of the planning application.

Transport

We maintain our concerns regarding the potential impact that the development proposals will have on the surrounding road networks and in terms of the accessibility of the site by any mode of transport other than the private car. Other than the private car, the site would not be easily accessible by any mode of transport, or indeed, to a large proportion of the expected catchment that would patron the development. This further degrades the sequential argument adopted by the applicant.

In summary, we maintain our objection to the development proposals on the following grounds:

- The development proposals are **wholly contrary to the site allocation within the recently adopted LDP**.
- The development proposals **fail to meet all of the requirements of the sequential approach** as set out within SPP and the adopted Aberdeen City Local Development Plan. Furthermore, the applicants rely on an overly simplistic interpretation of case law and have not demonstrated a sufficient degree of flexibility or evidence as to why a smaller site or sites could not meet a similar need in this regard and have provided no evidence to demonstrate that the scale of the proposed development is appropriate and required for the commercial viability of the scheme.

- The development proposals **are contrary to the retail strategy set out within the ACARS 2013 and the approach taken within the recently adopted LDP (2017).**
- The **scale of the development proposed is inappropriate** and would have a **negative impact on the vitality and viability of Aberdeen City Centre** as the apex of the regional retail hierarchy, and would **compromise the deliverability of the aspirations of the Aberdeen City Centre Masterplan (2015) & Bon Accord Quarter Masterplan (2006).**
- The development proposals are wholly detached the urban setting of Aberdeen City Centre and associated transportation infrastructure. We have **fundamental concerns relating to the sustainability of the proposals**, particularly with regards to **site accessibility** by any mode of transport other than the private car.
- Planning matters, including decisions taken in respect of planning applications, can be relevant to the investment decision making process. If approved, the resulting development could **weaken investor confidence within Aberdeen city centre**. It is essential that Aberdeen City Council continue to support the principles of the development plan and maintain investor confidence for the delivery of investment in Aberdeen city centre.

The revised RIA produced by LSH provides no credible justification for setting aside policies of the recently adopted location development plan. On the basis of the arguments set out above, we strongly urge that Aberdeen City Council refuse this speculative application seeking planning permission in principle.

As we continue to prepare for the submission of the PPP, we reserve the right to further expand on our clients concerns highlighted in this letter of representation, particularly in relation to the sequential approach, retail capacity/deficiencies, transportation and the impact that the development proposals at Prime Four Business Park would have upon Aberdeen city centre.

We trust that our comments shall be taken into consideration in the determination of this planning application.

Yours sincerely faithfully



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Cc. Joanne Wilkes – BMO REP

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE-DETERMINATION HEARING

ABERDEEN, 18 January 2017. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Cooney, Corall, Cormie, Hutchison, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Nicoll and Sandy Stuart.

Also in attendance: Councillors Cameron, Copland, Delaney, Jackie Dunbar, Flynn, MacGregor, Reynolds and Townson.

SITE VISIT

1. The Committee conducted a site visit prior to the Hearing. The Committee was addressed by Mr Matthew Easton, Senior Planner, who summarised the proposal for the overall site.

The Convener explained that the Committee would return to the Town House to commence the Hearing.

PRIME FOUR BUSINESS PARK KINGSWELLS - 161429

2. The Committee heard from the Convener who opened up the Hearing by welcoming those present. He explained that the first person to address the Hearing would be Mr Matthew Easton.

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

Mr Easton explained that the site comprised 13 hectares of largely agricultural land located to the south west of the existing Prime Four Business Park, at Kingswells. At the east end of the site was the Ardene House Vets Practice, beyond which was Kingswells House and Prime Four Business Park itself. The southern boundary featured the Five Mile Garage and Caravan Park and vacant cottages and post office, all accessed from the A944.

The AWPR South Kingswells Junction was currently under construction around 100m to the west of the site and when finished would join the A944 at that point. The land beyond the northern boundary was also agricultural, featuring pockets of woodland.

Mr Easton advised that the site was zoned as business land in the Local Development Plan as part of the wider allocation for Prime Four Business Park.

In regards to the proposals, Mr Easton explained that the application sought planning permission in principle for a retail led mixed use development with a gross floor space

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of up to 30,000sqm. This was proposed to comprise 26,000sqm of floor space for comparison retailing and 3,700sqm for convenience retailing. There would be further space for food and drink uses and other ancillary uses such as offices, along with all associated landscaping, infrastructure and access works. A new junction was proposed to provide access from the A944. Mr Easton intimated that at this stage no detailed layouts or designs had been submitted for consideration.

In regards to the relevant Planning Policies, Mr Easton explained that there was the potential for the development to have an impact on the city centre and therefore many of the relevant policies related to the role of the city centre as the focus of retail and leisure activity within the region. Mr Easton also highlighted that The Scottish Government's National Planning Framework stated that within the north east, Aberdeen city centre would be a focus for regeneration efforts and the Policy stated that it was important that planning supported the role of town and city centres to thrive and meet the needs of their residents, businesses and visitors. The town centre first principle (which included city centres) promoted an approach to wider decision-making that considered the health and vibrancy of town centres. The Policy also stated that planning permission should not be granted for significant travel-generating uses at locations which would increase reliance on the car and also where:

1. direct links to local facilities via walking and cycling networks were not available or could not be made available;
2. access to local facilities via public transport networks would involve walking more than 400m; or
3. the transport assessment did not identify satisfactory ways of meeting sustainable transport requirements.

In regards to the Aberdeen City and Shire Strategic Development (SDP) Plan, Mr Easton advised that the SDP set out a series of key objectives for the growth of Aberdeen City and Aberdeenshire, and the plan recognised the importance of the city centre as an asset, and highlighted that its regeneration was vital for the economic future of the area.

In relation to the Aberdeen Local Development Plan (LDP), Mr Easton explained that the following policies were relevant:-

C1 – City Centre Development – Regional Centre
 D3 – Sustainable and Active Travel
 RT1 – Sequential Approach & Retail Impact
 RT2 – Out of Centre Proposals
 T2 – Managing the Transport Impact of Development

Mr Easton highlighted that several other policies would apply in considering more detailed aspects of the development such as policies on landscape, developer obligations, pipeline safety zones, green space network, trees and woodland, flooding and drainage and natural heritage.

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In relation to the Proposed Aberdeen Local Development Plan, Mr Easton advised that it was anticipated that it would be adopted on 30 January 2017, and therefore would be in place when the application would be determined. The site was zoned for specialist employment use, reflecting the high quality nature of the existing Prime Four Business Park and the desire to see its success continue. Mr Easton intimated that as part of the preparation of the Proposed Plan, the applicant submitted a bid to have the application site zoned for a mix of employment, retail and leisure uses. In considering the proposal the Council discounted the option as it was considered that there was no quantitative retail deficiency in the area and that any new retailing that was required in future should be directed towards new communities such as Countesswells. It was also found that a retail development in this location had the potential to have a wide catchment given its prominence and location next to the new AWPR junction. Therefore the bid was not taken forward into the proposed plan.

In regards to retail, Mr Easton explained that the Aberdeen City and Aberdeenshire Retail Study (ACARS) was commissioned in 2013 and it showed there was potential for developing an additional 30,000-35,000sqm of retail floor space in the city centre by 2022. This potential was driven by a combination of expenditure growth per capita and large population increases within the catchment area served by the city. Additional floor space would also help to prevent expenditure leakage and maintain the city centre as the primary retail area in the North East. Mr Easton also noted that the City Centre Masterplan was approved by Full Council in June 2015, and there were several projects which were expected to focus on increased retail activity.

In relation to consultees, Mr Easton advised that Aberdeenshire Council objected to the proposed application, and Aberdeen City and Shire SDPA considered the application to be contrary to the Strategic Development Plan as it would result in the loss of important employment land and have a negative impact on the City Centre. Kingswells Community Council were in general agreement that retail would be a suitable use on the development site, however, they did consider that it was unlikely that a development of that scale would fit in the site. There were also twelve letters of objection to the proposed application., which in summary felt that there was a failure to comply with national, regional and local policy in relation to out-of-town retailing, and highlighted that the principle of retail had already been rejected by the Council through the local plan process.

Members then asked questions of Mr Easton and the following information was noted:

- officers had given the applicant the opportunity to respond to the retail study that had been undertaken;
- in regards to the Proposed Local Development Plan and the use of the land as a retail and leisure development, this had been discounted by the Local Development team.

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The Convener then invited **Mr Gregor Whyte, Engineering Officer**, to address the Committee.

Mr Whyte advised that the site was accessed from the A944 and was 300m away from the Aberdeen Western Peripheral Route (AWPR). There had been a transport assessment carried out however as this was a planning permission in principle, the full details had not been assessed. The details were fairly broad at this stage. Mr Whyte advised there would need to be access for people walking and cycling to the site and the nearest bus stop was 400m away. This could mean that the site would be car orientated. In summary Mr Whyte explained that further information was required in order to make an informed decision and that modelling was ongoing.

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

- there was an existing bus service to the park and ride facility and to Westhill and there was a bus shelter at the north part of the Prime Four development;
- the Council could not enforce bus companies to provide a bus service;
- a planning condition could be added in regards to sustainable access;
- there may be an increase to the amount of traffic on the A944, after completion of the AWPR.

The Convener then invited the applicant, **Drum Property Group**, to address the Committee. The speakers on behalf of the applicant were as follows:-

Graeme Bone, Group Managing Director, Drum Property Group
 Paul Doherty, Development Director, Drum Property Group
 Fife Hyland, Communications Director, Drum Property Group
 Alex Mitchell, Zander Planning
 Graeme Laing, Director, Lambert Smith Hampton
 Steve Crawford, Regional Director of Planning, Halliday Fraser Munro
 Ross McDonald, Technical Director, Fairhurst
 Drew Waddell, DWR Property

The Committee heard from Mr Graeme Bone, Group Managing Director for Drum Property Group, who provided a Power Point presentation to members to outline the application proposal. Mr Bone advised that Drum Property Group were an award-winning development and investment company, and had a long track record of growth across the UK. They specialised in the creation of large development schemes, redevelopment and construction of buildings, and they had invested £375m in Aberdeen in the last year. Mr Bone explained that Prime Four aimed to fill the office space deficiency in the city and major oil gas companies were based there. In regards to the Prime West site, Drum had been approached by major retailers who envisaged the benefits of the completion of the AWPR and as a result they decided to pursue the

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application for retail use, after originally not progressing it through the Local Development Plan due to lack of interest.

Mr Bone outlined that this application would not be a deterrent to the city centre and it could work along with the city centre. Retailers were keen to remain in the city centre but also wanted to expand and open a second unit at the proposed retail park. Mr Bone provided details on the successful retail parks in Edinburgh, which had worked well following the completion of the Edinburgh bypass, and highlighted the huge untapped expenditure in Aberdeen. He also noted that the current Masterplan showed minimal additional retail floor space potential and he felt that as a result there would be more retail leakage, overtrading and a rise in internet shopping, which meant no job creation or economic development.

In regards to the retail impact assessment, Mr Bone advised that this was a work in progress and would be completed by the time the application was due to be determined, however he provided the following details:-

- City and Shire catchment generates retail expenditure – c £2,577m
- Proposed Prime Four development projected turnover – c £113m
- Current leakage from Aberdeen to outside the region - £110m
- Total expenditure in City & Shire catchment will increase by c £440m (2017-22)
- Total expenditure in Prime Four catchment will increase by c£340m
- Low impact on Aberdeen city centre
- 2013 ACARS report identified enormous potential for additional retail floorspace in Aberdeen.

The Committee then saw a video of the proposed site and how it might look.

Mr Bone explained that nine sites had been examined to establish whether the proposals could be accommodated in the city and none were suitable, due to either being too small, the presence of a listed building, difficulties of land assembly and flooding. In relation to the existing retail parks, Mr Bone highlighted that the ACARS report concluded that the Berryden retail park was a constrained site which would limit the increases in retail floorspace, and the Beach Boulevard had a lack of land within the park for future growth.

Mr Bone also advised that a survey carried out by Aberdeen Grampian Chamber of Commerce concluded that from 963 completed interviews, 87% of responders were likely to use the new development and 67% were in favour of the development. He also intimated that 500 new jobs would be created should the development go ahead and retailers were proposing to open a new unit in the proposed development as well as keeping their existing shops in the city centre.

In conclusion Mr Bone explained that the masterplan was fantastic and noted that the impact to the city centre this new development would have would be negligible.

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Members then asked a number of questions of Mr Bone et al, and the following information was noted:-

- In regards to the anticipated £110m leakage, this figure was taken from the 2013 Aberdeen City and shire retail study;
- There was no guarantee that every retailer that would be in the proposed development would also have a retail unit within the city centre;
- In regards to the open space maintenance, within the deed of conditions to which the potential retailers would sign up, there would be a legal obligation that they contribute towards the maintenance in order to keep high standards;
- In relation to the new Local Development Plan, the applicant did not originally act on developing the site due to lack of interest, however after being contacted by various retailers they decided to pursue the development, as retailers saw the completion of the AWPR and the close proximity to the AWPR as a key driver for the development and a positive position next to an established site at Prime Four;
- There was potential for a number of different transport modes and the development sought to accommodate all forms of transport including walking and cycling;
- The retail assessment took into consideration the reduction in physical shoppers due to online shopping and it was noted to be 13%;
- There would not be a charge for the use of the car park, however there would be a traffic patroller to ensure high standards were kept;
- The applicant would look at speaking to the relevant bus companies about bringing the buses into the development to help with customer safety;
- Potential retailers were ready and willing to commit to long term leases for within the proposed development;
- Members requested that statistical information be made available when the application was submitted, to ensure that no detrimental impact would be felt in the city centre;
- Members requested that the applicant also look at the effect out of town developments had on Town Centres as well as City Centres;
- It was agreed that the clerk would circulate to Members a copy of the applicant's Power Point presentation.

The Committee then welcomed **Mr Adrian Watson, Chief Executive of Aberdeen Inspired**, who were against the development, and addressed the Committee in the following terms:-

Mr Watson explained that Aberdeen Inspired were the Business Improvement District for Aberdeen City Centre, and represented nearly 700 levy payers. Mr Watson highlighted that they submitted a detailed letter of objection to the planning application and this was because the proposals were contrary to Aberdeen Inspired's mission and objectives, as well as being contrary to national, regional and local planning policy and to the vision and objectives of the City Centre Masterplan and Delivery Programme. As

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such, Mr Watson believed that the development would undermine the vitality and viability of the City Centre.

Mr Watson outlined that Scottish Government planning policies were very clearly focussed on a town centre first principle to all new development which would attract significant numbers of people. Also the Council's own planning policy framework was consistent with the Scottish Government policy, and reinforced the importance of the city centre in the Strategic Development Plan, Local Development Plan and through the formal adoption of the City Centre Masterplan and Delivery Programme as supplementary guidance to the development plan. Approval of the application would be contrary to the above principles and development plan policies adopted by the Council, including the adoption of the new Aberdeen Local Development Plan at the end of this month.

Mr Watson went on to explain that the proposed development was also contrary to the Council's adopted policy on business and industrial land which sought to protect such land from use for purposes other than those aimed primarily at meeting the needs of business and employees within business and industrial areas. Mr Watson intimated that the current economic downturn in the North East meant that it was even more important to protect the city centre, prioritising investment there in line with planning policy, rather than allowing investment which would detract from it.

Mr Watson also advised that they would request that a net economic benefit assessment be carried out in accordance with Scottish Government guidance and reviewed by the Council to demonstrate the contribution of the development proposals to the economy and properly assess potential impacts over and above those highlighted in the retail impact assessment.

In conclusion, Mr Watson highlighted that there was no justification for departing from the Local Development Plan, and the approval of this application would seriously undermine the aspirations of the Council and the levy payers for the regeneration of the city centre and the considerable investment that they had made to achieve their own vision and that of the masterplan. For the above reasons, Mr Watson asked that the application be refused.

Members then asked a number of questions of Mr Adrian Watson, and the following information was noted:-

- Mr Watson advised that from the levy payers he was representing, the majority of them felt that this development was a huge concern and would be detrimental to the city centre.
- Mr Watson indicated that the current vacancy rate for Union Street was 13% and rising, which was above the national average, and for the city centre as a whole, was around 9.5% and rising which was around or just above the national average.

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The Committee then heard from **Alastair Wood, representing Union Square Developments**, who were against the development and addressed the Committee in the following terms:-

Mr Wood advised (a) that in respect of the proposed out-of-town retail development at Prime 4, the adopted and emerging planning policy was explicit in stating that proposals for town centre uses, such as that proposed at Prime Four, should be refused where they did not satisfy all the policy criteria requirements relating to the sequential approach to site selection, retail impact, quantitative and qualitative deficiencies, accessibility and travel patterns including any knock on effects on air quality; and (b) that Savills had submitted detailed representations on these issues which he recommended be reviewed in the further consideration of the application.

Mr Wood indicated that in terms of the 'Sequential Approach', the proposals were significant in scale with a corresponding citywide reach. They were in locational terms, wholly divorced from the identified hierarchy of centres defined within adopted and emerging planning policy, whilst also detracting from the fundamental SDP, LDP and City Centre Masterplan aspirations to maintain and expand on the current City Centre offer, as was required to help enhance Aberdeen as a destination, maintain its place as a top 20 UK retail centre and prevent trade leaking in such large amounts to lower order centres.

Mr Wood explained that the sequential approach was established throughout the planning policy hierarchy, with local level policy and Supplementary Guidance. All 'sequentially preferable' options must have been assessed and discounted as unsuitable or unavailable. They also required applicants to demonstrate that proposals could not reasonably be altered or reduced in scale to allow them to be accommodated at a sequentially preferable location.

Mr Wood intimated that it was their strong view that the applicant had failed to demonstrate compliance with the sequential approach. Firstly, the sequential assessment submitted did not consider sites in all necessary categories, for example existing neighbourhood and district centres and the edge of these locations. Secondly, City Centre sites and locations at the edge of the City Centre were assessed without demonstrating the required degree of flexibility when applying the sequential approach. As such, the supporting case incorrectly concluded that there were no suitable sequentially preferable sites or opportunities available.

Mr Wood advised that this translated to the proposal being technically flawed by applying the lack of flexibility required by policy, a failure to consider the scope of reducing or disaggregating the proposals. He added that clearly, when a scheme of this scale was predominantly a speculative, comparison goods proposal, there was great scope to sub-divide and/or reduce the scale of the proposal.

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Mr Wood explained that dismissing alternative locations on the basis of a grossly oversized, unjustified quantum of retail floorspace was wrong. While there was insufficient clarification on the form and characteristics of the proposed development within the submitted planning application (i.e. no indicative layout plan), it was almost certain that the current market would dictate a conventional out of centre retail park, potentially with detached convenience provision. He stated that once the necessary flexibility was applied i.e. the floorspace was subdivided, it became clear that the proposals could be accommodated across a number of different, sequentially preferable locations across Aberdeen City Centre. Indeed, given the applicant had not yet identified the format of its proposals, Mr Wood stated that it was impossible to properly consider how they could be accommodated elsewhere.

Mr Wood indicated that the LSH report conclusion that “what separates Prime Four from other opportunities is the issue of effectiveness and deliverability” was plainly untrue. Indeed, he added that the applicant’s supporting case accepted that other City Centre locations had the ability to accommodate additional retail floorspace. He highlighted that it was critical for the Council to also appreciate that Planning permission would be granted for Class 1 retail units, not for individual retailers, and the fact that other City Centre sites could accommodate the retailers informally mentioned or courted, meant it was untrue to assert that the proposals were “fundamentally different in their form and nature to what is being proposed at Union Square”.

Mr Wood advised (1) that the applicant’s case stated that the proposed extensive floorspace “would be occupied by a range of comparison goods retailers, with a likely focus on clothing and fashion retailers”; (2) that clearly, that type of retailing could be accommodated in a range of unit sizes which could be dissipated across the City Centre; (3) that as such, there was clear conflict with the delivery of sites identified – and being actively progressed, for retailing within the City Centre; (4) that the Council must weigh very carefully all the implications of disregarding its policy provision and associated City Centre investment in favour of creating a new retail location in a wholly unsustainable location on account of the apparent ‘carrot’ of a fourth Boots or fourth Next store within the City, each having three stores elsewhere within Aberdeen; (5) that there was therefore a good supply of quality new retail floorspace in Aberdeen City Centre, which would combine to significantly improve the quantitative and qualitative retail offer; (6) that granting significant, unrestricted floorspace in an unsustainable location at Prime 4 or elsewhere would not only undermine the progress of these sites, but also undermine the delivery of the LDP and wider City Centre Masterplan provisions; and (7) that in respect of the work undertaken for the Council to provide an independent assessment of retail impact and retail deficiencies, it was unsurprising, given the factors at play in retailing in Aberdeen, that these were in line with their own findings.

Mr Wood indicated that the proposal would therefore have a significant adverse impact on the vitality and viability of Aberdeen City Centre. On Highways and access, he added that it should be noted that the proposals were detached from the urban form of both Aberdeen and Kingswells. In transportation terms, the site was inaccessible;

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unreachable by rail and reliant on the private car and infrequent and distant bus services - the site was currently between 750 and 1,000 metres from a bus stop without any proposals to improve that provision.

Mr Wood advised that their review of the submitted Transport Assessment, drawing also on commentary by Transport Scotland, concluded that the operational assessment carried out was fundamentally flawed with trip generation and base traffic flows underestimated which would be likely, if corrected, to require a redesign of the AWPR junction to increase its capacity here. Therefore, the conclusions drawn from this assessment as currently presented could not be justified.

Finally, Mr Wood suggested that given the aforementioned reasons, the Council must reflect on whether they really did envisage the future of Aberdeen City Centre as that set out in the approved City Centre Masterplan or if it was something entirely different as would be the case if the proposals at Prime 4 went ahead.

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

- that the Retail Capacity Assessment produced by Hargest Planning Ltd, commissioned by Aberdeen City Council would be circulated to members;
- that there were a number of vacant units on Union Street; and
- that a junction of the AWPR may need to be improved if there was an increase in vehicle trips.

The Committee then heard from **Joanne Wilkes and Chris Miller, representing Aberdeen Shopping Centre Ltd (Bon Accord Centre and St Nicholas Centre)** who were against the development and addressed the Committee in the following terms:-

Joanne Wilkes advised that as well as the above, she was also representing properties in George Street, St Andrews Street, Loch Street, Schoolhill and Upperkirkgate.

Ms Wilkie indicated that they acquired those holdings, three years ago, and since that time they had already invested considerable funds in:-

- acquiring additional property on George Street;
- seeking planning consent for a major cinema and restaurant hub within Bon Accord – which they hoped to start later this year;
- completed a major review and refresh of the Bon Accord brand which was now being rolled out;
- spent over £2 million so far on the refurbishment of the centre's car parks;
- actively participated in the Aberdeen City Centre Masterplan review; and
- produced proposals for the regeneration of George Street, Crooked Lane and enhanced public realm on Upperkirkgate and Schoolhill, which had been the subject of two rounds of pre-application public consultation with a view to submitting an application for a Planning Permission in Principle this Spring

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Ms Wilkie explained that she recognised the role and responsibility of Bon Accord in helping the City thrive, however, none of this came without challenges, such as the impact of the fall in oil prices and the impact that this has had on spending and confidence; and the change being seen in consumer habits either through shopping on-line, as opposed to in-store, or not buying so much “stuff” in the first place because of a growing preference to spend money on experiences such as eating out and other leisure pursuits.

Ms Wilkie advised that the Press over the last two weeks reported, whilst UK spending in the crucial Christmas period was up, the physical number of shopping trips and people shopping was down and indeed consumer spending in physical shops was also down. Furthermore, these were not one-off trends but trends that had been around for some time and trends that were also being seen in Aberdeen.

Ms Wilkie advised that they were already responding to this and were seeing an increase of restaurants and other leisure facilities in such locations and there was recognition, that through enhanced public realm and facilities that these places could be nicer places to visit and enjoy.

She explained that retail was a challenging business though and with an eye on their bottom line, retailers only needed so many physical shops. The proposal at Prime Four was to provide what was already being provided in the City Centre but out of town. If consent was granted to this proposal, with over 30 years of experience in the retail property market, there was no doubt in her mind that some shops and possibly some major stores would close because Aberdeen did not need all of these additional shops.

Ms Wilkie indicated that it was worth remembering that a number of retailers had dual representation in the city – Next had three sites (Berryden, Bon Accord, Union Square). She advised that she was not saying that, if consent was granted, the City would become a ghost town, like the P&J headline last week, far from it, but it would have even more challenges than it had already and it would affect investor and retailer confidence and may prevent some City Centre development and regeneration proposals, which tended to be much more expensive to deliver than on greenfield sites, from going ahead. A number of those proposals were in the City Centre Masterplan.

Ms Wilkie advised that given some of the comments made that Aberdeen needed, or deserved, an out of centre shopping development like other major cities, she would suggest that Union Square, which broke new ground, albeit brownfield ground, when it was built, was just that sort of development. She intimated that they were making good progress with their proposals for the regeneration of George Street.

Ms Wilkie concluded by requesting that the Committee safeguard that future and reject the Prime Four proposals.

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Chris Miller advised that they worked within a plan led planning system that has been designed to provide clarity and certainty in decision making for both communities and investors alike.

Mr Miller indicated that Scottish Planning Policy adopted a 'town centre first' approach when planning for proposals such as those before the Committee today. This approach to development was at the very forefront of current national planning policy, reaffirmed by Kevin Stewart MSP, the current planning minister; and was enshrined within national, regional and local planning policies. In planning policy terms, the application site was not located within or anywhere near a town or city centre or even allocated for retail development, in fact the application site was identified as a strategic business employment site.

Mr Miller intimated that the principle of retail development at this location was therefore wholly contrary to the provisions of the prevailing development plan. Whilst the emerging development plan had identified capacity for additional retail floorspace within Aberdeen, the plan asserted that retail deficiency should be met through a number of allocated sites. He advised that two of the largest were at the Bon Accord Centre and Union Square, both within Aberdeen city centre.

Mr Miller advised that the scale of development proposed by the applicants was wholly inappropriate and they had not sufficiently demonstrated how the proposals would address a quantitative or qualitative deficiency that could not otherwise be met within the city centre. Furthermore, he explained that the applicants' sequential approach wrongfully discounted sequentially preferably sites; and failed to demonstrate flexibility and therefore did not accord with the approach set out within Scottish Planning Policy.

Mr Miller indicated that much of their assessment of the applicants' proposals had also since been backed up by independent planning consultants Hargest Planning Ltd, who, following instruction from Aberdeen City Council, published a report earlier this month reviewing the applicant's retail assessment. It was essential that Aberdeen City Council continued to support the principles of the development plan and maintain investor confidence for the delivery of investment in Aberdeen city centre.

Mr Miller advised that whilst it might be easier for a developer to deliver a new retail development on a greenfield site such as at Prime Four Business Park; the more challenging development proposals, such as those within the city centre, required a greater level of confidence in the certainty of development plan policy in order to deliver them. In this regard, the emerging development proposals by BMO Real Estate Partners to extend the allocated Bon Accord centre would significantly contribute towards meeting a number of key policy objectives within the context of the local development plan. In particular, these related to providing significant new retail floorspace in the city centre to meet the identified shortfall; improving a key city centre site; and safeguarding the primacy of the city centre as the regional focus for retail and town centre uses.

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Mr Miller explained that maintaining and enhancing the primacy of the city centre was of the utmost importance to BMO Real Estate Partners as well as other city centre operators and investors. This policy context was material to their decision to originally invest in Aberdeen city centre.

Mr Miller advised that the provision of substantial comparison retail floorspace with a focus on clothing and fashion retailers and a significant food and beverage offer out at Prime Four Business Park would deliver a significant quantitative and qualitative retail offer in the west of the city that would overlap with the offer of the city centre.

Mr Miller indicated that there could be no weight attached to the applicant's statement that the requirements of retailers seeking dual representation in the city somehow justified setting aside the 'town centre first' policy principle in SPP and related requirement to address the sequential test. The retail proposals were essentially speculative and the terms of the application did not include any form of commitment by any of the retailers seeking dual representation to maintain a presence within the city centre. The proposals would directly compete with other active proposals within Aberdeen city centre and approval would seriously harm city centre investor confidence and therefore posed a serious threat to its role and primacy in the network of centres. This alone provided a basis for refusal of the application.

Mr Miller advised that the proposals would also adversely impact upon Aberdeen City Council objectives for enhancing the vitality and retail attractiveness of the city centre and the wider delivery of aspirations of the City Centre Masterplan; particularly as there were specific development plan policies in place to support these objectives preventing out-of-centre development proposals on unallocated sites and promoting further retail and town centre based uses within the city centre.

Finally, Mr Miller intimated that they also had fundamental concerns relating to the sustainability of the proposals, particularly with regards to site accessibility by any mode of transport other than the private car, putting the application further at odds with planning policy and advised that these speculative development proposals be refused.

Members then asked questions of Ms Wilkes and Mr Miller, who confirmed that there was still capacity within the city centre to accommodate retail units if required.

The Committee then heard from **Heather Gallacher, Ellandi LLP, representing the Trinity Centre** who were against the development and addressed the Committee in the following terms:-

Ms Gallacher advised (a) that as a major investor in Aberdeen City Centre, Ellandi was committed to ensuring that new development occurred in the right location and at the right time to help sustain and improve the City Centre (b) that as part of this commitment, Ellandi fully supported the policies and strategies contained within the soon to be adopted Local Development Plan which sought to strengthen Aberdeen City Centre's role as a strategically important location for retail and town centre uses; (c)

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that the proposal by Drum Property Group Ltd was of significant concern to Ellandi and its investors and their full review of the Applicant's retail assessment was summarised in their objection; (d) that they fully concurred with the findings of the Hargest report which confirmed categorically that the information submitted with the planning application failed to satisfy the requirements of the development plan and relevant material considerations in terms of addressing retail deficiencies, assessing potential retail impact and the application of the sequential approach; and (e) that it was their strong view that the Applicant's retail assessment was not fit for purpose due to deficiencies in the methodology used, assumptions taken and conclusions drawn, it did not demonstrate that the application proposal complied with the soon to be adopted Local Development Plan which placed significant emphasis on protecting Aberdeen City Centre's role as the region's main shopping destination and as the preferred location for significant footfall generating uses.

Ms Gallacher indicated that the proposal would act as a deterrent to those who currently visited the City Centre to undertake their comparison goods shopping, particularly those who currently visited the City Centre from the west. It would also undermine investment in the City Centre and had the potential to lead to large voids and vacancies as retailers currently in the City Centre were enticed by attractive rent packages and the provision of ample free car parking for customers and staff. In the same vein, it would undermine attempts to attract new retailers to the City Centre, with new retailers instead choosing instead to locate at the proposal site.

Ms Gallacher intimated that the applicant's approach to sequential assessment did not adhere to the process set by Scottish Planning Policy and local policy due to a misinterpretation of case law; as a consequence, the sequential assessment undertaken was insufficient to demonstrate that all city centre options had been assessed and discounted as unsuitable or unavailable.

Ms Gallacher advised that the scale of the development proposed was inappropriate, the applicant had not applied any flexibility to the proposal to demonstrate it could not reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location; the proposal was presented as a means to address qualitative and quantitative deficiencies within the city region and this would be at the expense of City Centre sites that had been identified in the LDP to address identified capacity for additional retail floorspace.

Ms Gallacher explained that the Hargest report clearly illustrated the applicant's quantitative economic trade draw analysis utilised assumptions which served to underplay the impacts of the proposed development. This included underestimating the trade draw from Aberdeen City Centre, overestimating capacity within the City Region and errors throughout the assessment which combined to underestimate the impact on the City Centre. The assumptions were at odds with normal practice and unjustified.

Ms Gallacher indicated that the assessment also had no regard to the associated qualitative impacts which should be taken into consideration as part of any assessment

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

18 January 2017

of retail impact. These included impact on investor confidence, retailer sentiment in the City Centre and the assessment of impact having regard to the relative health of Aberdeen City Centre. The assessment was not therefore fit for purpose and the Applicant had failed to demonstrate that the proposal would not lead to a significant adverse impact on the vitality and viability of Aberdeen City Centre.

Ms Gallacher advised (1) that Aberdeen operated a Plan-led system which was the starting point for decision making unless material considerations indicate otherwise; (2) that their assessment of the proposed development was that the purported benefits associated with it were by no means sufficient to outweigh its clear non-compliance with the very soon to be adopted and up to date LDP; (3) that it also failed to address the overarching objectives of national policy in regard to town centres and retailing which was to apply a town centres first policy when planning for retail uses; (4) that in this case, the scale of the proposed development was not envisaged in the soon to be adopted Local Development Plan 2016; (5) that the LDP set out a clear and comprehensive strategy for the delivery of additional retail floorspace, informed by a comprehensive masterplanning exercise and the Aberdeen Retail Study and all of which was to be within the City Centre; (6) that the approval of the application would undermine the soon to be adopted plan rendering its retail and town centre policies out of date from day one.

Ms Gallacher indicated that there was a clear and demonstrable willingness on the part of City Centre investors (including Hammerson and BMO) to deliver this additional retail floorspace in accordance with the LDP. She added that while there might well be an appetite from retailers to have additional facilities outwith the City Centre, this was not a material consideration as quite clearly retail planning policy at all levels directed these retailers to town centre locations first and foremost.

In conclusion, Ms Gallacher intimated that she felt that both herself and the Council's independent advisors found that the application failed to demonstrate that the scheme was compliant with national, sub-regional and local policy objectives which sought to maintain and strengthen the vitality and viability of Aberdeen City Centre and to strengthen its position at the top of the retail hierarchy. This large-scale development would have long lasting and damaging effects on the City's ability to attract new investment and its overall health. For all these reasons and as per their representation, she maintained the objection to the proposed development and respectfully requested that it be refused.

Members then asked questions of Ms Gallacher who confirmed that there was no guarantee that retailers currently based within the city centre would not close and relocate to the Prime Four development. Ms Gallacher also advised that connectivity/link improvements between the Trinity Centre, Union Square and Atholl House were being considered.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

18 January 2017

The Committee then heard from **Adrian Smith, representing Countesswells Development Ltd** who were against the planning application and addressed the Committee in the following terms:-

Mr Smith advised that the indicative layout on the applicant's Powerpoint presentation had not been submitted as part of the application and the proposed development would be a departure from the soon to be approved Aberdeen Local Development Plan and would have a detrimental effect on the Countesswells Development. He indicated that the proposed terraced layout of the buildings as shown on the Powerpoint presentation did not accord with the plan that had previously been submitted in terms of access to the business park.

Mr Smith referred to the potential that Boots could be occupiers of the development and as this would be less than 1.5 miles from the Countesswells town centre, he had concerns that this could preclude the possibility of a pharmacy adjoining the Countesswells health centre.

Mr Smith indicated that Countesswells was a sustainable self-contained community, with the Town Centre having mixed uses, including residential, retail, offices, food stores, hotel and a health facility, however the proposed development at Prime Four was less than 1.5 miles away and included a proposed foodstore and the Council's own retail study recommended that any new convenience floorspace in West Aberdeen should be directed to the proposed Countesswells town centre.

Mr Smith advised that the proposed development was clearly biased towards car use access only, as there were no appropriate bus links to the business park.

Finally, Mr Smith responded to a question intimating that a survey had been undertaken which revealed that the Countesswells development project had no effect on city centre businesses.

The Convener thanked all those who participated in the pre-determination hearing and advised that the points raised today would be addressed in the report which would go before Full Council for determination.

- Councillor Ramsay Milne, Convener

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE
18 January 2017

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ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	15 March 2017
DIRECTOR	Bernadette Marjoram
TITLE OF REPORT	BP Big Screen – Relaxation of Drinking in Public Places Byelaw
REPORT NUMBER	CHI/17/045
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, Verdi's "La Traviata" on Tuesday 4 July 2017 from 1700 – 2300hrs.

2. RECOMMENDATION(S)

- a) To instruct the Head of Legal and Democratic Services to carry out the necessary advertising of the proposed suspension; and
- b) To instruct the Head of Legal and Democratic Services to 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 on Tuesday 4 July 2017 from 1700 – 2300hrs.

3. FINANCIAL IMPLICATIONS

There are advertising costs associated with the publicising of the temporary suspension. Two notices need to be published in the local press with the first 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 advertising costs of approximately £650 will be met from the BP Big Screen 2017 budget that was approved at FP&R Committee on 7 December 2016.

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. Responsible drinking is encouraged at the event and stewards support the City Events Team in ensuring public conduct is managed throughout the event.

The most recent suspension of the byelaw was in support of the BP Big Screens, Verdi's "Il Trovatore" on Thursday 14 July 2016.

No incidents of anti-social behaviour have been reported at this event since it was established, with visitors of all ages enjoying the occasion.

Environmental

Efforts are made to recycle the waste accumulated at this event with defined waste receptacles available for use.

Economic

This event creates positive cultural engagement in the city, supporting the quality of life ambitions detailed in the Regional Economic Strategy and strengthening the promotion of the city as a vibrant place in which to live and visit.

The events programme for 2017-18 and the wider Aberdeen 365 Events Strategy was approved at FP&R Committee on 7 December 2016.

5. BACKGROUND/MAIN ISSUES

BP Big Screens will return to Aberdeen on Tuesday 4 July 2017 with the opera "La Traviata". 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 an audience of 3,000 subject to weather conditions.

This will be the 12th year this event has taken place in Aberdeen and each year, the awareness of the event has grown alongside its popularity. Limited catering is provided at Duthie Park 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 Local Authority must advertise their intention to apply for confirmation of the proposed Byelaw in a local paper, and make the proposed Byelaw and plans available for public inspection, for at least one month, in accordance with section 202 of the Local Government (Scotland) Act 1973 Act.

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

6. IMPACT

Improving Customer Experience –

Supporting and delivering a diverse programme of city events will improve the experience of customers (Aberdeen's citizens, businesses and visitors) by:

- Raising awareness locally, nationally and internationally of the festivals and events held in Aberdeen
- Better positioning of Aberdeen as a cultural destination for those looking for new and unique event experiences
- Providing city infrastructure that attracts and supports external event organisers
- Maintaining and building on the profile of Aberdeen as a great place, to live, study, work, invest and visit. This will also help promote and enhance the long-term economic prosperity of the region by attracting more business and leisure tourism to the area.

Improving Staff Experience –

Delivering a diverse programme of events provides the staff involved with valuable experience of dealing with a wide range of internal (Elected Members, senior officers) and external (businesses, contractors, suppliers etc) customers from all city sectors including creative, cultural and event industries.

Staff in the Communications & Promotion service work collaboratively with colleagues from Environmental Services, Traffic Management and Public Transport, as well as representatives from the Royal Opera House and BP in the delivery of this event.

Improving our use of Resources –

By working in partnership with internal and external event partners, Aberdeen City Council is able to share our knowledge and experience by leading or in a supporting role where appropriate, without compromising the level of service delivered to the customer – Aberdeen’s residents and visitors to the city.

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.

Public – There are no requirements for an EHRIA or a PIA.

There may be some public/media interest in the parts of the city events programme that involve participation by Elected members and/or officers.

7. MANAGEMENT OF RISK

Appropriate control measures will be put in place to manage the impact of alcohol at this event. Audience members will be asked to drink in a responsible manner, the correct signage will be displayed and event stewards from an approved Security Industry Authority (SIA) contractor will be in attendance.

8. BACKGROUND PAPERS

As in previous years, letters of support are attached from the Procurator Fiscal and Police Scotland.

9. REPORT AUTHOR DETAILS

Dawn Schultz
City Promotion & Events Manager
Ext 2767
Dschultz@aberdeencity.gov.uk

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7 February 2017

Your Ref:

Our Ref:

Stephen O'Neill
Senior Events Officer
Communications and Promotion
Service
Office of the Chief Executive
Aberdeen City Council
First Floor, Old Town House
Broad Street
Aberdeen
AB10 1AQ



**POLICE
SCOTLAND**

Keeping people safe

Philip Gormley QPM
Chief Constable

North East Division
Queen Street
Aberdeen
AB10 1ZA

Dear Sir

**BP BIG SCREEN EVENT - DUTHIE PARK 4 JULY 2017
SUSPENSION OF THE DRINKING IN PUBLIC PLACES BYELAW**

I refer to your correspondence of 12 January 2017 in relation to the above and can advise that I have no objection to the proposed request for a temporary suspension of the Aberdeen City Council (Drinking in Public Places) Byelaws 2009 for the date given and understand that in keeping with current practice, the North East Events Planning Unit will be forwarded copies of all relevant event documentation.

Yours faithfully

Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01224 306468

Crown Office and Procurator Fiscal Service

Procurator Fiscal's Office, AB1, CRIMON PLACE, ABERDEEN, AB10
1BJ

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Mr Daniel Parrott
Office of the Chief Executive
Aberdeen City Council
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15 February 2017

Dear Mr Parrott

BP Big Screen Events Duthie Park 4 July 2017
Suspension of Drinking in Public Places Byelaw

Thank you for your letter dated 12 January 2017 but delivered to my office on 7 February 2017.

I have no objection to the proposal to temporarily suspend the byelaw regarding drinking in public places, in relation to this event.

I also confirm that I have no objection to temporary suspension for this event in each of the following three years, subject of course to review following the event each year if at any stage there are reasons to reconsider the suspension.

Yours faithfully

Chris Macintosh
Assistant Procurator Fiscal
Grampian Highland and Islands
Aberdeen
0844 561 2911
E mail: Chris.MacIntosh@copfs.gsi.gov.uk

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www.copfs.gov.uk

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COMMITTEE	Council
DATE	15 March 2017
DIRECTOR	Bernadette Marjoram
TITLE OF REPORT	City Centre Masterplan Project EN10: Union Terrace Gardens – Outline Design, Business Case, Development Costs and Procurement Strategy
REPORT NUMBER	CHI/17/048
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

To advise Members on the outline design, the transformational benefits of the proposal, business case, indicative development costs and procurement strategy for the redevelopment of Union Terrace Gardens (UTG) and to seek authority to commence the procurement process for the works.

This is a public report, however, sections within the report including financial information (Appendix B) and the business case (Appendix F) are considered exempt due to commercial sensitivity and are to be found in the exempt Appendix.

2. RECOMMENDATION(S)

It is recommended that Members:

- i) Approve the outline design for the redevelopment of UTG (please see Appendix A: Outline Design Visual, Appendix C: Outline Design Report);
- ii) Approve the Business Case at this stage of the redevelopment (please see Appendix F: UTG Business Case, Ryden 2017 – issued separately);
- iii) Approve the estimated capital costs for the project and the associated estimates of operational costs and revenues;
- iv) Agree that the capital costs of the scheme as estimated in Appendix B will be funded from the City Centre Masterplan budget as approved by the Council in February 2017.

- v) Note that the Head of Economic Development intends to submit a detailed planning application and Listed Building application to the Planning Authority by the end of April 2017, through the UTG design team's planning agent;
- vi) Agree the procurement strategy, delivery programme and method for the works in this report; and based on this agreement, instruct the Head of Economic Development following consultation with the Head of Commercial and Procurement Services to commence procurement of the works;
- vii) Instruct the Head of Economic Development to submit a report to the first available Finance, Policy and Resources Committee with recommendations on the preferred contractor from the procurement exercise and the final costs of the scheme;
- viii) Delegate authority to the Head of Public Infrastructure and Environment to commence the statutory consultation for the Stopping Up Order relating to the slip between Rosemount Viaduct and Union Terrace and report back the results to first available Communities, Housing and Infrastructure Committee;
- ix) Note that the Head of Public Infrastructure and Environment following consultation with the Head of Planning and Sustainable Development to progress transport options for Union Terrace and report back to the first available Communities, Housing and Infrastructure Committee on a preferred option and associated Traffic Regulation Order recommendations.

3. FINANCIAL IMPLICATIONS

Capital Project Delivery

The Council has in place a stage gate review process for all capital projects. Projects should pass through these gates successfully in order to be assured they remain viable and are being managed and resourced appropriately.

Reflecting this, the Council's project management process involves four 'gates' and is illustrated in Appendix G:

- Stage 1 - Define
- Stage 2 - Implement
- Stage 3 - Close
- Stage 4 - Measure

The Council has seven standard review points ('gates'): Proposal; Business Case; Close; and Benefits Review. The Board has the option to add additional 'gate' reviews depending on the complexity and size of project, for example: Invitation to Tender (Project Brief); Detailed Design; and Appointment of Contractor.

Approval at all gate stages is by the Strategic Asset and Capital Board. Whilst in the implementation stage, every project is subject to monthly review by the Board.

Gate 1 requires approval of the project proposal, and the June 2015 CCMP Framework acted as the first gate for the UTG Project and established a 'strategic business case' for the project. The Union Terrace Gardens' project has progressed through the Gate 1 - proposal gateway review and is now approaching the Gate 2 - business case gateway with the submission of the consultant's business case (Appendix F – issued separately).

The final capital costs will be confirmed following the completion of the Royal Institute of British Architects (RIBA) design process. This is subject, however, to the site investigations works which will be completed in June 2017 and the appointment of the construction contractor in July 2017. It is at that point that the final cost plan will be known.

An additional gateway review will be included for this project to approve the Council's full business case and final cost plan, following that procurement process.

Following this the project will move into implementation stage and will be subject to the standard project reviews as part of the Council's governance arrangements.

Estimated Capital Costs

The estimated capital costs for the scheme are provided in Appendix B.

Revenue Implications

The proposed redevelopment of the gardens will create new operational costs and income streams.

At this stage in project development the indicative lifecycle costs have been estimated from the consultant's report, and include building maintenance and operating costs, continued maintenance of the gardens, and the costs of managing and letting the new business units based within the site.

The lifecycle cost estimated in the consultant's report has been based on a percentage of the total estimated capital cost. These estimates require to be reviewed in conjunction with officers from Environmental

Services who will be responsible for the upkeep of the gardens on completion of the project.

The current high level estimate of operating and maintaining the garden areas within the redeveloped site is approximately £250,000 per annum. This cost does not include an allowance for the cost of operating the new commercial ventures within the gardens such as the café. It has been assumed that the tenants of these new spaces will be responsible for paying any non-domestic rates applicable, and service charges can be applied for an appropriate share of any utility costs. An annual rent would also be applied. In the event the spaces were not fully let, the Council would have to bear these costs.

An evaluation of the increase in events capacity, utilisation of the gardens and associated charge out rates has been completed, and combined into an estimate of the additional income which could be generated.

At this stage in project development, the cautious approach taken to income projections indicates this could be around £300,000 on an annual basis. Further detail of income projections is included in Appendix F of the business case (issued separately).

In order to provide security on sustaining the high quality environment created in the gardens, early discussions have taken place on the possibility of ring-fencing all future incomes streams from the gardens to their upkeep and maintenance. This will be explored further in the next iteration of the Council's business case, as well as refining the details of all revenue costs and income streams.

4. OTHER IMPLICATIONS

Closure

It is likely that the Gardens will be closed for the duration of the construction works with no public access for an estimated 21 months. Construction work is programmed to begin in October 2017 until July 2019.

During the construction period, events that would normally take place will need to be located in other appropriate spaces. Officers are working with existing event organisers who are affected to identify alternative event spaces within the city, while minimising costs associated with the relocation.

Transport

To extend the Gardens towards the pocket park located on the junction of Union Terrace and Rosemount Viaduct, a Stopping Up Order will require to be progressed. If members are mindful to agree Recommendation (viii), the process can commence late March 2017.

The proposal would be open to consultation for a period of 28 days. It is advertised by way of a notice in a local newspaper and the Edinburgh Gazette; there would also be street notices erected at the slip road. The earliest possible date for the Edinburgh Gazette would be the week ending 24th March.

The results of whether objections are received or not would then go to the August Communities, Housing and Infrastructure Committee to determine the Stopping Up Order. If no objections have been received then this would be the end of the process and the Stopping Up Order would be taken into effect. If objections are made and the Council is still in favour of proceeding with the proposal the matter would have to be referred to a Scottish Minister / Transport Scotland for a final decision. It is expected it would take in the region of three to six months before a decision was made by the Scottish Minister / Transport Scotland, therefore it is likely the process would be complete at latest late 2017 / early 2018.

The legal process in relation to the Traffic Regulation Order (TRO) relating to the required Traffic Management Option for Union Terrace would follow the approval of the preferred option at the August C H & I committee. This is likely to involve various restrictions associated with the existing bus and cycle infrastructure, Disabled Parking requirements, and any required amendments to the existing waiting and loading restrictions. This will be undertaken in parallel with the planning, procurement and construction process. Further updates and information on the proposed Union Terrace intervention, including modelling information and associated TRO will be submitted to Communities, Housing and Infrastructure Committee later in 2017.

Planning

If the project is agreed, a planning application and an application for Listed Building Consent will be submitted to the Planning Authority at the end of April 2017. The consultant team have been engaging with officers from the Planning Authority during this pre-application stage to ensure the submission of the application provides all the required supporting documentation.

The redevelopment of UTG is a conservation led regeneration scheme. The proposals remove a B Listed building from the Buildings At Risk Register and reuses empty heritage assets with the overall historic environment of the listed Gardens being improved.

5. BACKGROUND

On 24 June 2015, the Council unanimously agreed the City Centre Masterplan (CCMP) and Delivery Programme. In agreeing the CCMP, Full Council approved in principle the interventions set out in the masterplan but further due diligence was required in relation to the financial, legal and all other implications of each project or programme and as a result the due diligence should be reported to Committee.

At the Council's Finance, Policy and Resource Committee on 7 June 2016 members agreed unanimously for up to £2 million of expenditure to implement a number of projects including design work for UTG.

As part of the overall CCMP project, the consultants BDP developed a UTG Design workbook which discussed a number of proposed interventions to redevelop the Gardens.

Aberdeen City Council initiated the tender process for design works for UTG after the decision was made at Finance, Policy and Resource Committee on 7 June 2016. ACC undertook an open procurement process, in which it was asked of bidders to deliver a design based on the principles agreed through the CCMP. LDA Design was awarded the contract following a competitive tender process and began the project in September 2016.

6. MAIN ISSUES

Policy Context

A full review of the relevant policy and strategy cascade from national Scottish down to the regional Aberdeen city level demonstrates consistent, strong support for the UTG project. A high quality public realm should underpin city centre development. Green infrastructure such as the UTG project supports stronger, healthier communities, landscape and ecology, and encourages investment and development. Reflecting these policy drivers, Scottish Enterprise has provided £100,000 towards the consultancy costs.

Aberdeen city centre's image and lack of vibrancy are acknowledged as a weakness in attracting population, leisure/ recreational visitors and business investment, a key priority in the city's response to the wider oil & gas downturn and mitigating the effect on reduced footfall (and the evenings in particular), accommodation occupancy and falling rental values. There is a need to deliver an environment which can attract new types of businesses and people, stimulate cultural activity and contribute to diversification within the tourism and leisure sector itself, and the wider economy.

Project Objectives

The objectives of the original UTG proposal within the CCMP are:

- **A preserved and enhanced green space:** Retention of valued existing trees and new planting which is rich in biodiversity and interest and which enhances the valued character of the Gardens.
- **New and improved facilities:** The proposals will create a range of new facilities within the gardens providing facilities for play, community growing, education, toilet provision and places to eat and drink.
- **Celebrating the heritage:** Granite balustrading will be repaired; the 'grand staircase' will be reinstated as a central part of an accessible route into the gardens; existing statuary will have refreshed settings and the arches will be brought into use. Lighting will highlight heritage features at night.
- **Creation of flexible events spaces:** The central lawn will be a flexible space for large events; and a new entrance plaza opposite His Majesty's Theatre will create spaces for smaller events. Seating along the new accessible route from Rosemount Viaduct will act as an informal amphitheatre.
- **Accessible Gardens for all:** There will be a new accessible route into the lower level of the gardens from Rosemount Viaduct and a walkway route from Union Street. Disabled parking will be provided on Union Terrace and lift access will be provided from both Union terrace and Union Street as part of the proposed new buildings.
- **A safe and active space:** New facilities will increase activity, and the proposals seek to further improve safety with new lighting. A new entrance building on Union Street will provide an activity hub that overlooks the space in the day and evening. Lighting within the arches will celebrate these features and increase the sense of safety. A major new lighting installation will act as a beacon to attract footfall.

Project Description

UTG is one of 50 projects identified within the Aberdeen CCMP and will deliver against the eight masterplan objectives by establishing the Gardens as both a key destination and the connection to a new urban quarter at the head of the Denburn Valley.

The UTG outline design has been informed by the Aberdeen CCMP, which includes design objectives for the City as a whole and the Denburn Valley and UTG. The UTG Workbook has considered these objectives further and the following points have informed the outline design:

- *Respect* the existing elements of landscape character, heritage, views and topography;
- *Renew* the physical and cultural connection to the city centre;
- *Reactivate* the associated public space to create a vibrant series of urban spaces; and

- *Reimagine* the physical space through interventions which reflect the cultural and emotional memories of the place.

The scheme (in Appendix A and C) is currently at RIBA Stage 2: Concept Design. This design stage has informed the business case, construction costs, the structural elements and outlines specifications and will form part of the submission of a detailed planning application.

Appendices A and C explains UTG's design process and provides details on the design's key principles, interventions and character zones.

Project Need

The UTG project is recognised as being affected by market failure and will be delivered for public benefit. The project justification is therefore complex and involves redressing competitive weaknesses as well as considering the financial and economic impacts, and social and environmental benefits.

The strategic case for the Union Terrace Gardens project was made in the Aberdeen CCMP in 2015 - the Gardens are one of Aberdeen city centre's most important assets and will become increasingly so as development and regeneration progress. The preferred option in 2015 was a design solution to provide high quality public realm and events-ready space in order to introduce vibrancy and animation to the city centre.

Public sector interventions must be justified in terms of market failure and the sources of market failure are outlined below:-

- Public good – for example, public space/ parks/ gardens where wider third parties benefit from their provision. The private sector is not placed to provide this investment;
- Information – for example, where the market is unsure of the commercial benefits of investing, which in turn can lead to risk and uncertainty amongst investors;
- Positive externalities – for example, the effects of providing a stunning public space/ gardens, in turn could deliver positive benefits in the form of lower crime, environmental benefits, better recreational facilities and pride in the place – the wider societal benefits.

The Council's intervention in delivery of the project is justified on the basis that the private market will not deliver the UTG project, while there are wider public benefits that is expected to maintain and attract investment into the city centre.

Public and stakeholder engagement

The proposals for enhancing UTG were based on priorities identified by the public during the Aberdeen CCMP consultation – namely,

improving access, amenity and activity while conserving heritage. More than 4,000 people contributed to the development of the Masterplan during consultation sessions in autumn 2014 and Spring 2015 with support levels reaching between 72% and 94%.

The CCMP offered a range of potential options for UTG. LDA Design was tasked with developing the concepts, drawing up proposals, and costing them with the goal of delivering a Garden meeting modern expectations and standards around usage and inclusiveness while respecting the historical setting. The aim was to find a complementary mix of enhancements that delivered value for money for the Aberdeen taxpayer.

Throughout September and October 2016 a series of meetings were held with key stakeholders to inform them of LDA Design's role, timescales for the project, and to understand, first hand, the existing challenges and future aspirations for UTG from a wide range of interested parties. Stakeholders included Friends of Union Terrace Gardens; City Centre Community Council; Aberdeen Civic Society; Aberdeen Performing Arts; Robert Gordon University; Aberdeen and Grampian Chamber of Commerce; Bon Accord Access Panel; Disability Equity Partnership; Aberdeen City Heritage Trust.

The key themes emerging from the stakeholder engagement were similar to those identified in the Denburn Valley Design Workbook in the CCMP: improving connectivity and accessibility; enhancing heritage assets and cultural associations; improving safety and amenities within the park; activation of the gardens with attractions, events, destination draw; improving the quality of the greenspace.

The emerging proposals were shared with the City Centre Masterplan Reference Group on 15 November 2016 for comment and refinement.

On December 1 Members were invited to view the proposals with an opportunity to feed back their thoughts to the design team. On December 2, stakeholders (including those from the September and October meetings) were invited to a presentation of the proposals, followed by a workshop in which groups of stakeholders were invited to critique the designs. On December 5 a presentation was given to the Aberdeen Community Council Forum.

A public engagement exercise ran from December 2 to December 9, spanning two calendar weeks. The engagement exercise showcased the designs, linking the proposals to the CCMP concepts. The public was invited to complete a survey during this period. They were asked to assess the how well or otherwise the proposals addressed issues identified in prior consultations and given the chance to provide their own comment. Surveys were also available at city libraries and community centres.

Staffed exhibitions took place in The Academy (December 3 and 4) and at the Christmas Village (5 -9 December, including an evening session on 8 December). Unstaffed boards were on display at Marischal College (2 December, 5-9 December) and at the Bon Accord and Trinity Shopping Centres (8 and 9 December).

Direct engagement was held with a number of schools. LDA Design presented the proposals to pupils at Harlaw Academy, and the Children's Parliament – a children's human rights organisation – worked with youngsters from Manor Park and Bramble Brae primaries to gather views. Robert Gordon's College also shared the proposals with pupils.

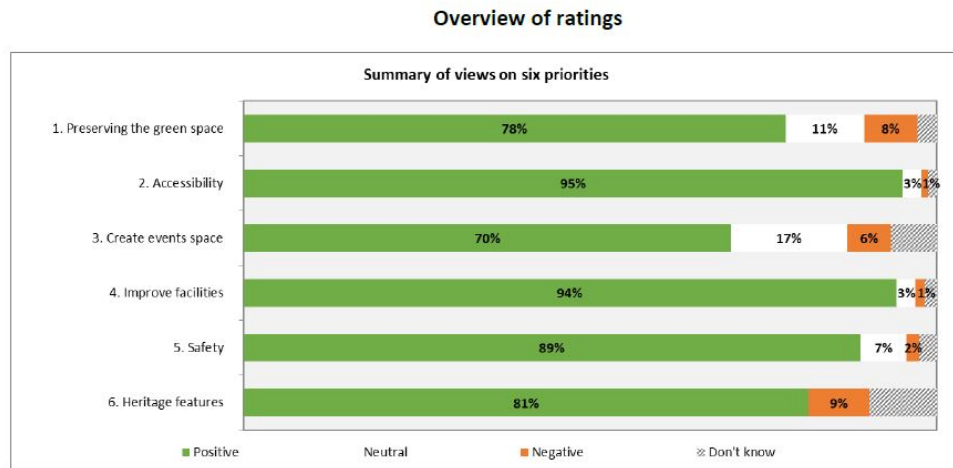
The plan to engage with the public was publicised in September, when the design team was announced. The exercise was extensively promoted. An "activation" event was held in UTG in November to help raise awareness and posters were issued with locations and dates/times for public exhibitions. Details were also shared in media releases. The proposals and survey were promoted on social media and partners (for example, Aberdeen Inspired) asked to encourage people to take part through their own networks and channels. Links to the survey were present on the Council's website home page.

A total of 1,417 responses to the UTG survey were received.

The analysis was carried out by Craigforth, a company which has more than 15 years' experience conducting such work for public agencies, including the Scottish Government. When drafting a timescale for engagement, allowance was made for the analysis of detailed qualitative responses, which were being used to inform the drawing up of detailed designs.

The responses showed positive rating across all themes: accessibility (95%); improving facilities (94%); safety (89%); heritage features (81%); preserving the green space (78%); and creating events space (70%). A summary is shown below and the full report appears as Appendix D.

Figure 1: Summary of views on six priorities



(UTG public engagement analysis – Craigforth 2017)

Appendix E documents comments on the UTG designs made by stakeholders and the public during the engagement exercise.

Business Case - Options

Appraisal guidance and best practice recommends that all appraisals should compare a 'do something' option to a 'do nothing' or 'do minimum' options. A qualitative assessment of how the options deliver the overall project objectives was undertaken as part of the Strategic Business Case 'gate' of the Council's appraisal process. These are summarised below.

Option 1 – Do Nothing - In this case, the do nothing option is that Union Terrace Gardens would continue in its current form, but which is not fully accessible, or is under-utilised, the proposed transformation would not proceed, and the project objectives above would not be delivered.

The 'do nothing' scenario was rejected at the strategic options stage as this would not improve access to or use of the Gardens, perpetuating the lack of a meaningful project being delivered. Financial analysis of 'do nothing' is based on an estimate of current annual maintenance costs of £45,000 per annum; and assumes asset deterioration in future years. Over the life of the do nothing option, this yields a low net present cost of £256,000 – the cost is low, but there are no benefits. 'Do nothing' also brings an unquantifiable risk associated with the potential future deterioration of a listed city centre asset.

Option 2 - Basic improvements – No improved accessibility or new commercial and performance spaces. This option would have failed to recognise the Gardens' importance to the city and would continue to preclude full community use while not attracting visitors.

Option 3 - Redesign the Gardens to enhance the status of the Gardens and to build upon this unique destination in Aberdeen, offering

traditional park experiences alongside new ideas. Key to this is the enhancement of visual and physical access into and through the Gardens and improving connectivity within the city-centre.

Option 4 - Raising the Gardens to Union Street level presents significant engineering challenges. This was one project within the previous £182m Tax Incremental Financing (TIF) scheme, and was estimated to cost £70m (2012 prices).

The preferred option within the Strategic Business Case was the Option 3 redesign solution devised by the 2015 Masterplan work. LDA's design-led project builds upon the Masterplan's EN10 project proposal to revitalise UTG.

Business Case - Analysis

In accordance with appraisal guidance (HM Treasury 'Green Book'), the analysis considers the capital costs and benefits of the proposal (against 'do nothing') over a 30 year period.

The business case for the UTG's project is provided in Appendix F of this report (issued separately). It provides Aberdeen City Council with the information to support a range of decisions in relation to the UTG project.

The financial appraisal shows a Net Present Cost of £16.37m. In commercial terms the financial appraisal indicates that the project would not proceed. It largely reflects the capital investment needed in years one and two, as a positive cash flow is reported from year three, as estimated revenue income exceeds estimated revenue costs.

Therefore the wider non-monetary benefits of the project in delivering wider economic impacts are considered in more detail below.

Benefits Realisation Plan

The evaluation stage is a key part of the project management process to identify what has been achieved as a result of the project. The main areas of this are to understand the flow of benefits and the ultimate outcomes of the project. The benefits realisation plan provides a framework for the assessment of what and how the project has achieved and if it has achieved its project objectives. To inform that process, the benefits realisation plan acts as Gate 7 – Benefits Review (Appendix G) and aims to monitor and validate the benefits described and the measure of them.

To offset the financial costs of the project, the project delivers a number of non-monetary benefits. A transformed UTG will establish the Gardens, and its surrounding area, a key destination and connecting area of Aberdeen. As a result of improvement to existing facilities and delivering new and additional uses, this will stimulate additional footfall and spend in the city centre.

Food and beverage proposals for new commercial units at UTG are made in the challenging market context noted above, but with an eye to the long term post-2019 and the attraction of a unique project in a prime location. The units are not simply commercial initiatives, but are a design solution to attract and move people around the Garden, creating a symbiotic relationship with Aberdeen city centre. Risk management dictates that temporary, alternative and supporting uses such as office, gallery or creative industries should also be targeted. A number of less formal, 'pop up' commercial activities are also highlighted as opportunities for the Gardens themselves rather than the commercial units.

UTG is already a modestly successful events venue, attracting 60,000 people to six events in 2016. Detailed event programming through alignment with the emerging Aberdeen 365 events strategy is now required to maximise the potential of the four new and enhanced events space which will be created by the project. Depending on the scale of events, and the 'recovery time' between them, prudent modelling of potential activity in UTG, could see an increase in wider footfall of around 260,000 per annum. The assumption is that the Gardens will continue to host a wide range of community and commercial events, and align with the approved Aberdeen 365 strategy and implementation.

The quantifiable benefits from the project are summarised in the table below:

Table 2: Quantifiable Economic Impact

Item	Do Nothing	Project
Construction (job years)	0	229
Jobs (FTE equivalent)	2	27
Footfall (trips)	60,000	260,000

(Source: Ryden LLP, Appendix F – UTG Business Case – issued separately)

The area immediately surrounding the Gardens contains 231 properties demonstrates high vacancy (particularly offices) and also gap sites. There is potential to support and grow businesses, reduce vacancy and deliver new investment here a direct consequence of the UTG project.

Reference projects indicate enhanced civic image, additional resident and employee populations, new investment attracted, improved business trading, catalytic effects in the immediate vicinity with each visit valued at up to £13 per visitor trip. This could generate additional gross impact of up to £3.38m annually, spent in the wider city centre. This estimate has not been adjusted down to account for any events/visits that would have happened anyway or displacement effects.

The Net Present Value of the additional GVA from the directly quantifiable economic benefits within the UTG project – without quantifying these wider city centre and public benefits - is estimated at £12.5m over the 30-year appraisal period.

In addition, the wider catalytic benefits of the project beyond these economic impacts are:-

- Enhanced civic image through a regenerative impact, additional resident and employee populations, new investment attracted, improved business trading, effects on adjoining sites, property value through a value chain, increased local taxes, and additional visitors generating activity and expenditure;
- Direct beneficial impacts upon businesses in the surrounding area including Union Street/ Belmont Street/ Rosemount Viaduct/ Union Terrace, by addressing high vacancy rates and in promoting the redevelopment of persistent gap sites. This core city centre area contains important civic, retail and leisure uses, yet is clearly underperforming.
- Support, enhance and accelerate city centre development envisaged in the 2015 Masterplan, around half of which is now visible in the development pipeline, excluding regeneration and rehabilitation of existing buildings. Positive impacts upon confidence, investment, scale and values across this development pipeline will deliver a significant return on the UTG project.
- Retain and enhance the city centre's principal green space will sustain and improve a range of environmental benefits. Specific benefits will come from the improved management of and green space and will demonstrate environmental benefits including air quality, biodiversity and noise.
- Social benefits will arise from greatly increased public usage of the green spaces and events spaces for socialising and community interaction. Specific benefits can include healthier activities, play, education, training and volunteering.

The Project Management for the UTG Project will include an evaluation framework that provides a number of key performance indicators in terms of:

- Activity Measures – for example, events at UTG
- Output Measures – additional footfall in the immediate vicinity of the project
- Outcome Measures – occupancy, spend in wider area.

Procurement Strategy

Officers recommended that the project is procured through a European Union regulated (OJEU) Two Stage Design and Build process. This is mainly due to the complex nature of the site and the building structures, which requires to range of construction specialisms (landscaping, structures, heritage and civils).

This two stage process will see the design team novated to a contractor as the design is being developed and benefit from their resources and expertise in a collaborative working approach. It also gives the opportunity to achieve the certainty of a fixed contract sum at the end of the procurement as well as ensuring that high risk items to the contractor are included at a realistic level and not overpriced at an early stage due to their uncertainty.

Initial market testing has found that contractors are interested in bidding for the construction works under the Two Stage Design and Build process.

Project Programme

The full Project Programme is provided for information in Appendix H. This appendix is a live document and is subject to change. If the Council agrees this report, the following table shows the proposed key milestones for the delivery of the project:

Table Four: Key Project Milestones

Milestone	Date
Pre-application discussions with Planning Authority	Continuing March/ April 2017
Stopping Up Order for slip road between Union Terrace and Rosemount Viaduct- statutory and public consultation	15 March 2017
Traffic Regulation Order for Union Terrace- options to be assessed.	20 March 2017
Site investigation work for Union Terrace Gardens to begin.	24 April 2017
Submission of detailed planning application and Listed Building application	End of April 2017
Two stage tender process: stage 1 package issued to contractors.	9 May 2017
Completion of Site investigation.	12 June 2017
Stage 1 Contractor approval.	July 2017
Determination of planning applications.	July 2017
Detailed design plan to be finalised. (RIBA stage 3)	July 2017
Detailed cost plan to be finalised.	July 2017
Two stage tender process: stage 2 package issued to contractors.	August 2017
Submit report to the first available Committee on results of the procurement exercise, final cost plan and feasibility of external funding	tbc
Stopping Up Order for slip road between Union Terrace and Rosemount Viaduct- report findings to the first available Communities, Housing & Infrastructure Committee.	tbc
Traffic Regulation Order for Union Terrace- report recommendation to the first available Communities, Housing & Infrastructure Committee.	tbc

Milestone	Date
Contractor mobilisation period.	September 2017
Construction to begin.	October 2017
Completion of Stage 2 tender period.	December 2017
Completion of work.	July 2019

6. IMPACT

The potential impact of the UTG project has been taken into account in relation to its alignment to the Local Outcomes Improvement Plan process.

PEOPLE - The project will create a safer and attractive environment for all people living in and visiting Aberdeen. Residents, workers and visitors increasingly demand a high standard for the places they are in. Under the proposals, they could feel more content in a more attractive and vibrant environment; as reported in other competing cities with similar projects.

With more people walking and cycling in the area there could be a reduction in inactivity-related illness. People will also benefit from the positive impact on air quality due to a reduction of emissions from vehicles in the area. Noise levels would be lower too.

PLACE – For Aberdeen to be globally competitive, the quality of the ‘place’, the commercial space and the public realm around it all have a role. Stakeholder engagement revealed that the ‘poor state’ of the City Centre is one of a number of issues identified as a common theme ‘In terms of the attractiveness and marketing of the city to attract workers, visitors and investment...’ and ‘A high quality of life is integral to attracting and retaining the talent and investment needed to grow the economy. This sense of place, with a key emphasis on the city centre, is crucial in underpinning economic growth and essential in underpinning the necessary infrastructure requirements.’

One of the key goals of the project is to contribute to the improvement of the city centre and improved safety, access and atmosphere.

ECONOMY – By providing a more pleasant environment, this could have a commensurate benefit on footfall and spend in the city centre. The Council has a key role in delivering specific projects that will deliver economic impacts in their own right; and the Council’s corporate role in delivering wider ‘business facing’ activity in supporting the competitiveness of the business environment. Supporting the implementation of the City Centre Masterplan and tourism, events and culture support are key elements of the Regional Economic Strategy.

The project will also have a positive impact on city centre employers themselves, and also those operating in the retail, tourism and leisure sector. Developers and subsequent occupants / employers base their

location decisions on being able to attract the best talent and skills to work in their businesses, and they recognise the positive correlation between their business competitiveness and the quality of the public realm.

7. MANAGEMENT OF RISK

There is reputational risk to the Council, and wider city centre, of not delivering the key elements of the CCMP, and specifically not responding to the demand for a rejuvenated UTG.

Appendix I to this report provides the Project Risk Matrix. This appendix is a live document and is subject to change. Based on that, the table below provides a summary of the major risks to the project.

Table 4: Project risk and mitigation

Description of Risk	Impact	Risk Assessment	Mitigation Strategy
1. Failure in obtaining the necessary consents within required timescales.	Impact on the project plan, resulting in a delay in delivering the scheme.	Medium	Ensure pre-planning discussions are undertaken with all required personnel and that there is a suitable design for approval.
2. Obtaining the necessary approvals to proceed with project.	Rejection of the project will impact the scheme and CCMP objectives.	High	Following the correct procedures whilst ensuring all information submitted to committee is robust at the stage of submission.
3. Organisational Capacity	The scale of the project requires support in resources to allow timescale to be achieved.	Medium	LDA consultancy team have been established to support the development programme. Officers are required to support with internal project management, reporting and stakeholder engagement.
4. Time - programme over-running	Scheduled completion date not being achieved will result in negative perception, the timeline being extended, costs increasing and impact on resource.	Medium	A realistic programme to be determined for all stages of the project. Design timescales to be agreed with the Design Team. Regular project team meetings to monitor progress and actions.
5. Delay with Stopping Up Order	As a key driver in the project, any delay in the stopping up order will impact the project plan and staging of delivery.	High	Undertaking the Stopping Up Order in March gives more time for the Order to be processed and keep in line with the outlined programme.
6. Roads and transport approvals	Objections to the proposals will cause a delay in approvals and	Medium	Engagement and workshops with internal departments and consultants to ensure correct procedures are followed.

Description of Risk	Impact	Risk Assessment	Mitigation Strategy
	will impact on the project delivery and potentially the overall scheme should they be rejected.		
7. Final cost plan exceeds project budgets	There is a risk that the project, as designed, does not proceed	Medium	Two stage tender process gives opportunity to achieve certainty of a fixed contract sum at the second stage procurement process
8. Reduction of overall project budget.	Consultation with the public and members based on the Stage A design.	Medium	Cost plan provided by LDA highlighting cost savings with limited impact on the design. Officers will continue to look at feasibility of sources of external funding
9. Revenue income assumptions are not achieved and there is a revenue cost pressure.	Revenue income will impact the overall cost plan as it is based on assumptions. Further market testing is being completed by the consultants to allow revenue estimates to be robust.	Medium	Cautious assumptions have been made to date and initial market testing on the commercial space will inform this mitigation.
10. Failure to reach agreement with Network Rail in respect of land acquisition and approvals	As the NR internal clearance process takes six weeks to complete, this could delay progress and impact on current design.	High	Engagement with Network Rail to discuss project designs and the requirements moving forward. Agreement in principle regarding the access for site investigation has been agreed. Internal processes clarified and implications determined from this process.

Description of Risk	Impact	Risk Assessment	Mitigation Strategy
11. Common Good	Restrictions on the land can impact on uses within UTG	Medium	Small risk and asset team to confirm if there are any restrictions

8. BACKGROUND PAPERS

OCE/15/021 - Aberdeen City Centre Masterplan and Delivery Programme

CG/16/077 - Strategic Infrastructure Plan Progress Update

Appendix A – UTG Outline Design Visual

Appendix B – Estimated Capital Costs (contains exempt information)

Appendix C - Outline Design Report

Appendix D – Public Engagement Report

Appendix E - Comments and Responses Summary

Appendix F – Business Case (contains exempt information) – issued separately

Appendix G – Project Management Process

Appendix H – Project Programme

Appendix I - Project Risk Matrix

CCMP and Delivery Plan

http://www.aberdeencity.gov.uk/council_government/shaping_aberdeencity/City_Centre_Masterplan.asp

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READ THIS FIRST

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STATUS	For Info	APPROVED RW



LEGEND

- | | | | |
|-------------------------|------------------------------------|---|----------------------------|
| 1 New entrance building | 5 New pavilion | 9 Vantage points / elevated walkways | 13 Bon Accord floral crest |
| 2 Raised walkway | 6 Floating light feature | 10 Access from HMT for maintenance / events | |
| 3 Community gardens | 7 Central lawn | 11 New pavilion | |
| 4 Play areas | 8 Sloped access with seating walls | 12 Water feature | |

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LDĀ DESIGN

UNION TERRACE GARDENS

OUTLINE DESIGN

EXECUTIVE SUMMARY

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I.0 OVERVIEW & INTRODUCTION

1.1 EXECUTIVE SUMMARY

Formed by glacial erosion, the Denburn Valley is a distinctive and integral aspect of Aberdeen's city centre. From its first use as a bleaching green to its development as a public park and ultimately, its regeneration, there is a narrative that deserves to be brought to the fore; a habitable green heart that optimises the connection between people, landscape and the city.

THE OPPORTUNITY

Surrounded by listed buildings, busy streets and mature trees, Union Terrace Gardens are one of the most centrally located city parks in Scotland. The regeneration of Union Terrace Gardens provides the opportunity to create a landmark contemporary park for the city of Aberdeen.

Union Terrace Gardens are one of 22 projects identified within the Aberdeen City Centre Masterplan and will deliver on almost all of the 8 masterplan objectives, via establishing the Gardens as both a key destination and the connection to a new urban quarter at the head of the Denburn Valley.

MASTERPLAN STRATEGY

The masterplan has been informed by a notable body of previous work including the Aberdeen City Centre Masterplan, which includes design objectives for the City as a whole and the Denburn Valley and Union Terrace Gardens in particular. These objectives are then considered in more detail within the Denburn Valley Design Workbook, which takes things further - reviewing previous unimplemented designs and refining the design intent by considering sketch designs. The design brief for this project then took that process on a further stage.

STAKEHOLDER AND PUBLIC ENGAGEMENT

Both the Aberdeen City Centre Masterplan and the Denburn Valley Design Workbook were informed by extensive consultation which has made clear the extent of the community and stakeholder support for renewing the gardens and bringing them into more active use; as well as revealing the technical challenges and varied opinions held by stakeholders and members of the public.

The masterplan has been informed by further stakeholder and public engagement, both earlier in the design development to inform direction, and more recently to gather views on the masterplan progress.

This engagement process has been positive and productive, bringing together the majority of stakeholders and public in a shared vision for the Gardens which informs the Masterplan.

THE VISION - OBJECTIVES

The following key objectives have informed the design:

- *Respect* the existing elements of landscape character, heritage, views and topography.
- *Renew* the physical and cultural connection to the city centre.
- *Reactivate* the associated public space to create a vibrant series of urban spaces.
- *Reimagine* the physical space through interventions which reflect the cultural and emotional memories of the place.



LEGEND

- | | | | | | |
|---|-----------------------|----|----------------------------------|----|--|
| 1 | New entrance building | 5 | New pavilion | 9 | Vantage points / elevated walkways |
| 2 | Raised walkway | 6 | Floating light feature | 10 | Access from HMT for maintenance / events |
| 3 | Community gardens | 7 | Central lawn | 11 | New pavilion |
| 4 | Play areas | 8 | Sloped access with seating walls | 12 | Water feature |
| | | 13 | Bon Accord floral crest | | |

1.1.1 MASTERPLAN - AIMS

- **A preserved and enhanced green space:** Retention of valued existing trees and new planting that is rich in biodiversity and interest which enhances the valued character of the Gardens.
- **New and improved facilities:** The proposals will create a range of new facilities within the Gardens providing facilities for play, community growing, education, toilet provision and places to eat and drink.
- **Celebrating the heritage:** Granite balustrading will be repaired; the 'grand staircase' will be reinstated as a central part of an accessible route into the Gardens; existing statuary will have refreshed settings and the arches will be brought into use. Lighting will highlight heritage features at night.
- **Creation of flexible events spaces:** The central lawn will be a flexible space for large events; and a new entrance plaza opposite His Majesty's Theatre will create spaces for smaller events. Seating along the new accessible route from Rosemount Viaduct will act as an informal amphitheatre.
- **Accessible Gardens for all:** There will be a new accessible route into the lower level of the Gardens from Rosemount Viaduct and a walkway route from Union Street. Disabled parking will be provided on Union Terrace and lift access will be provided from both Union Terrace and Union Street as part of the proposed new buildings.
- **A safe and active space:** New facilities will increase activity, and the proposals seek to further improve safety with new lighting. A new entrance building on Union Street will provide an active hub that overlooks the space in the day and evening. Lighting within the arches will celebrate these features and increase the sense of safety. A major new lighting installation will act as a beacon to attract footfall.

UNION TERRACE GARDENS - MASTERPLAN

1.1.2 DESIGN APPROACH AND ELEMENTS

The design approach is to augment rather than alter the character of the Gardens - building on and enhancing what is already there, whilst encouraging more active use through new facilities and improved accessibility. Key elements of the design are:

Landscape Character : Three distinct character zones will create varied experiences. The Upper Gardens which form the interface with the city - these areas are level with the surrounding streets and include more hardscape and formality than the rest of the Gardens, but more green and playful than the adjacent streets. The Green forms the beating heart of the park, celebrating the heritage of the Victorian Gardens and incorporating modern elements to support contemporary uses. The high quality natural materials and formality of the Upper Gardens continues although softens as civic space becomes public garden. The Arboretum is an area of more intimate character providing a secluded woodland refuge from the city above.

Raised walkways: The raised walkways will be elegant and striking metal clad structures which emerge organically from the slopes of the site - creating new accessibility and viewpoints, taking advantage of and enhancing the unique topography of the Gardens.

Architecture: The architectural concept centres around the notion of lightness of touch and minimal intervention, with reversibility to protect the historic assets. The event spaces incorporate varied community, art and commercial installations within the Gardens to encourage visitors to enjoy a visual and physical dynamic and engagement with the historic spaces and structures of Union Terrace Gardens. Key architectural interventions include:

- A new access building to the Gardens from Union Street incorporating both the conserved Victorian toilets and a new setting for the King Edward VII statue.
- The Rosemount cafe pavilion connecting the Gardens with Union Terrace, Rosemount Viaduct & His Majesty's Theatre and associated with a reimagination of the Denburn.
- The Burns Event - a new setting for the Burns Monument, creating new access to the Gardens from Union Street and providing a gateway to the archway galleries.
- The Archway Galleries - enclosed contemporary exhibition galleries and micro retail and café opportunities to attract visitors.



2.0 MASTERPLAN STRATEGY

2.1 ABERDEEN CITY CENTRE MASTERPLAN

2.1 ABERDEEN CITY CENTRE MASTERPLAN

The Masterplan Report identifies Union Terrace Gardens as one of 22 physical projects amongst a total of 49 projects that together will deliver the masterplan strategy which aims to deliver the vision of “A city centre for a global city” with the purpose of “Energising the city centre to deliver prosperity and quality of life for all.”

The project is intended to deliver on 6 of the 8 Masterplan Objectives:

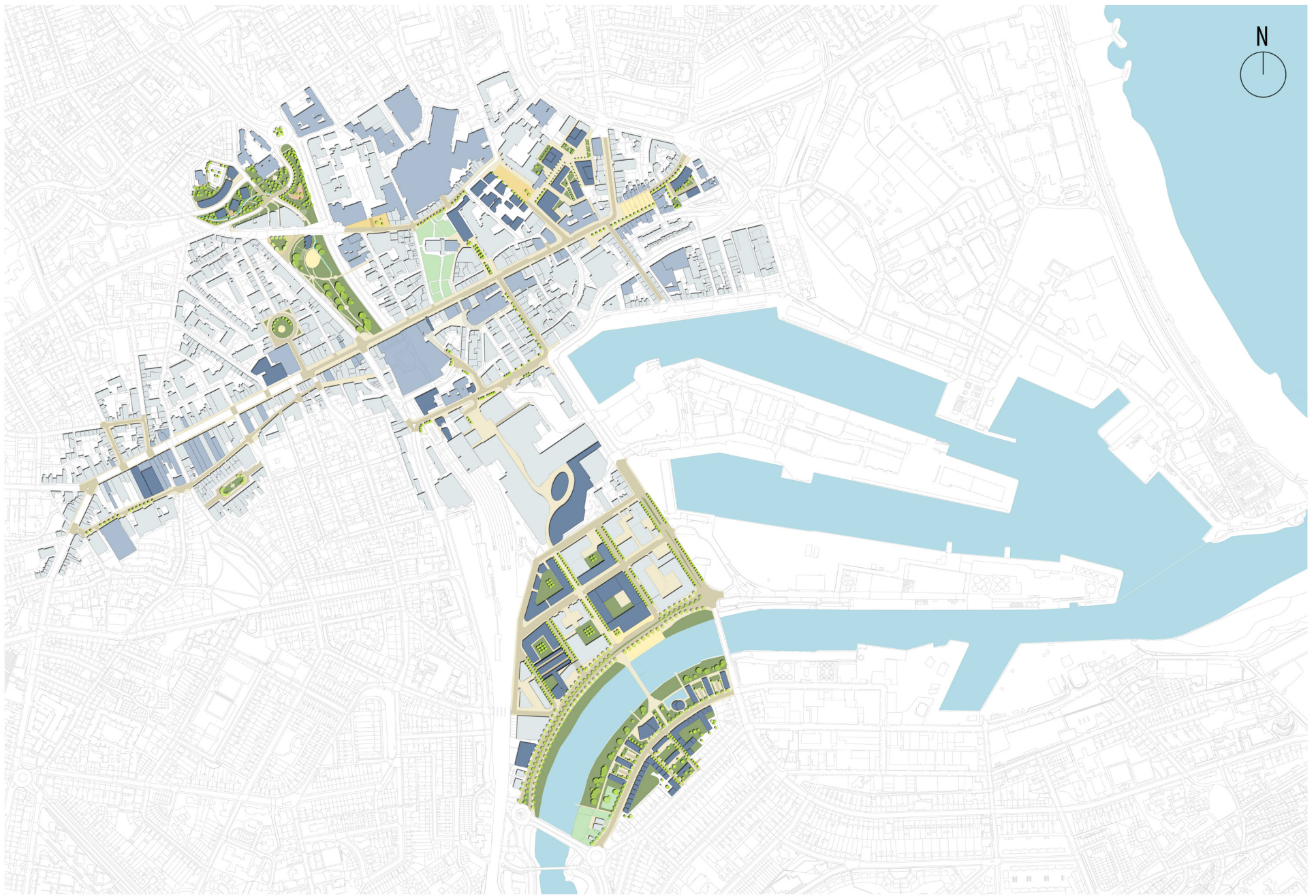
- Changing perceptions: “...a cosmopolitan and vibrant city centre that displays real distinctiveness and colour ... a city centre that people are proud to live and work in, that people want to visit and a city centre where there is always something happening...”
- A metropolitan outlook: “...recognising local needs but also ensuring that the city centre meets the needs of the wider population...”
- A living city for everyone: “... tackling a range of environmental issues: (e.g. air quality, walkability, day/night vibrancy and safety) ... Improving the quality and accessibility of natural assets will yield multi-functional benefits including health and wellbeing, biodiversity, flood defence, recreation and sustainable transport.”
- Made in Aberdeen: “... develop a range of distinctive experiences so that Aberdeen City Centre is like no other place ...articulating in both new buildings and external spaces distinctiveness in character.”
- Revealing waterfronts: “... reconnecting the city centre with the history of the city ...making the most of the almost universal and timeless attraction of water.”
- Culturally distinctive: “... A creative and well-funded events programme, which exploits the strength and character of the city’s public spaces and buildings...”

Although not identified in the Masterplan Report, there is also the opportunity to deliver on the Masterplan Objective of being “Technologically advanced and environmentally responsible”, both through the contribution the project makes to the resilience of the city, through use of sustainable materials and taking advantage of technology within the proposals.

In relation to the Denburn Valley ‘Intervention Area’, the Masterplan Report indicates that the masterplan focus is that “A revitalised Union Terrace Gardens establishes itself as a key destination and the linking thread to a new residential quarter”, with the vision that “The Denburn Valley will come alive through the revitalisation and expansion of the Union Terrace Gardens and a new urban quarter at the head of the valley...”. Specific opportunities identified in relation to Union Terrace Gardens include enhanced connections, restoration of historic features and sensitive contemporary interventions with the intent to create a “more accessible, enticing and vibrant city centre destination.”

A number of development objectives are also identified for Union Terrace Gardens, including:

- Improved pedestrian access
- Enhanced soft and hard landscaping
- Repair of the historic balustrades on Union Terrace
- Reuse of the arches below Union Terrace for community and commercial uses
- Restoration of the Union Terrace Gardens toilets
- New attractions including a natural play area, outdoor amphitheatre and a focal point building
- Flexible events space
- Potential to reveal or interpret the ‘memory’ of the Denburn water course
- Expansion alongside His Majesty’s Theatre and Skene Street.



ABERDEEN CITY CENTRE MASTERPLAN 2015 - PHYSICAL PROJECTS

2.2 THE JOURNEY SO FAR

2.2 THE JOURNEY SO FAR

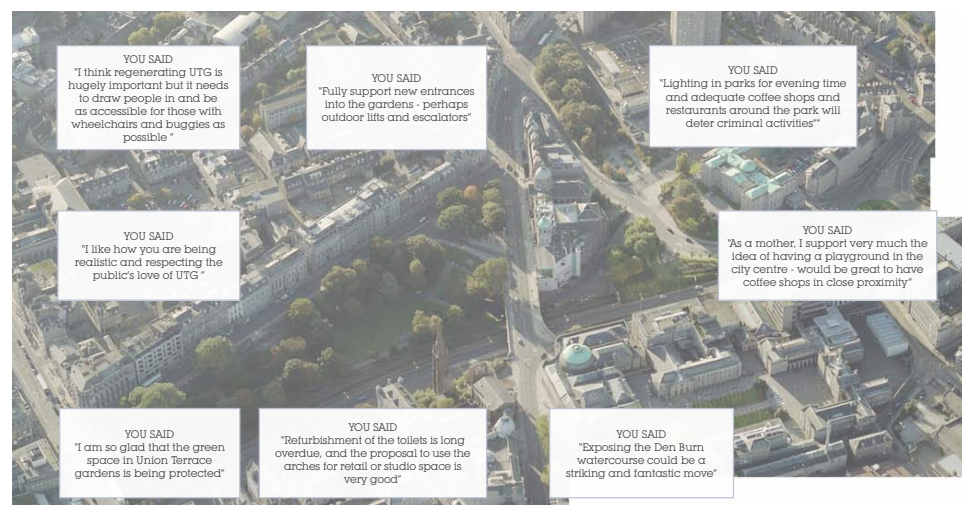
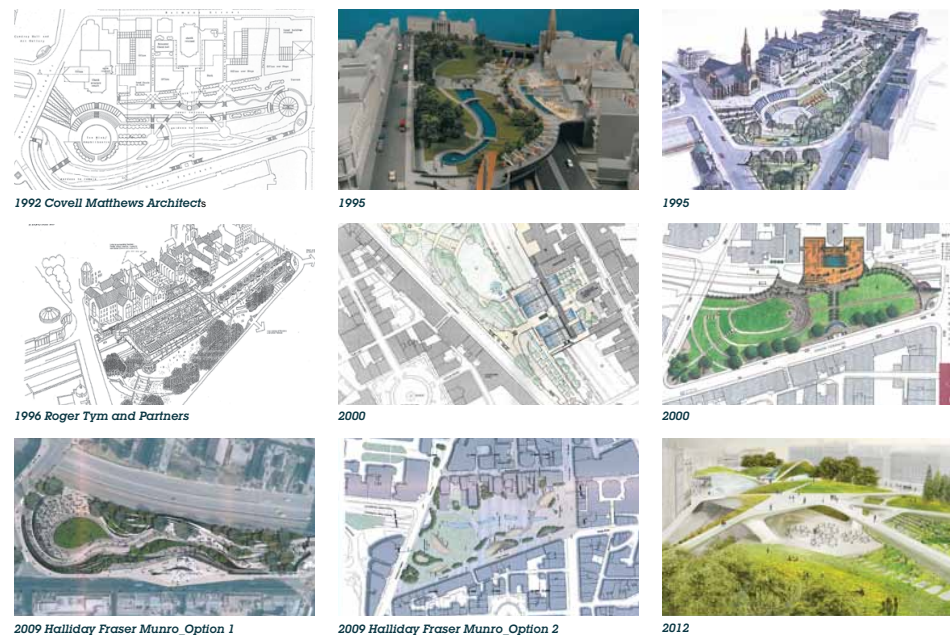
The Aberdeen City Centre Masterplan included the 'Denburn Valley Design Workbook' which sets out the history, issues, results of consultation and some sketch ideas for the Denburn Valley Masterplan and Union Terrace Gardens. This workbook and the brief for the Union Terrace Gardens formed the starting point for the journey towards the Outline Design proposals.

DENBURN VALLEY DESIGN WORKBOOK (JUNE 2015)

The Design Workbook provides further detail, building on the Aberdeen City Centre Masterplan. It reviews a number of proposals designed between 1992 and 2012, none of which have been constructed. The Workbook summarises public consultation which affirms strong local support for the revitalisation of the Gardens as an actively used, accessible greenspace. The public consultation also considered the challenges involved in that task. Key issues emerging were:

- Preserve the green space
- Accessibility
- Create events space
- Improve facilities
- Safety
- Heritage Features

These key aims are then explored via sketch designs. Ideas examined include the retention and enhancement of the greenspace character and treescape; accessibility – in particular a route connecting the base of the Gardens with Union Street; the creation of an events space with an associated pavilion; improved facilities including use of the spaces under the arches; lighting and activity to improve safety; and the retention of valued heritage features including the Victorian toilets, floral crest and the Union Terrace arcade and balustrade. Two further ideas explored in the previous designs and sketch designs included a bridge over the Gardens and the potential for reinstatement of the Denburn watercourse.



¹ EXTRACT FROM DENBURN VALLEY DESIGN WORKBOOK – PREVIOUS PROPOSALS

² EXTRACT FROM DENBURN VALLEY DESIGN WORKBOOK – CONSULTATION SUMMARY

2.2.1 UNION TERRACE GARDENS BRIEF (JUNE 2016)

■ The brief for this design was issued in June 2016, building on the Denburn Valley Design Workbook. The brief sets out the following main objectives:

- Retaining and enhancing the ‘much loved gem’ feeling of UTG, creating a new contemporary place to be a new cherished space of vibrancy, creating desire to visit and enjoy the Gardens.
- Enhanced access into and through the Gardens, along with connectivity to the wider area - including Union Street and the railway station to the south, His Majesty’s Theatre and the Denburn Valley to the north and improved connectivity to east and west.
- Enhanced activity and events of a wide range and types across the year in the Gardens, benefited by enhanced access into the park, to encourage further visitors and, as part of a positive cycle of improvement, to help support a range of food and beverage, retail and studio uses in the Gardens.

The following sub-objectives are also identified:

- Restoration / enhancement of historic features.
- Additional, usable open space with maximum flexibility for meeting the main objective of enhanced activity / events.
- To maximise the contribution of the Gardens as an exemplar of environmental, natural habitat and horticultural splendour, including broader sustainability best practice.
- To introduce new and contemporary features to the Gardens in terms of children’s play, art, technology, education and associated benefits.

In terms of detail, the brief includes the following detailed directions:

- **Heritage:** The listed buildings and structures in and around the park should be treated as assets that contribute to sense of place, rather than constraints.
- **Access:** Achieving more accessible space for cyclists, pedestrians and those with impaired mobility is a priority and a combination of different approaches using stairs, lifts and/or recontouring of slopes should be considered.
- **Approaches and Connectivity:** Entrances and approaches should be considered in terms of connectivity, convenience, comfort, conviviality, safety and legibility, and include the use of high quality materials and appropriate signage. Future connections to the railway and Trinity Centre should be considered.

- **Lighting:** The strategy for lighting should consider ambience, delineation, security and safety.
- **Bridge link to Belmont Street:** Early work should consider the costs, benefits, risks and opportunities arising from a potential bridge link to enable an informed decision on whether this should be included in the design.
- **Cycling:** Cycling should be encouraged, but not to the detriment of other users. The potential for a cycling hub should be considered along with a creative approach to short stay cycle parking.
- **Vehicular Access:** suitable access for vehicles for maintenance and to serve buildings will need to be incorporated into proposals.
- **Topography:** The existing site levels form part of the Gardens’ distinctive character and heritage.
- **Habitats and trees:** The environmental value of the Gardens should be protected and habitat value improved, and the treescape preserved and enhanced through improved management as part of the proposals.
- **Water and flooding:** The potential for de-culverting the Denburn should be considered and the potential for the Gardens to be used to alleviate flooding at times of heavy rainfall through water management within the Gardens should be considered within proposals.
- **Activities and events:** The brief sets a focus on increased footfall via a regular events programme, varied community and commercial uses to attract day-to-day users and increasing the attractiveness, and usability of the space. Flexibility is regarded as key; with areas such as an amphitheatre not being ‘single purpose’ but being welcoming, usable spaces even when there is not an event.
- **Toilets:** Refurbishment or re-purposing of the Victorian toilets should be included in the proposals, along with consideration of new provision as part of cafe and event facilities.

The brief for the Outline Design identified that design proposals should be developed and expressed within the following key outputs:

- Review of previous proposals and consultation and early discussions with ACC and other key other stakeholders;
- Heritage and Conservation Strategy;
- Outline Access Strategy;
- Outline Landscape / Environment Strategy;
- Outline Activities Strategy;
- Consultation Strategy which builds on previous consultations; and
- Outline costs and business case.

2.2.2 DEVELOPMENT OF COMPONENTS FROM CCMP SCHEMATIC PROPOSALS

BRIDGE LINK FROM BELMONT STREET

As discussed above, the Denburn Valley Workbook proposals included a potential bridge link from Belmont Street. As part of the development of the conceptual proposals, the team has considered the benefits, risks and opportunities arising from a potential bridge link.

Issues with the bridge proposal outlined in the schematic are that it does not create direct access into the Gardens, rather 'over sails' the Gardens with the bridge landing on Union Terrace. Access down to the lower level is then created by a lift. Due to the level changes, it is not possible for the bridge from Belmont Street to touch down in the Gardens, delivering people directly into the space.

The concept proposals taken forward create multiple new accessible entrances to the north and south of Union Terrace Gardens which will provide fully inclusive access, directly into the lower level of the Gardens. This greatly improves the relationship with not only Belmont Street but other surrounding streets. We consider this to be an advancement of the schematic bridge proposal.

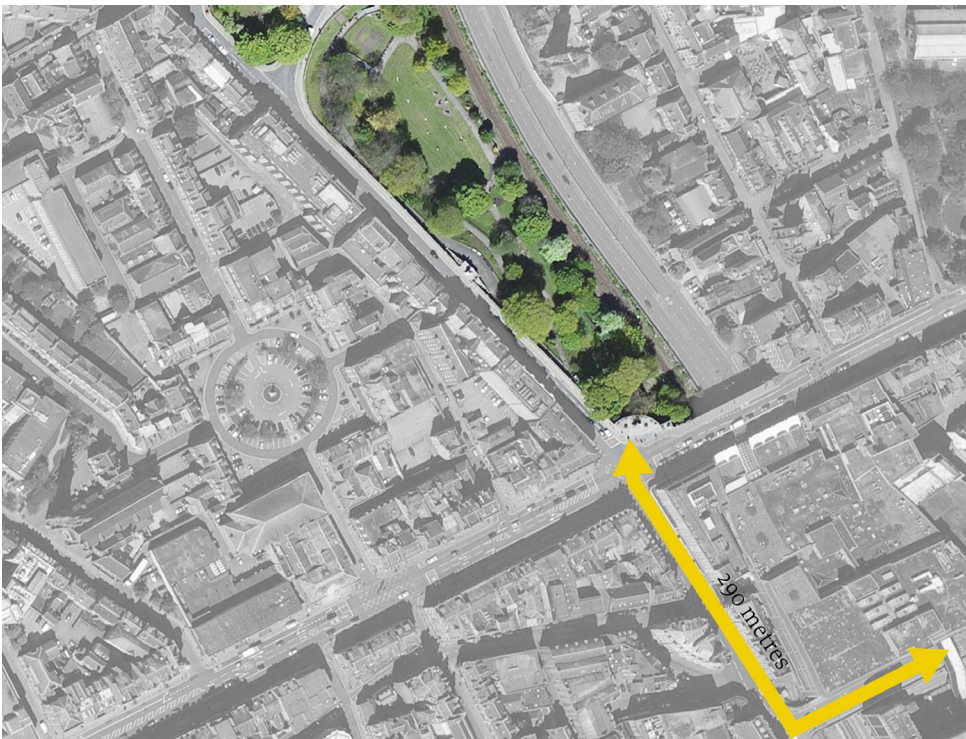
With Union Street a two-minute journey from the Gardens, it is considered that the expense of a major new bridge link does not deliver the benefits of creating direct pedestrian access and the direct accessibility therefore makes the proposed pedestrian bridge link from Belmont Street unnecessary. That said, the concept proposals will not preclude the future inclusion of a bridge from Belmont Street, the route of which can be future proofed in the Outline Design.

Another issue with the outline proposal is that the 'free standing' lift associated with the schematic bridge proposals would also be vulnerable to vandalism. The Outline proposals taken forward ensure any lift access is contained within buildings and is therefore managed and maintained by an operator, removing the risk of misuse and disrepair. The proposed bridge included in the schematic Denburn Valley proposals also involves the structure to be constructed over the existing road carriageway and railway line, creating issues with the location of structural supports and potential for protracted negotiations with Network Rail.



¹ DIAGRAM OF PROPOSED BELMONT STREET BRIDGE

² DIAGRAM SHOWING MULTIPLE ACCESS POINTS AND WALKING DISTANCES



PROPOSED BELOW GROUND CONNECTION FROM STATION

■ The Denburn Valley Workbook proposals included a potential subterranean link from the Railway Station into Union Terrace Gardens. This option has been investigated as part of the development of the Outline Design proposals. Engineering teams have led an investigation into the route which has concluded that the layout of columns and the taper in the platform make it unnatural for pedestrian traffic and the wall at the end of the platform blocks off connection to the Gardens. Although no structural records, nor confirmation of ownership has been obtained for this wall it is clear that, even if it proved feasible to break through, major works would be necessary to form a connection to the Gardens and consequently a low level route from station to Gardens is not viewed as being practicable within the remit of the UTG project and as such has not been taken forward. In addition, the platform below the buildings is dark and cold, and does not feel like a secure area to walk through. There is potentially the risk of vandalism or muggings in this area.

In terms of distance the route along Guild Street/ Bridge Street to Union Terrace Gardens is approximately 60m longer than the proposed subterranean route from the railway station. Although longer, the above ground route provides a much more pleasant experience for pedestrians and does not have the same perceived issues that underpasses do. Our recommendation is that opportunities to create an 'urban avenue' along this route to further enhance the pedestrian experience should be explored in future but these do not fall within the remit of this commission. See Appendix 1.3 for further information.

For further detail on the Railway connection please refer to Appendix 1.3 Section 2.4

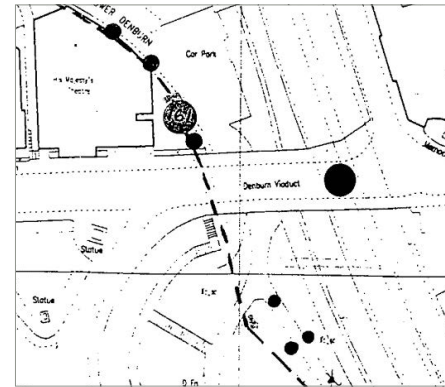
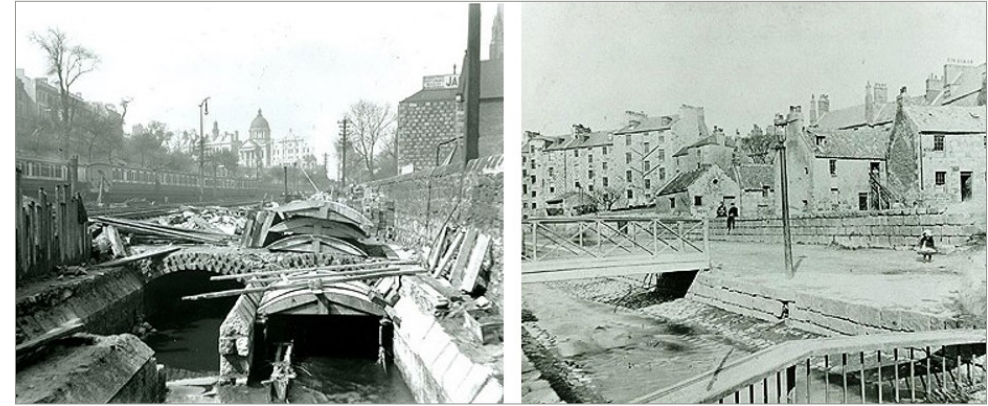
¹ DIAGRAM OF PROPOSED SUBTERRANEAN LINK FROM RAILWAY STATION TO GARDENS

² DIAGRAM OF STREET LEVEL ROUTE FROM RAILWAY STATION

REOPENING THE DENBURN CULVERT

The Denburn is currently 'piped' below ground through the Denburn culvert. The culvert is a masonry brick arch structure approximately 6m in width. The Denburn Valley Workbook proposals looked at the potential to reopen the Denburn culvert which transects a small corner of the Gardens. There are a number of reasons this is not feasible. Firstly, the Denburn culvert only transects a small corner of the existing Gardens. Secondly, there are issues with both water quality and flooding which preclude the option of opening the culvert. We are keen that the former Denburn is referenced in the design as part of the heritage of the Gardens. The Outline Design design proposals therefore provide historical 'interpretation' of the Denburn, referencing the watercourse in a series of new waterfeatures. The proposals therefore 'reimagine' the culverted burn as a series of water features which lead people into Union Terrace Gardens from Rosemount Viaduct, through the new accessible route to the north of the Gardens. The water features also activate the space creating a new setting for the Wallace and Prince Albert statues.

For further detail on the Denburn Culvert please refer to Appendix 1.3 Section 3.7



- 1 DENBURN - DIAGRAM
- 2,3 DENBURN CULVERT - HISTORIC PHOTOS
- 4 DENBURN CULVERT - UTILITIES PLAN
- 5 DENBURN REIMAGINED - DIAGRAM





CALEDONIAN HOTEL LINK

Previous proposals had looked at the potential of reopening a link which was believed to have existed connecting the Caledonian Hotel to Union Terrace Gardens through a tunnel that ran below Union Terrace. The team have investigated the existence of a tunnel in this location and there is no evidence of a link to Gardens.

The basement space of the hotel does extend underneath the footway but this connection does not continue all the way to Union Terrace Gardens. In addition, the plant room for the Hotel is located in this basement. The proposal, had it been feasible, would have created a 'private' link to the Gardens for hotel patrons in any case - which is not considered desirable.



¹ CALEDONIAN LINK - DIAGRAM

² PHOTOGRAPHS SHOWING PLANTROOM BELOW CALEDONIAN HOTEL

2.3 CONSULTATION OVERVIEW

2.3 CONSULTATION – OVERVIEW

█ The Denburn Valley Design Workbook summarises consultation undertaken as part of the City Centre Masterplan development. Building on that, further consultation has taken place to inform the developing Outline Design proposals herein.

SUMMARY OF PRIOR CONSULTATION OUTCOMES

Feedback gained through prior public consultation on the outline proposals within the Denburn Valley Design Workbook identified the objectives outlined in section 2.2 of this report, but comments regarding the Outline Design proposals in the Workbook also broadly fell into three categories:

- Those unsupportive of the proposals felt they ‘do not go far enough in terms of reverting back to the City Gardens proposals’.
- Those who believe the proposals go too far and would compromise the heritage aspects of the Gardens.
- Those supportive of direction of change, but expressing concern about how sensitively these changes would be carried out on the ground.

This has been explored further through the early consultation resulting in the key message that there is a very careful balance to be struck between delivering the ‘transformational’ change required to alter perceptions, regenerate use and maximise the potential of the Gardens to act as an economic catalyst; and respecting and celebrating heritage and preserving the unique green space character.

SUMMARY OF CURRENT ENGAGEMENT PROCESS

As part of the development of the Outline Design proposals *LDA Design* has undertaken the following consultation, which builds on the prior consultation that formed part of the City Centre Masterplan development.

STAKEHOLDER ONE TO ONES

A series of individual stakeholder engagement sessions were undertaken throughout September and October 2016 to inform stakeholders of *LDA Design*’s role, brief, design process and timescales for the current project, and to understand, first hand, the existing challenges and future aspirations for Union Terrace Gardens from a wide range of interested parties including Aberdeen City Council, local businesses and organisations, educational institutions and community groups. The key themes emerging from the stakeholder engagement were similar to those identified in the Denburn Valley Design Workbook and can be summarised as follows:

- **Improving connectivity and accessibility:** Provision of fully inclusive accessibility, connecting the Gardens to key streets and spaces.
- **Enhancing heritage assets and cultural associations:** Arches, balustrades, Victorian toilets, industrial heritage and cultural associations.
- **Improving safety and amenities within the park:** lighting, toilet provision, cafes.
- **Activation of the gardens with attractions, events, destination draw:** creating capacity for programmed events, creating permanent attraction.
- **Improving the quality of the greenspace:** improved planting, management of existing vegetation, addressing drainage.

A detailed summary of the outcomes of the September-October stakeholder engagement is included in Appendix 1.1 within Volume 2 of this Outline Design report.



COMMUNITY ACTIVATION

- An activation event in November 2016 - this was undertaken by artist and participatory design consultants NADFLY working with *LDA Design* and involved the creation of a series of visual representations of elements of the existing Gardens which were printed onto A3 sized flags mounted on thin bamboo poles. These flags were placed across the Gardens and during the event the public were encouraged to take a flag home, bringing a piece of the Gardens with them, spreading them across the city and preparing the community for regeneration and change.
- In association with the activation event, a series of 'Instagrams of the Future' were distributed as postcards to encourage engagement in terms of envisioning future events in the regenerated Gardens, and advertise the next round of public consultation in early December.



¹ ACTIVATION EVENT - FLAG DETAIL

² PARTICIPANTS AT THE ACTIVATION EVENT NOVEMBER 2016

STAKEHOLDER ENGAGEMENT

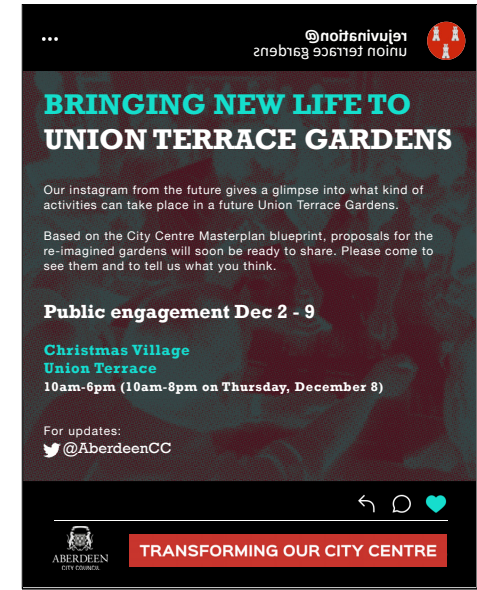
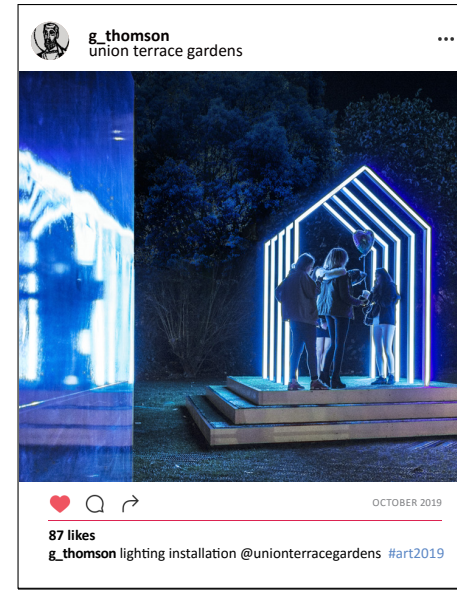
- Key stakeholders were invited to a presentation of the emerging conceptual proposals on the 2nd December 2016 held as a series of group sessions throughout the day. Each presentation session was followed by a workshop in which the groups of stakeholders fed back their thoughts on the emerging conceptual proposals. This information has been collated and will inform the development of proposals at the beginning of Detailed Design in January 2017.
- Elected members were also invited to a private viewing of proposals with opportunity to feedback their thoughts on the proposals to the design team.

A detailed summary of the outcomes of the Stakeholder Engagement is included in Appendix 1.1 within Volume 2 of the Outline Design report.

PUBLIC ENGAGEMENT

- Public engagement was undertaken in early December 2016. This took place as the Outline Design report was being prepared. The public engagement included the manned exhibition of the emerging concept proposals in The Academy over the weekend of 3rd and 4th December, at the Winter Village from the 5th to the 9th December and in the Bon Accord and at Trinity Shopping Centres on the 8th and 9th of December. In addition, the proposals were displayed in an unmanned exhibition at the Marischal College service centre from the 2nd to the 9th of December.
- In association with the public exhibitions, the proposals were available online along with survey forms to canvas widespread public opinion. Hard copies of the surveys were also available at the exhibitions along with QR code links to the online information and questionnaire.
- The purpose of the surveys was to gain feedback on how people feel about the proposals, to assess how well they think the proposals address the issues identified in prior consultations and how the proposals could be further improved to address these issues. As with the stakeholder sessions, all of the feedback will inform the next stage of design development.
- Additional public presentations were given to the Community Council Forum and pupils at Harlaw Academy.

A report detailing the outcomes from the December 2016 public engagement will be released in January 2017. A brief summary of outcomes are contained overleaf.



¹ FUTURE INSTAGRAM POSTCARD USED TO PROMOTE PUBLIC ENGAGEMENT

² DECEMBER 2016 EXHIBITION AND STAKEHOLDER CONSULTATION, THE ACADEMY, BELMONT STREET



SUMMARY OF CURRENT ENGAGEMENT OUTCOMES

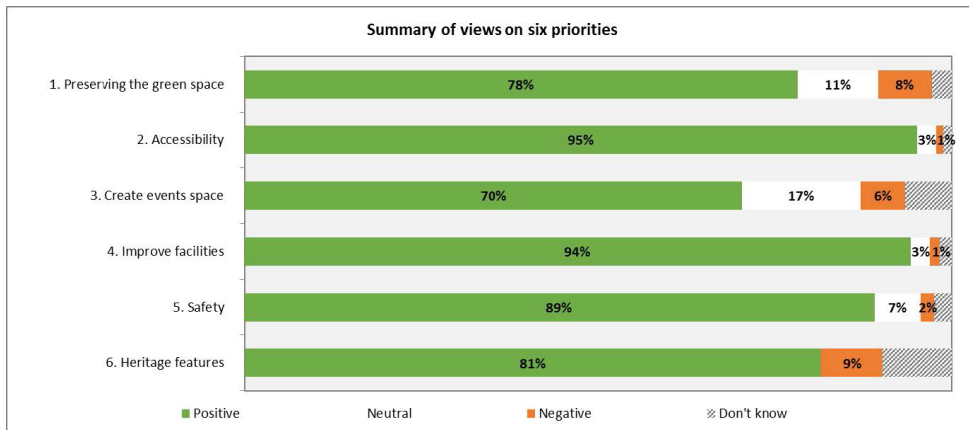
Throughout the public engagement (which ran between 2 and 9 December 2016) an online consultation survey was published through the Council’s Citizen Space portal, and printed copies of the consultation document distributed locally. A total of 1417 responses were received by the time the engagement process closed. This included 1298 responses through the Citizen Space portal, and 119 hard copy responses. Hard copies included 48 responses from pupils of Harlaw Academy and Robert Gordon’s College. The Children’s Parliament Imagineers (pupils representing Aberdeen City primary schools) also took part in an exercise to provide feedback on the proposals.

The public engagement sought views on proposals for the revitalisation of Union Terrace Gardens. These proposals have been developed on the basis of six priorities identified through the City Centre Masterplan process, specifically: 1. Preserving the green space; 2. Accessibility; 3. Create events space; 4. Improve facilities; 5. Safety; and 6. Heritage features. The consultation document included seven main consultation questions asking for views on specific aspects of the proposals – one question in relation to each of the six priorities, and a final open ended question inviting any further comments.

The table opposite sets out an overview of respondents’ rating of the Union Terrace Gardens proposals against each of the six priorities. As this shows, views are positive in relation to all six priorities; a large majority of respondents feel that proposals will deliver benefits in relation to each of the six priorities, and relatively few respondents gave negative ratings. Particular points of note are:

- Views are most positive in relation to accessibility (95% positive ratings), improving facilities (94%), and safety (89%). Only 1-2% of respondents feel that proposals would be a negative step for these priorities.
- Views are also positive in relation to heritage features (81% positive ratings), preserving the green space (78%) and creating events space (70%). Ratings are slightly less positive for these priorities, and respondents are more likely to have a negative view of proposals in relation to heritage features (8% negative ratings), green space (8%) and events space (6%). However the majority of respondents rated the proposals positively, and negative ratings remain a relatively small minority. Indeed the somewhat lower level of positive ratings for green space and events space are primarily due to a larger proportion of respondents giving neutral “no change” ratings, rather than a significant volume of negative ratings.

A more detailed summary of the outcomes of the Public Engagement is included in Appendix 1.1.2 within Volume 2 of the Outline Design report.



¹ PUBLIC CONSULTATION – CHRISTMAS MARKET, DECEMBER 2016

² SUMMARY OF CONSULTATION SURVEY

2.4 UNION TERRACE GARDENS – VISION

2.4 UNION TERRACE GARDENS – VISION

The overarching vision for the Gardens has been derived from the outcomes of the prior and ongoing engagement exercises detailed in the preceding section. This has been supported by further understanding of the gardens arising from the detailed analysis undertaken as part of the outline design development process.

The vision aims to deliver a careful balance between delivering ‘transformational’ change with preserving the unique green space qualities of the Gardens and respecting and celebrating heritage. The main objectives of the vision are:

- *Respecting* the existing elements of landscape character, heritage, views and topography.
- *Renewing* the physical and cultural connection to the city centre.
- *Reactivating* the associated public space to create vibrant urban spaces.
- *Reimagining* the physical space through interventions which reflect the cultural and emotional memories of the place.

The key moves set out by the vision are described here, under the six priority themes.

A PRESERVED AND ENHANCED GREEN SPACE

The proposals seek to preserve and enhance the green space of the Gardens by:

- Creating new, enhanced tree and shrub planting that is rich in biodiversity and creates new wildlife habitats.
- Retaining the maximum number of existing trees as possible, removing only those in poor health or quality.
- Replacing any existing trees to be removed with new mature specimen trees
- Retaining and reinterpreting the ‘floral crest’ as richly planted garden route from Rosemount Viaduct into the Gardens.
- Retaining the large central lawn space as a place for gathering and events.
- Creating a community garden to the edge of the space adjacent to the railway line.

NEW AND IMPROVED FACILITIES

The proposals will create a range of new facilities within the Gardens providing facilities for play, community growing, education, toilet provision and places to eat and drink. These include:

- Potential cafe and gallery space at the Burns Monument and within the arches.
- Restoration and upgrade of the existing Victorian Toilets on Union Terrace as part of a new entrance building with new use.
- A new cafe pavilion opposite His Majesty’s Theatre.
- Upgrade of the existing ‘bothy’ as a space for park maintenance teams to store equipment and utilise as an education and training space.
- Provision of opportunities for both formal and informal play.
- Provision of water and power supplies throughout the Gardens for events.
- A new community garden space adjacent to the railway.

CELEBRATING THE HERITAGE

The proposals will celebrate the existing heritage features within the Gardens by:

- Repairing the existing granite balustrading to the perimeter of the Gardens.
- Reinstating the ‘grand staircase’ as a central part of the new accessible route into the Gardens from Rosemount Viaduct.
- Reusing the existing granite steps, walls and coping materials as part of the new interventions.
- Retaining the existing monuments to the edges of the Gardens, giving them a new, enhanced setting.
- Creating new interventions within the arches which are ‘lightweight structures’ that express the heritage fabric of the Gardens.
- Using lighting to celebrate heritage features such as the arches, monuments and viaduct.



LEGEND

- 1 New entrance building
- 2 Raised walkway
- 3 Community gardens
- 4 Play areas
- 5 New pavilion
- 6 Floating light feature
- 7 Central lawn
- 8 Sloped access with seating walls
- 9 Vantage points / elevated walkways
- 10 Access from HMT for maintenance / events
- 11 New pavilion
- 12 Water feature
- 13 Bon Accord floral crest

DESIGN PROPOSALS - MASTERPLAN

CREATION OF FLEXIBLE EVENTS SPACES

The proposals seek to create a series of flexible spaces throughout the Gardens for hosting a wide range of type and scale of events. These include:

- Retaining the central lawn as a flexible space for large scale gathering and events.
- Creating accessible viewing platforms which provide elevated events spaces for smaller scale events.
- New entrance plaza opposite His Majesty's Theatre which can accommodate smaller scale events.
- Seating along the new accessible route from Rosemount Viaduct to act as an informal 'amphitheatre' space to view events in the lower lawn area.
- Provision of metered water and power points throughout the Gardens to provide necessary supply for events.

ACCESSIBLE GARDENS FOR ALL

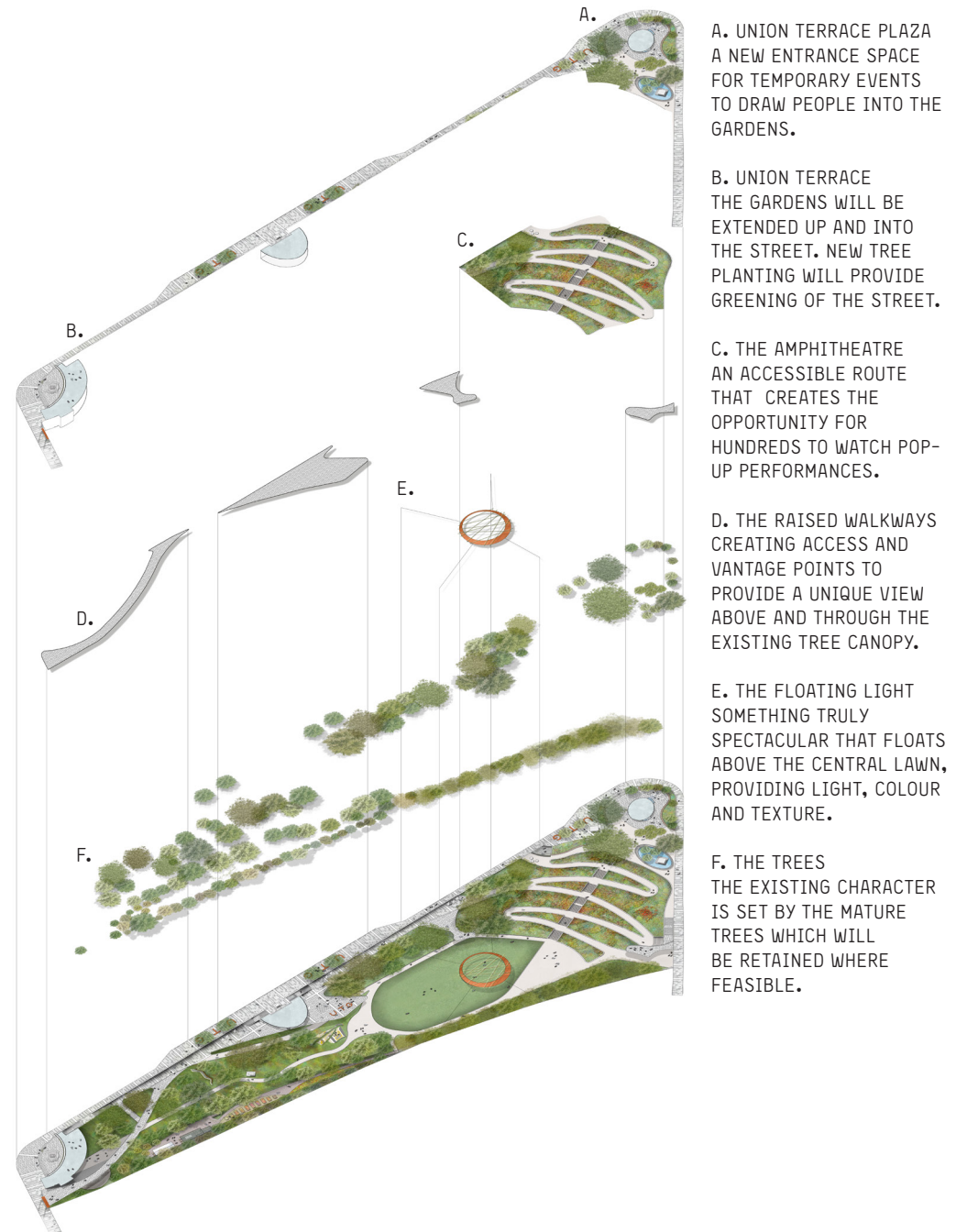
The proposals seek to improve the accessibility of the gardens by creating:

- New accessible route into the lower level of the Gardens from Rosemount Viaduct.
- A level access route into the lower level of the Gardens at the rear of His Majesty's Theatre through the existing Rosemount Viaduct Archway.
- New disabled parking spaces on Union Terrace directly adjacent to the new accessible walkway routes into the Gardens.
- New accessible walkway route into the Gardens from Union Street.
- Lift access from Union Street into the lower level of the Gardens through a new entrance building on Union Street.
- Lift access from Union Terrace into the upper level of the Gardens through a new entrance building on Union Terrace at the existing Burns Monument.

A SAFE AND ACTIVE SPACE

New facilities will increase activity during the day and evening, and the proposals seek to further improve safety with new lighting levels throughout. This includes:

- Improved lighting to the new accessible walkways into the Gardens.
- Creation of a new entrance building on Union Street, providing an activity hub that overlooks the space in the day and evening.
- Lighting installation within the arches to animate the upper terrace and increase the sense of safety and security along this edge.
- A major new lighting installation within the gardens which acts as a beacon to attract footfall into and around the Gardens.



A. UNION TERRACE PLAZA
A NEW ENTRANCE SPACE
FOR TEMPORARY EVENTS
TO DRAW PEOPLE INTO THE
GARDENS.

B. UNION TERRACE
THE GARDENS WILL BE
EXTENDED UP AND INTO
THE STREET. NEW TREE
PLANTING WILL PROVIDE
GREENING OF THE STREET.

C. THE AMPHITHEATRE
AN ACCESSIBLE ROUTE
THAT CREATES THE
OPPORTUNITY FOR
HUNDREDS TO WATCH POP-
UP PERFORMANCES.

D. THE RAISED WALKWAYS
CREATING ACCESS AND
VANTAGE POINTS TO
PROVIDE A UNIQUE VIEW
ABOVE AND THROUGH THE
EXISTING TREE CANOPY.

E. THE FLOATING LIGHT
SOMETHING TRULY
SPECTACULAR THAT FLOATS
ABOVE THE CENTRAL LAWN,
PROVIDING LIGHT, COLOUR
AND TEXTURE.

F. THE TREES
THE EXISTING CHARACTER
IS SET BY THE MATURE
TREES WHICH WILL
BE RETAINED WHERE
FEASIBLE.

MASTERPLAN ELEMENTS - EXPLODED AXONOMETRIC SHOWING KEY COMPONENTS



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Aberdeen City Council

Union Terrace Gardens Public Engagement



January 2017

Lead author: Chris Thornton

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1. BACKGROUND

- 1.1. This report presents a summary of results from the public engagement exercise on proposals for Union Terrace Gardens (UTG).

The engagement process

- 1.2. The public engagement sought views on proposals for the revitalisation of Union Terrace Gardens (UTG). These proposals have been developed on the basis of six priorities identified through the City Centre Masterplan process, specifically:
1. Preserving the green space;
 2. Accessibility;
 3. Create events space;
 4. Improve facilities;
 5. Safety; and
 6. Heritage features.
- 1.3. A short consultation document was produced for the public engagement. This provided an overview of the proposed design for Union Terrace Gardens, and specifically outlined how the proposals seek to address each of the six priorities listed above. The consultation document included seven main consultation questions asking for residents' views on specific aspects of the proposals – one question in relation to each of the six priorities, and a final open ended question inviting any further comments. Questions on the six priorities were in a similar format, asking residents to rate the extent to which proposals address the relevant priority, and inviting written comments to expand on their response.
- 1.4. The public engagement ran between 2 and 9 December 2016. A total of 1417 responses were received by the time the engagement process closed. This included 1298 responses through the Council's Citizen Space online portal, and 119 hard copy responses. Hard copies included 48 responses from pupils of Harlaw Academy and Robert Gordon's College. The Children's Parliament Imagineers (pupils representing Aberdeen City primary schools) also took part in an exercise to provide feedback on the proposals.
- 1.5. Around 90% of responses provided postcode information, and this has been used to develop the geographic profile of response at Figure 1. This shows that a large majority of respondents live in the Aberdeen City local authority area; 81% gave an Aberdeen City postcode, with around half of these living in the wards immediately surrounding Union Terrace Gardens (wards 7, 8, 10, 11 and 12).

1.6. Figure 1 below provides an overview of response to the public engagement.

Figure 1: Overview of response

	Volume	% of all responses
Total	1417	
Response method		
Online	1298	92%
Hard copy	119	8%
Respondent type		
Members of the public	1369	97%
School/College students, including...	48	3%
<i>Harlaw Academy pupils</i>	24	2%
<i>Robert Gordon's pupils</i>	24	2%
Respondent location		
Aberdeen City, including...	1150	81%
<i>Ward 1. Dyce / Bucksburn / Danestone</i>	70	5%
<i>Ward 2. Bridge of Don</i>	74	5%
<i>Ward 3. Kingswells / Sheddocksley / Summerhill</i>	43	3%
<i>Ward 4. Northfield / Mastrick North</i>	25	2%
<i>Ward 5. Hilton / Woodside / Stockethill</i>	49	3%
<i>Ward 6. Tillydrone / Seaton / Old Aberdeen</i>	52	4%
<i>Ward 7. Midstocket / Rosemount</i>	143	10%
<i>Ward 8. George St / Harbour</i>	100	7%
<i>Ward 9. Lower Deeside</i>	69	5%
<i>Ward 10. Hazlehead / Ashley / Queens Cross</i>	145	10%
<i>Ward 11. Airyhall / Broomhill / Garthdee</i>	108	8%
<i>Ward 12. Torry / Ferryhill</i>	116	8%
<i>Ward 13. Kincorth / Nigg / Cove</i>	47	3%
Other	267	19%

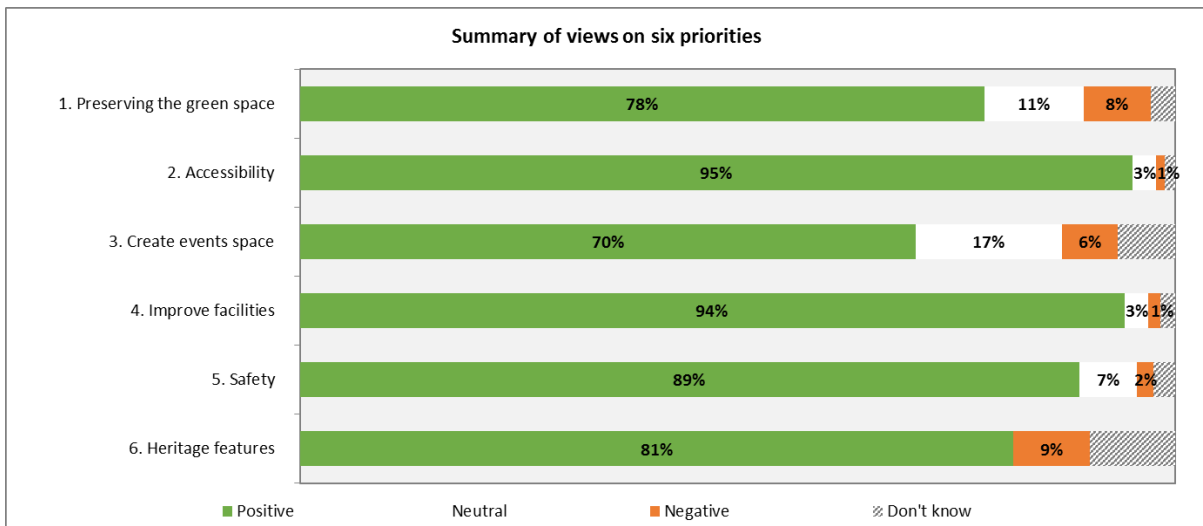
This report

1.7. The remainder of this report provides a summary of findings from the public engagement process. This focuses on respondents' rating of proposals against each of the six priorities – a full report will be produced subsequently, providing a more detailed analysis of written comments from respondents.

2. OVERVIEW OF THE SIX PRIORITIES

- 2.1. Figure 8 below provides an overview of respondents’ views across the six priorities. This is based on ratings of the extent to which proposals will have a positive impact on each of the priority areas.
- 2.2. As this shows, views are positive in relation to all six priorities. A large majority of respondents feel that proposals will deliver benefits in relation to each of the six priorities, and relatively few respondents gave negative ratings. Views are most positive in relation to accessibility and improving facilities, with more than 9 in 10 respondents giving positive ratings (95% and 94% respectively). Only 1-2% of respondents feel that proposals would be a negative step for accessibility and facilities within the gardens.
- 2.3. Views are also positive in relation to safety, (89% positive ratings), heritage features (81%), preserving the green space (78%), and creating events space (70%). Ratings are slightly less positive for these priorities, and respondents are more likely to have a negative view of proposals in relation to heritage features (8% negative ratings), green space (8%) and events space (6%). However the majority of respondents rated the proposals positively, and negative ratings remain a relatively small minority. Indeed the somewhat lower level of positive ratings for green space and events space are primarily due to a larger proportion of respondents giving neutral “no change” ratings, rather than a significant volume of negative ratings.

Figure 2: Overview of ratings



- 2.4. The remainder of this report considers respondents’ views on each of the six priorities in further detail.

3. PRESERVING THE GREEN SPACE

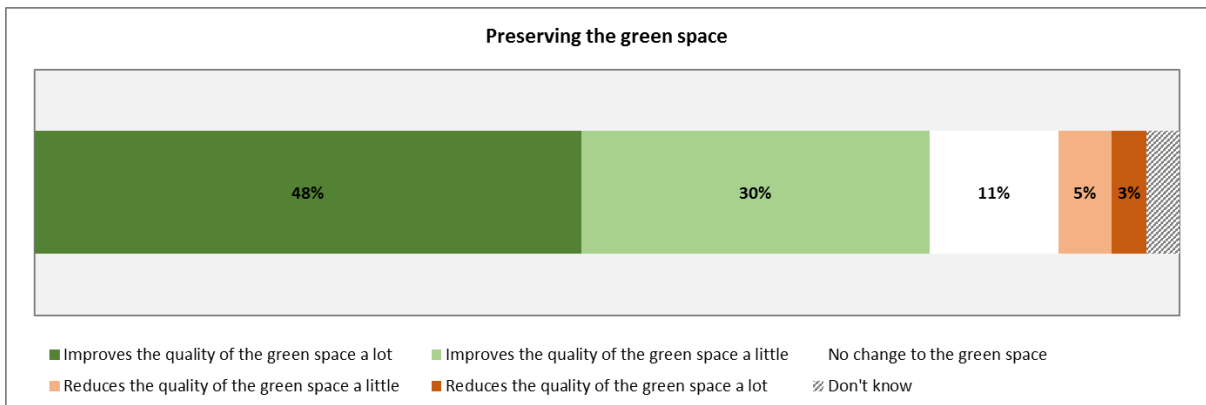
3.1. This section provides a summary of views on how Union Terrace Garden proposals address the priority to **preserve green space**. The consultation highlights the following aspects of the proposals as being particularly relevant to the extent and quality of green space in the gardens:

- New, enhanced tree and shrub planting that is rich in biodiversity and creates new wildlife habitats;
- Retaining the maximum number of existing trees as possible, removing only those in poor health or quality;
- Replacing any existing trees to be removed (due to poor health/quality) with new mature specimen trees;
- Retaining and reinterpreting the ‘floral crest’ as a richly planted garden route from Rosemount Viaduct into the gardens;
- Retaining the large central lawn space as a place for gathering and events; and
- A community garden to the edge of the space adjacent to the railway line.

Rating of proposals

3.2. Figure 2 below summarises respondents’ rating of the extent to which proposals preserve green space for Union Terrace Gardens. As this shows, more than three quarters of respondents feel that proposals will improve the quality of Union Terrace Gardens green space (78%). This includes nearly half of all respondents who feel that proposals will significantly increase the quality of the green space (48%). Less than 1 in 10 respondents feel that proposals will reduce the quality of the green space (8%).

Figure 3: Rating of proposals on preserving the green space



	ALL	Respondent type	
		Public	School/College
Improves the quality of the green space a lot	48%	47%	60%
Improves the quality of the green space a little	30%	30%	29%
No change to the green space	11%	11%	6%
Reduces the quality of the green space a little	5%	5%	0%
Reduces the quality of the green space a lot	3%	3%	0%
Don't know	3%	3%	4%
Base (% of all responses)	1396 (99%)	1348 (98%)	48 (100%)

Written comments

- 3.3. Nearly 400 respondents provided written comment on preserving the green space, more than a quarter of all those responding to the consultation. The majority of those commenting felt that proposals would improve the quality of green space, although it is notable that most of those who felt that proposals would have a negative impact provided further comment.
- 3.4. Looking first at ***comments from those who feel that proposals would improve the overall quality of green space*** at Union Terrace Gardens, around half used their written comments to express broad support for the proposals and/or highlight specific elements of the design. These respondents referred to the importance of Union Terrace Gardens as a significant green space within the city centre, and many described the proposals as a clear improvement to the quality of green space within UTG - as “breathing new life” into the gardens. The extent to which proposals had preserved the volume of green space within the gardens was also a particularly positive for these respondents.
- 3.5. Those in favour of the proposals also highlighted other specific design elements as positives in terms of improving green space within UTG. This was most commonly in reference to:
- Enhancing tree and shrub planting throughout the gardens was seen as a significant positive.
 - Retaining as many mature trees as possible was also highlighted as an important aspect of the proposals, and a significant part of keeping the current character of the gardens.
 - Development of a community garden was identified as a positive, although respondents also wished to see more detail on the design of the community garden and how it will be made available to the community.
 - Increasing access to green space and maximising use of the gardens was an over-riding concern for many of those providing written comment, and was also cited as a key factor in respondents’ support of

specific proposals such as enhanced planting and the community garden.

- 3.6. Around two thirds of those providing written comment on green space raised issues, points for clarification, objections or suggested amendments. Nearly all of those providing written comment who felt that proposals would reduce the quality of green space raised concerns and/or suggested amendments to the proposals. However, it is also notable that a substantial number of those suggesting amendments gave proposals a positive overall rating – around 1 in 10 of all those who felt that proposals would improve green space also raised issues or suggested amendments.
- 3.7. Most of the suggested amendments and other issues raised by those in favour of proposals referred to specific design elements. However, these respondents also referred to broader issues such as ensuring adequate maintenance and management of the gardens following the re-design. This included some expressing a view that there has been a lack of maintenance to the gardens over recent years, which has contributed to the current condition of the gardens. A small number of those in favour of the proposals also felt that more detail was required on some design elements, such as the approach to replacing some mature trees (e.g. how this will be assessed), how the floral crest will be integrated into the new design (some concerns that the floral crest should retain a prominent place in the gardens), and how the community garden will be used.
- 3.8. In terms of suggested amendments or issues for specific elements of the proposed design, these most commonly related to:
- Enhancing tree and shrub planting was the most commonly mentioned design element. This was clearly a significant positive for many respondents in terms of improving the green space at UTG. These respondents made a range of specific suggestions for the approach to planning, including:
 - Improving visibility and natural light within the gardens, particularly on the Union Terrace boundary. This included through pruning to existing trees, and the design of new planting;
 - Ensuring good quality, imaginative planting that introduces more visual interest to the gardens (in addition to increasing biodiversity);
 - Protecting healthy existing trees, and particularly elm trees given their scarcity in the wider region;
 - Using tree planting to screen the railway line and dual carriageway; and

- Concerns that use of mature specimen trees to replace existing trees may carry risks for new trees adapting to the environment.
 - Retaining the floral crest was also a significant element of the design for some respondents, and a number of these raised questions around how design proposals would “retain and reinterpret the floral crest”. A number of these respondents suggested that the crest is an important part of the character of the gardens, and should retain its current prominence as a significant landmark.
 - The community gardens were generally welcomed by those in favour of the proposals, including some suggesting specific uses for the garden (such as allotment space, edible planting, as an educational green space, or as a “therapeutic space”). However, some comments questioned the viability of the garden in terms of whether it will be used by the local community, the need for regular maintenance of the garden, and its location at a distance from the main access points and potentially affected by pollution from the adjacent dual carriageway.
 - The central lawn was seen as having potential to provide a flexible space within the gardens, but a number of respondents referred to previous events having caused significant damage to the lawn surface, and suggested a need for significantly improved drainage if the lawn is to be used as an event space.
- 3.9. Looking now at ***comments from those who did not feel that proposals would improve the overall quality of green space***, these included a mix of broad concerns about the overall design for UTG and more specific issues or proposed changes to specific elements of the design.
- 3.10. In terms of broader concerns, some respondents felt that the overall design did not go far enough in improving green space within the gardens. This included suggestions that “hard landscaping” should be reduced to increase the volume of green space, and a view expressed by a number of respondents that proposals represented relatively minor “cosmetic” changes which would not provide a significant improvement in terms of making the gardens a more attractive and safer place. These respondents wished to see more radical change to the existing green space, and some referred to elements of previous proposed designs such as raising the level of the gardens and extending the gardens with a bridge over the railway line and Denburn Road.
- 3.11. Reflecting a view amongst some respondents that proposals would not result in a significant change to the gardens, a small number of those providing comment specifically suggested that proposals would not provide good value for money. These respondents felt that improving maintenance to UTG would be sufficient, and suggested that funds are invested elsewhere in the City.

- 3.12. A substantial proportion of comments from those who did not feel that proposals would improve green space suggested changes to specific elements of the design proposals. These comments referred to a range of the elements set out in the consultation document, and there is some overlap with the amendments suggested by those in favour of the overall design (see paragraph 3.8 above). For example, tree/shrub planting and integration of the floral crest to the sloped access route were the design elements where respondents most commonly expressed concern and/or suggested changes.
- 3.13. Suggested changes to tree and shrub planting focused on:
- Ensuring that planting (and ongoing maintenance) is designed to improve the experience of those using the gardens. This included specific reference to making the gardens lighter and more open, improving visibility across the gardens to improve safety. Some of these respondents wished to see less dense planting to increase light within the gardens, including suggestions that some thinning of the existing tree canopy would be required.
 - While a number of respondents wished to see a reduction in the existing tree canopy, comments also expressed concerns that healthy existing trees are adequately protected as part of a more diverse approach to tree planting.
 - Using “anti-pollution” planting to screen the railway line and dual carriageway and improve air quality in the gardens; and
 - Concerns that use of mature specimen trees to replace existing trees may carry risks for new trees adapting to the environment.
- 3.14. As is noted above, the floral crest was identified as an important part of the gardens for some respondents – described by some as a “signature” of UTG. A number of those who felt that proposals would not improve green space raised concerns regarding integration of the floral crest with the sloped access route. This included some respondents who felt that the crest will be diminished by the new design approach – a small number of respondents strongly objected to this aspect of the design. Some also expressed concerns around the overall design of the access route from Rosemount Viaduct. These respondents suggested that the proposed walkway and wild planting would not be in keeping with the more formal design of the crest, and would impact on those who currently use the grassed amphitheatre as a seating area.
- 3.15. Respondents also raised concerns around the integration of the central lawn within the overall design. The main area of concern was drainage to the lawn, and the extent to which the current lawn is suitable for use as an events space. Several respondents referred to previous examples of drainage problems for the lawn area, and suggested that this can mean that the lawn is in poor condition for large parts of the year. These respondents suggested that drainage would have to be significantly improved if the lawn is to be used as

an event space – some felt that raising the level of the lawn would be the most effective way of achieving this.

- 3.16. Several of those who felt that proposals would not improve green space made reference to the proposed community garden. This was primarily requesting further detail on how the community garden will be used, and the role it will play within the gardens. However, a small number of respondents felt that the community garden did not fit well within the overall design approach. This included concerns around the location of the garden along the railway line boundary.
- 3.17. A small number of respondents objected to the inclusion of a water feature within the designs. This included concerns around the number of water features within the City that are not functioning.
- 3.18. In addition to the above suggestions, a number of respondents referred to previous design proposals which they felt would have a more beneficial impact on green space at UTG. This was most commonly in relation to raising the lower level of the gardens, and covering the railway line and dual carriageway to provide additional green space. In addition to increasing the volume of green space, some respondents suggested that these proposals would improve drainage, access and safety within the gardens.

4. ACCESSIBILITY

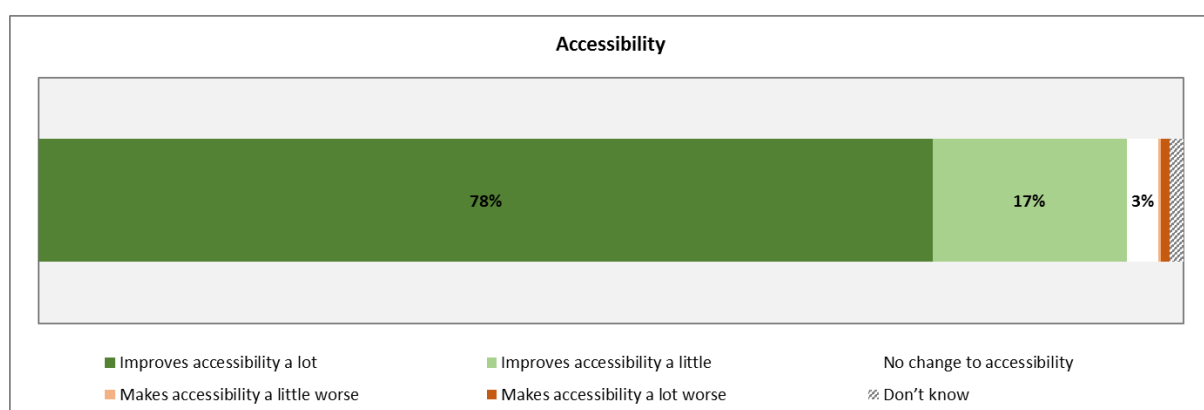
4.1. This section provides a summary of views on how Union Terrace Garden proposals address the priority to ensure **accessibility**. The consultation highlights the following aspects of the proposals as being particularly relevant to improving the accessibility of the gardens:

- New accessible walkway route into the gardens from Union Street;
- Lift access from Union Street into the lower level of the gardens through a new entrance building on Union Street;
- Lift access from Union Terrace into the upper level of the gardens through a new entrance building on Union Terrace at the existing Burns Monument;
- New accessible garden route into the lower level of the gardens from Rosemount Viaduct;
- A level access route into the lower level of the gardens at the rear of His Majesty's Theatre through the existing Rosemount Viaduct Archway; and
- New disabled parking spaces on Union Terrace directly adjacent to the new accessible walkway routes into the gardens.

Rating of proposals

4.2. Figure 3 below summarises respondents' views in relation to the extent to which proposals improve accessibility to Union Terrace Gardens. As this shows, the great majority of respondents feel that proposals will improve accessibility to Union Terrace Gardens (95%). This includes more than three quarters of all respondents who feel that proposals will significantly improve accessibility (78%). Only 1% of respondents feel that proposals will reduce accessibility to Union Terrace Gardens.

Figure 4: Rating of proposals on accessibility



	ALL	Respondent type	
		Public	School/College
Improves accessibility a lot	78%	78%	70%
Improves accessibility a little	17%	17%	28%
No change to accessibility	3%	3%	2%
Makes accessibility a little worse	0.3%	0.3%	0%
Makes accessibility a lot worse	1%	1%	0%
Don't know	1%	1%	0%
Base (% of all responses)	1398 (99%)	1351 (99%)	47 (98%)

Written comments

- 4.3. More than 450 respondents provided written comment on improving accessibility, around a third of all those responding to the consultation. The great majority of those commenting felt that proposals would improve accessibility to the gardens, although almost all of the small number of respondents who felt that proposals would have a negative impact provided further comment.
- 4.4. Looking first at **comments from those who feel that proposals would improve accessibility**, around half of these used their written comments to express broad support for the proposals and/or highlight specific elements of the design. These respondents referred to the importance of accessibility in realising the aim of transforming UTG, and particularly in achieving an increase in the number of people using the gardens (seen by many as the over-riding priority for the proposals). A substantial number of those providing comment felt that proposals would result in “a major improvement” in accessibility, although this included some who saw current accessibility as particularly poor and who felt that improvements are “long overdue”.
- 4.5. In terms of specific elements of the design highlighted by those who supported the proposals, these most commonly referred to:
- The accessible walkway from Union Street.
 - Lower level access via the Rosemount Viaduct Archway.
 - The new entrance buildings and lift access from Union Street and Union Terrace – although some questioned the provision of two sets of lift access in relatively close proximity.
 - The accessible garden route from Rosemount Viaduct – although some felt that the design of the pathway was not in keeping with the floral crest, and was at the expense of existing green space.

- 4.6. Around two thirds of those providing written comment on accessibility raised issues, points for clarification, objections or suggested amendments. Most of these respondents felt that proposals would have a positive impact on accessibility. Indeed around 1 in 5 of all those who felt that proposals would improve accessibility, nevertheless raised issues or suggested amendments.
- 4.7. Most of these respondents focused on specific elements of the proposals, although some also raised broader points which have informed their view of the proposed approach to improving accessibility. This included for example the extent to which the focus on improving access will be at the expense of UTG's green space and heritage features, will justify the additional cost, and will cause disruption to local residents. A small number of respondents also noted that improved accessibility alone will not be sufficient to improve usage of the gardens, and that the public must also be provided with incentives to make use of the improved accessibility.
- 4.8. Several of those who feel that proposals will improve accessibility overall wished to see more detail on the approach to managing and maintaining the gardens following the re-design. These respondents felt that effective ongoing maintenance would be important to ensure accessibility features remain effective, including some who feel that there has been a lack of maintenance historically to the gardens.
- 4.9. In terms of specific design elements, those who felt that proposals will improve accessibility raised the following points:
- Lift access from Union Street and Union Terrace was the most commonly referenced element. For many of those providing comment, this was around whether it is necessary to provide two lift access points in relatively close proximity – some felt that this element of the design was “a bit extreme”, and there were suggestions that alternatives such as covered escalators and/or covered ramped access would be sufficient. Respondents also raised concerns around the design of lifts in terms of ensuring that people feel safe using lifts (e.g. good visibility, CCTV security), that lifts are designed to minimise vandalism and properly maintained to keep them in operation, and that lifts provide sufficient capacity. Some also questioned whether lifts would be accessible 24 hours a day, and if so whether security would be provided. Finally, a small number of respondents raised concerns around any negative impact on the Burns Monument.
 - Access from Rosemount Viaduct including the sloped access route and access via the Rosemount Viaduct Archway. A number of respondents expressed concern around the design of the sloped access route including suggestions that this is not in keeping with the character and heritage features of UTG, will be at the expense of existing trees/planting and green space currently used for informal seating, may be too long for many park users, and is not necessary if other accessible options are provided. Some respondents also wished to see

further detail on the design of the access route via the Viaduct Archway, and in particular how this will ensure the route is well signposted and that people feel safe using it (e.g. lighting, security features). A small number of respondents objected to providing access via the Archway due to the impact on His Majesty's Theatre which currently uses the Rosemount Viaduct Archway for service access.

- Disabled parking on Union Terrace was also raised by a number of those who feel that proposals will improve access. Several of these respondents questioned whether Union Terrace is the most appropriate location for disabled parking, and expressed concerns around the impact on traffic flow and congestion. Some suggested that this disruption could have a negative impact on access to and use of UTG. Parking near to the lower level access under Rosemount Terrace (for example near to His Majesty's Theatre) was suggested as an alternative.
- The accessible walkway from Union Street was also referenced by a number of respondents. This included concern regarding the proposed walkway design and whether this will fit with character of UTG and the potential reduction in green space. Some felt that the walkway may dominate the south end of UTG, and may not be necessary if other accessible routes are provided. Several respondents also raised safety concerns in relation to the raised walkway (including suicide risk), and wished to see more detail for example on the surfaces used and barrier provision.

- 4.10. A substantial number of those in favour of the proposals also referred to previous designs – around 1 in 7 of those providing comment. This was most commonly a preference for an access link with Belmont Street and/or the train station to be included in the design.
- 4.11. Turning to ***comments from the small minority of respondents who did not feel that proposals would improve accessibility to UTG***, these included a mix of suggested changes to specific design elements, and broader concerns that had informed respondents' overall view on whether proposals improve accessibility. These concerns were primarily related to how proposals balance improving access with the need to retain existing green space and heritage features, and concerns that improved accessibility will not be sufficient to increase footfall to the gardens without for example an improvement in events programming.
- 4.12. Reflecting some of these concerns, those who did not feel that proposals will improve accessibility suggested a range of amendments to specific design elements. These suggestions were most commonly focused around lift access from Union Street and Union Terrace, the accessible route from Rosemount Viaduct, and disabled parking on Union Terrace:

- Lift access from Union Street and Union Terrace was the most commonly referenced element. This included several respondents of the view that two lift access points are not required, and concerns regarding the cost of repair and maintenance to lifts. Some also suggested that safety concerns may prevent people from using lifts – an all-weather escalator was suggested as an alternative here. A small number of respondents also felt that the entrance building at Union Street may have a negative impact on footfall as it will blocks views of the gardens from Union Street.
 - Comments regarding access from Rosemount Viaduct focused primarily on the proposed sloped access route. Several respondents objected to the design on the basis that this would not be in keeping with the character of UTG.
 - Disabled parking on Union Terrace was also a concern for some of those opposed to the overall design. These respondents felt that proposals would have a significant impact on traffic flow and congestion on Union Terrace, and that disabled parking would be better located around the Rosemount Viaduct Archway access.
- 4.13. Respondents also made reference to previous design proposals, and in particular raising the level of the gardens to aid accessibility, and developing an access link with Belmont Street and/or the train station.

5. CREATING EVENT SPACE

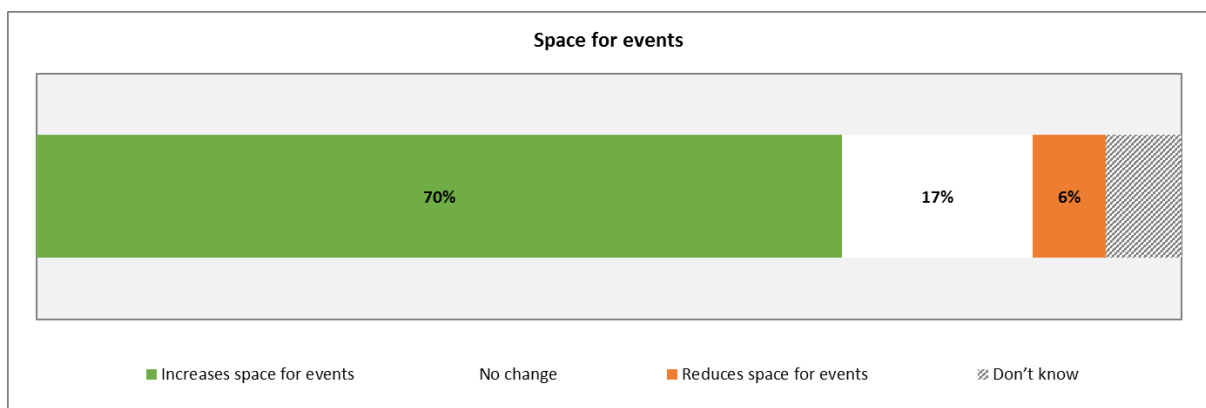
5.1. This section provides a summary of views on how Union Terrace Garden proposals address the priority to **create events space**. The consultation highlights the following aspects of the proposals as being particularly relevant to providing flexible spaces throughout the gardens for hosting a range of events:

- Retaining the central lawn space as a flexible space for large scale gatherings and events;
- New entrance plaza opposite His Majesty's Theatre to accommodate smaller scale events;
- Two accessible viewing platforms which provide elevated events spaces for smaller scale events;
- Seating along the new accessible route from Rosemount Viaduct to act as an informal 'amphitheatre' space to view events in the lower lawn area; and
- Provision of metered water and power points throughout the gardens to provide necessary supply for events.

Rating of proposals

5.2. Figure 4 below summarises respondents' views on whether proposals increase space for events at Union Terrace Gardens. As this shows, the majority of respondents feel that proposals will increase space for events (70%). A further 17% of respondents feel that proposals will lead to no change in events space. A small minority of respondents feel that proposals will reduce space for events (6%).

Figure 5: Rating of proposals on creating events space



	ALL	Respondent type	
		Public	School/College
Increases space for events	70%	70%	75%
No change	17%	17%	13%
Reduces space for events	6%	6%	8%
Don't know	7%	7%	4%
Base (% of all responses)	1390 (98%)	1342 (98%)	48 (100%)

Written comments

- 5.3. Around 400 respondents provided written comment on creating event space, around 3 in 10 of all those responding to the consultation. Around half of those commenting gave proposals a positive rating in terms of increasing events space – while those who felt that proposals would have a negative impact on events space were most likely to provide written comment, these respondents account for only around 1 in 10 of all comments received.
- 5.4. Looking first at **comments from those who feel that proposals would increase space for events**, around half of these respondents used their written comments to express broad support for the proposals. This included suggestions that the gardens are an important public space within the City, and that the City has few other locations with the same potential for outdoor events. These respondents felt that proposals represented a significant improvement in event space within the gardens – although some felt that the programme of events to date had not made effective use of the gardens.
- 5.5. Respondents also praised the mix of spaces proposed. This was related to a relatively common view that proposals were not seeking to increase the volume of events space, but providing better quality and more flexible spaces. Respondents saw other aspects of the design approach as significant to achieving this, for example improving accessibility and the quality of green space to maximise use of the gardens.
- 5.6. A small number of respondents highlighted specific elements of the design as positives:
- The range of smaller spaces – including the viewing platforms and entrance plaza opposite HMT - providing flexibility for events of varying sizes and types.
 - The informal amphitheatre created by seating along the accessible route from Rosemount Viaduct.
 - Provision of covered events space such as the new pavilion.
 - Providing water and power points to enable a broader range of events to be hosted.

- 5.7. More than two thirds of those providing written comment on events space raised issues, points for clarification, objections or suggested amendments. These respondents were evenly divided between those who felt that proposals would have a positive impact on events space, and those who gave a negative or neutral rating. Indeed, it is notable that around 1 in 8 of all those who felt that proposals would improve events space, nevertheless raised issues or suggested amendments.
- 5.8. Comments from those who felt that proposals would improve events space included some referring to specific design elements, but most raised broader points which have informed their view of the proposed approach to creating events space. The most common theme across these comments was the importance of delivering a programme of events which will make best use of the new design, and which will attract people to use the gardens. A number of respondents expressed a view that the programming of events to date had not made best use of the gardens, and a small number of those in favour of the design proposals expressed scepticism around whether an adequate programme of events would be put in place. Other themes across comments on events space included the importance of maintaining facilities and infrastructure in good condition to support a varied programme of events – again some respondents perceived lack of maintenance to date.
- 5.9. Some of those who felt that proposals would improve events space felt that this was at the expense of natural green space. These respondents questioned whether design proposals had struck the right balance between events space and retaining the park for general leisure use.
- 5.10. In terms of issues and suggested amendments to specific elements of the proposed design, the main points for those in favour of the proposals were:
- In relation to the lawn space, a number of respondents referred to poor drainage and to previous events having caused significant damage to the lawn. These respondents suggested that there may be a need to limit the number and range of events on the lawn. The depth of the lawn and the limited natural light was also cited as a factor for consideration here.
 - Viewing platforms were also referenced by a number of respondents. Comments here suggested that the orientation/layout and materials used in viewing platforms should support a range of staging and sound equipment, include appropriate safety barriers, and potentially include some cover from inclement weather. Several respondents also wished to ensure that the design of viewing platforms is in keeping with the character of the gardens. Others were less positive on the inclusion of viewing platforms – they were described as “intrusive”, and not required where the natural shape of the gardens means that already a range of viewing points.

- Seating on the accessible route from Rosemount Viaduct was seen as a positive aspect of the design, although some highlighted a need to ensure the design and construction of seating is suitable for local climate, and potentially includes some cover from poor weather. Several respondents also questioned whether proposals include sufficient space for seating, and suggested that more seating is included throughout the gardens.
 - A small number of respondents commented specifically on the proposed entrance plaza opposite His Majesty's Theatre. This included some who did not find the proposal appealing, and expressed concerns regarding the balance between hard landscaping and green space. Others wished to ensure that the design of the plaza would support a range of events, including provision for staging, lighting, sound, etc.
- 5.11. In addition to these specific proposals, respondents also referred to other design considerations for the creation of events space. The most common was to provide a range of covered events spaces and/or incorporating retractable covers throughout the gardens, recognising the impact of the local climate on scope for outdoor events. Respondents also highlighted the importance of providing sufficient lighting and other facilities to support events (such as toilets, a large screen for sports and other events, and induction loop systems).
- 5.12. ***Those who do not feel that proposals will improve events space*** provided a range of written comments. Most of these respondents objected to or raised concerns around the overall design of proposals for events space (rather than referring to specific elements of the proposed design. In relation to the overall design approach to events space, the main issues raised were:
- Suggestions that proposals will not increase events space for UTG. This was both in relation to the overall volume of events space across the gardens, and also the range of events that the gardens can host – a number of respondents felt that proposals will not be sufficient to support larger events within the gardens.
 - Scepticism around the extent to which events space within the gardens will be well used. As noted above, a substantial number of respondents suggested that the park is currently underused, as an events space and for leisure more widely. Some of these respondents suggested that this is in large part due to the topography of the gardens resulting in damp areas with limited natural light, to weather conditions, and to the availability of other events space in the City. These respondents suggested that the scope for the gardens to host events will continue to be constrained, and that proposals are insufficient to overcome these factors.
 - Balancing the creation of events space and retaining natural green space for leisure use. A number of those opposed to the overall approach to events space felt that proposals sacrificed too much green space. This included reference to the hard landscaping and

infrastructure required to create events space, and also the extent to which the design of spaces will support more general leisure use when not in use for events.

- The importance of delivering a programme of events which will make best use of the new designs, and which will attract people to use the gardens. A range of respondents expressed concerns around the extent to which the number and range of events held at the gardens would justify investment in creating events space – including some of those in favour of the proposals. These respondents referred to a need to better promote the gardens for events space to encourage greater attendance, to the Council being more proactive in developing a programme of events, and to ensuring the gardens are available to a range of organisations and groups wishing to host both formal and informal events (e.g. by minimising bureaucracy and cost).

5.13. Some of those who did not feel that proposals would improve events space suggested changes to specific elements of the proposals. These suggestions most commonly focused on the lawn space and viewing platforms:

- In relation to the lawn space, concerns raised by respondents related to the extent to which proposals appear to reduce the size of the central lawn, and whether the lawn is suitable for a range of events. In relation to the latter point, these respondents suggested that there is a need to significantly improve drainage or use an all-weather surface. Some also wished to see more seating provided around the lawn space.
- In relation to viewing platforms, a number of those opposed to the overall proposals expressed a dislike for the inclusion of viewing platforms – these respondents felt that the platforms would not fit with the character of the gardens, and do not add significantly to events space. Some also suggested that the platforms appear to reduce the central space and potentially limit natural light for the lower level. Respondents also expressed safety concerns in relation to the raised platforms.

6. IMPROVING FACILITIES

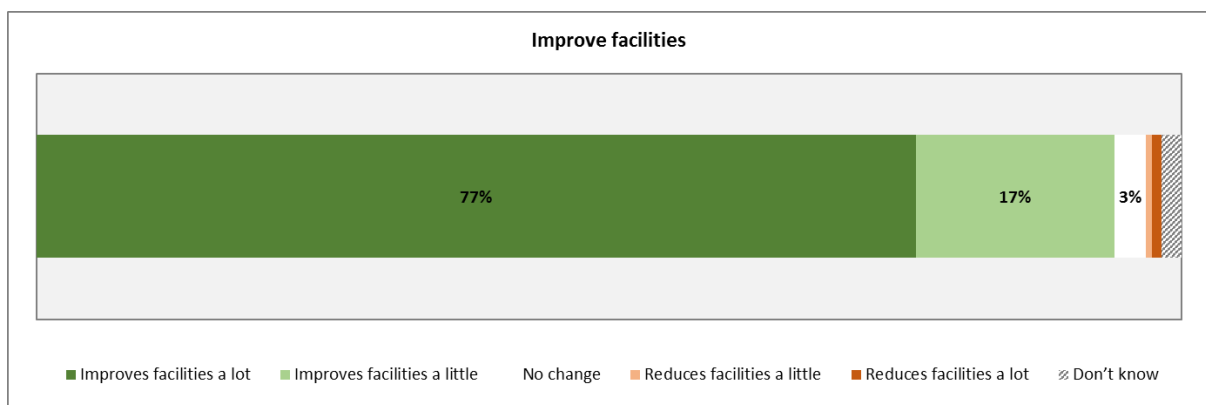
6.1. This section provides a summary of views on how Union Terrace Garden proposals address the priority to **improve facilities**. The consultation highlights the following aspects of the proposals as being particularly relevant to the aim of creating new facilities within the gardens for play, community growing, education, toilet provision and places to eat and drink:

- Upgrading of the existing Victorian Toilets on Union Terrace for a new use;
- Potential café and gallery space at the Burns Monument and within the existing arches;
- A new café pavilion opposite His Majesty's Theatre;
- Upgrading of the existing 'bothy' as a space for park maintenance teams to store equipment and utilise as an education and training space;
- Provision of water and power supplies throughout the gardens for events;
- Provision of opportunities for both formal and informal play within the gardens; and
- A new community garden space adjacent to the railway.

Rating of proposals

6.2. Figure 5 below summarises respondents' views on the extent to which proposals improve facilities at Union Terrace Gardens. As this shows, the great majority of respondents feel that proposals will improve facilities at Union Terrace Gardens (94%). This includes more than three quarters of all respondents who feel that proposals will significantly improve facilities (77%). Only 1% of respondents feel that proposals will reduce facilities at Union Terrace Gardens.

Figure 6: Rating of proposals on improving facilities



	ALL	Respondent type	
		Public	School/College
Improves facilities a lot	77%	77%	69%
Improves facilities a little	17%	17%	31%
No change	3%	3%	0%
Reduces facilities a little	1%	1%	0%
Reduces facilities a lot	1%	1%	0%
Don't know	2%	2%	0%
Base (% of all responses)	1393 (98%)	1345 (98%)	48 (100%)

Written comments

- 6.3. More than 500 respondents provided written comment on improving facilities, more than a third of all those responding to the consultation. Reflecting the overall balance of views summarised at Figure 5 above, the great majority of those commenting gave proposals a positive rating in terms of improving facilities.
- 6.4. Looking first at **comments from those who feel that proposals would improve facilities**, more than half of these used their written comments to highlight specific aspects of the design and/or to express broad support for the proposals. The latter group included a number of very positive comments describing proposals as “excellent”. These respondents highlighted the importance of facilities to support year-round use of the gardens.
- 6.5. In this context, respondents also highlighted the need for ongoing maintenance to ensure that poor condition does not discourage use of facilities. Some suggested that a lack of maintenance has been an issue over recent years, and questioned whether adequate investment would be provided to support ongoing maintenance. Related to this point, some respondents felt that improvement to facilities has been required for some time, and suggested that “proper facilities are long overdue and will be welcomed”. Indeed, a small number of these respondents wished to see proposals go further in terms of providing features that will attract people to gardens, in addition to “basic amenities”.
- 6.6. Those in favour of proposals for improving facilities highlighted a number of specific design elements as positives. These related primarily to:
- Provision of cafes within the gardens – including potential for a café on the lower level to encourage use of this part of the gardens.
 - Café and gallery space within the arches as additional covered space within the gardens.

- Restoration of the Victorian Toilets – although some expressed concerns around the “new use” referenced in the consultation document.
 - Providing more indoor and sheltered spaces within the gardens.
- 6.7. Around two thirds of those providing written comment on facilities raised issues, points for clarification, objections or suggested amendments. Most of these respondents felt that proposals would have a positive impact on facilities. Indeed around 1 in 5 of all those who felt that proposals would improve facilities, nevertheless raised issues or suggested amendments.
- 6.8. Most comments raised issues or suggested amendment to specific design elements. However, some also referred to broader design points – most commonly the importance of ongoing maintenance and management of facilities, and the need to provide incentives for people to visit the gardens and make use of facilities:
- Maintenance and management of facilities, including security provision, was the most common issue raised by those in favour of the overall design. A substantial proportion of those providing comment mentioned the importance of regular ongoing maintenance of facilities to maintain cleanliness and good condition. This was seen as vital to ensure continued use, and that facilities can attract businesses for example to cafes and the proposed space under the arches. Security was also a relatively common concern, and a number of respondents wished to see a security presence within the gardens to prevent vandalism of facilities. Respondents also suggested other security measures such as lighting and design of facilities to minimise isolated or poorly lit areas – in this context some also wished to see the gardens made an alcohol-free area. Respondents noted the potentially high cost of a security presence – particularly if gardens are open 24 hours a day – and suggested that projections for facilities should take this into account.
 - Ensuring that there is sufficient incentive to increase footfall and encourage use of facilities was also a common theme across comments. A number of respondents suggested that facilities can only justify the development cost if they are well used, and that events and other incentives are needed to attract more people to the gardens. Some respondents cited the proposed cafes and gallery space as a potential incentive, and suggested that the design and location of these facilities should seek to maximise footfall (e.g. Union Street has highest footfall).
 - Some respondents suggested that the range of facilities proposed is at the expense of the gardens’ natural space and heritage features. There was some difference of opinion amongst those who felt that proposals improve facilities on the preferred balance between encouraging more use of the gardens (a “more vibrant” space), and maintaining their use

as a quiet green space (who felt that the proposed design is “too busy”). Almost all respondents agreed with the need for improved amenities such as toilets and access, but some of those providing comment felt that proposals included too many additional facilities such as cafes, gallery space and other buildings. It is also notable that even amongst those who wished to see more facilities, there was still some concern that the design is in keeping with their natural surroundings.

- The importance of ensuring facilities are accessible to all was also highlighted by respondents. This included in relation to disabled access, but also for example in ensuring facilities such as cafes and the proposed gallery space can accommodate younger children and families.

6.9. In terms of issues and suggested amendments to specific elements of the proposed design, the most common areas were:

- While there was broad support for the proposed café and gallery spaces at the arches and Burns Monument, some queried aspects of the proposed design and suggested amendments. A substantial number of those providing comment felt that the arches – and gardens more generally – should not be a location for “commercial outlets”. This was seen as important to the character of the gardens, and respondents also emphasised the importance that the approach to renovating the arches retains their current character. A number of respondents suggested that a social enterprise and/or community led approach would be the preferred option. Respondents also suggested that rents are minimal and potentially other incentives offered to attract independent operators and/or social enterprises. Others questioned whether there will be sufficient footfall to support café and other facilities at the arches, and whether this would be an attractive commercial prospect. The layout of the arches space was also seen as restricting the range of potential uses, and a creative approach will be needed to make best use of the available space (suggestions included enabling cafes to expand into the outdoor space when weather allows). In terms of location, some noted that proposals locate all cafes at street level, and felt that there would be value in including more facilities at the garden level below.
- Comments also show widespread support for the renovation of the Victorian toilets, and several respondents referred to the building as a significant aspect of the gardens’ heritage features. However, a substantial number of respondents questioned the reference to a “new use” for the toilets, and wished to see more detail on this. Most indicated a preference for retaining their use as toilets, and this reflected a broader view that the gardens required sufficient toilet provision. However, the great majority emphasised the importance of retaining the Victorian features whatever their eventual use.

Respondents also saw ongoing maintenance as important, particularly if they are retained as toilets, and some suggested that levying a small fee for use may be appropriate to ensure sufficient maintenance funds.

- Views were more mixed in relation to the café pavilion opposite His Majesty's Theatre. Some expressed concerns that the café will compete with the HMT café opposite, and potentially other facilities in the area. This was seen as having potential for a negative impact on HMT, and/or undermine the viability of the new café pavilion. Some respondents also indicated a preference for the location allocated to the café pavilion to be retained as open space, and this appeared to be linked to views that the proposed design is “too cluttered” and includes too many cafes. In terms of the operation of the café pavilion, respondents raised a range of points similar to those noted above in relation to the cafés at the arches and Burns Monument. There was a general preference for independent operators or social enterprises, and a wish to see rents and other charges set at a sustainable level.

- 6.10. In terms of other facilities, some respondents also referred to proposals for play areas and the community garden. Most of these respondents felt that more detail is required on the approach to these two elements. In relation to play areas this included for example what is meant by “formal and informal play”, and a specific preference from some for facilities which “go beyond the standard ‘swing park’ design”.
- 6.11. Turning to ***comments from the minority of respondents who did not feel that proposals would improve facilities***, these included a mix of suggested changes to specific design elements, and broader concerns that had informed respondents’ overall view on proposals. These concerns were primarily related to how proposals balance improving facilities against the need to retain existing green space and heritage features, and a view that proposals do not represent value for money.
- 6.12. In relation to maintaining green space and heritage features, a number of respondents suggested that these aspects were at a premium in the local area and contrasted this with the number of cafes across the City. Concerns around the extent to which proposals represent value for money appeared to be linked to scepticism around the potential to increase footfall sufficiently to support the range of facilities proposed. These respondents felt that the location and topography of the gardens will remain a barrier to people using the gardens, including some who described the proposals as “unambitious” in terms of providing reasons to use the gardens. This included comparison with previous design proposals.

- 6.13. Respondents who felt that proposals would not improve facilities suggested a range of potential amendments to specific design elements. Consistent with the issues raised by those who supported the overall approach to improving facilities (see paragraph 6.9), these suggestions related primarily to cafes within the gardens and refurbishment of the Victorian toilets:
- In relation to proposals for cafés and a gallery at the arches and Burns Monument, the most common concern related to the number of cafes proposed across the gardens. A small number of respondents also raised concerns around the condition and structure of the arches and whether they are suitable for the proposed use. Views were also somewhat mixed on the proposed design, including for example whether it is appropriate to enclose the arches. In relation to the gallery space at the arches, several respondents sought clarity on whether this would be included in the final design (referring to “potential space” described in the consultation document). A small number of respondents felt that this space may have a negative impact on other gallery space in the local area.
 - Similar points were raised in relation to the café pavilion opposite His Majesty’s Theatre. For example, a number of respondents questioned whether there is a requirement for multiple cafes within the gardens – and whether they will be sustainable. However, the location of the café pavilion was the main concern. Respondents suggested that proposals would have a negative impact on the HMT café opposite, and potentially on other local businesses. Some also objected to the impact on what was described as an “iconic view”, and questioned whether provision of a café at street level will encourage greater footfall within the gardens.
 - Comments in relation to the upgrading of the existing Victorian toilets focused primarily on the “new use” for the toilets. These respondents generally wished to see the building retained as toilets, and this reflected a view that additional toilet facilities are required for the gardens. The importance of retaining the Victorian features of the toilets was also highlighted.

7. SAFETY

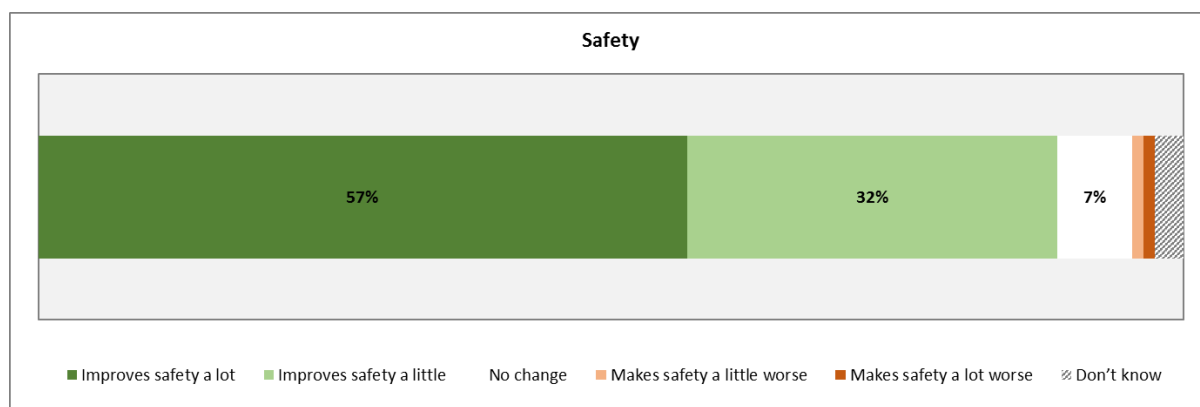
7.1. This section provides a summary of views on how Union Terrace Garden proposals address the priority to **improve safety**. The consultation highlights the following aspects of the proposals as being particularly relevant to improve safety in the gardens:

- Improved lighting to the new accessible walkways into the gardens;
- Creation of a new entrance building on Union Street, providing an activity hub that overlooks the space in the day and evening;
- Lighting installation within the arches to animate the upper terrace and increase the sense of safety and security along this edge; and
- A major new lighting installation within the gardens to act as a beacon to attract footfall into and around the gardens.

Rating of proposals

7.2. Figure 6 below summarises respondents' views on the extent to which proposals improve safety at Union Terrace Gardens. As this shows, around 9 in 10 respondents feel that proposals will improve safety at Union Terrace Gardens (89%). This includes more than half of all respondents who feel that proposals will significantly improve safety (57%). Only 2% of respondents feel that proposals will worsen safety at Union Terrace Gardens.

Figure 7: Rating of proposals on safety



	ALL	Respondent type	
		Public	School/College
Improves safety a lot	57%	56%	62%
Improves safety a little	32%	32%	32%
No change	7%	7%	4%
Makes safety a little worse	1%	1%	0%
Makes safety a lot worse	1%	1%	0%
Don't know	3%	3%	2%
Base (% of all responses)	1393 (98%)	1346 (98%)	47 (98%)

Written comments

- 7.3. Around 500 respondents provided written comment on safety, more than a third of all those responding to the consultation. Reflecting the overall balance of views summarised at Figure 6 above, a large majority of those commenting gave proposals a positive rating in terms of the extent to which proposals would improve safety in UTG.
- 7.4. Looking first at **comments from those who feel that proposals would improve safety**, nearly half of these used their written comments to highlight specific design elements and/or to express broad support for the proposals. Safety was a clear concern for a substantial number of these respondents, who saw improving safety as a significant factor in terms of increasing use of the gardens. This included some who indicated that they do not feel able to use the gardens at present specifically due to safety concerns – a small number of these respondents suggested a need to promote the gardens as a safer space to address this negative reputation. In addition to increasing footfall through the gardens, improving safety was also seen a shaving potential to improve the mix of people using the gardens – for example attracting more families with young children, and older people.
- 7.5. Some respondents suggested that a lack of maintenance has been an issue for the gardens over recent years, and felt that this has contributed to safety issues. These respondents emphasised the need for adequate investment to ensure ongoing maintenance of safety features such as lighting.
- 7.6. Respondents also highlighted a range of specific design elements as positives. These focused almost exclusively on proposals for additional lighting; this was seen as a positive by the great majority of those providing comment, primarily to improve safety but some also referred to creative use of lighting to improve the appearance of the gardens. Respondents also drew links with other aspects of the proposals, such as the approach to trees and planting to create a more open space with more natural light. However, while most praised the proposed approach to lighting, some questioned whether the

lighting installation will be sufficient to attract more people into the lower levels of the garden.

- 7.7. In addition to comments on proposed lighting features, some respondents also referred to the proposed new entrance building as a safety feature. However, this appeared to be due more to potential for a staffing presence rather than proposals that the building will create an activity hub overlooking the gardens.
- 7.8. Around three quarters of those providing written comment on safety raised issues, points for clarification, objections or suggested amendments. A large majority of these respondents felt that proposals would have a positive impact on safety. Indeed nearly a quarter of all those who felt that proposals would improve safety, nevertheless raised issues or suggested amendments.
- 7.9. These included a mix of comments suggesting changes to specific design elements, and those raising broader design points. The latter most commonly related to a perceived need for additional security measures such as CCTV and security patrols, alongside improved lighting and other proposals. Around 1 in 10 of all those who felt that proposals would improve safety also suggested a need for additional security measures. In relation to potential for security patrols this included a mix of comments suggesting funding a caretaker role for the gardens, and integration of the gardens to existing police and community warden patrols. These respondents also suggested that this security role could also incorporate a maintenance element.
- 7.10. While most respondents supported the proposals for improving safety in the gardens, some felt that safety concerns will remain. These respondents suggested that additional lighting alone will not be sufficient to make the gardens feel safer, and that for example a significant increase in footfall throughout the gardens would also be required. Indeed some suggested that without this, the gardens could never be a welcoming area.
- 7.11. A small number of respondents suggested changes to the proposed approach to lighting, to address concerns that the design will result in additional lighting pollution, and will be not in keeping with the character of the gardens. This included concerns regarding the impact on the local neighbourhood, and on the gardens themselves (e.g. lighting potentially discouraging wildlife).
- 7.12. In terms of issues and suggested amendments to specific design elements, the main areas identified by those in favour of the overall approach were:
- Written comments indicated a mix of views in relation to proposals for a major light installation as a “beacon” for the gardens. Some of those providing comment were unsure whether the installation (and potentially the lighting approach more widely) will be sufficient to attract people into the lower level of the gardens. This included suggestions that a more substantial increase in lighting will be required. A small number of respondents also wished to see a more

ambitious approach to design of the lighting installation, and referred to more creative use of light to provide a more stimulating environment. Also in relation to the design of lighting in the gardens, some wished to see use of solar lights and/or sensor reactive lighting to save energy. A small number of respondents did not support proposals for the lighting installation; these respondents suggested that the installation would not be in keeping with the character of the gardens and described the design as “overly intrusive”, including some who supported an overall increase in lighting to the gardens.

- In relation to the proposed entrance building on Union Street, comments indicate some lack of clarity regarding the proposed role of the building. Some felt that proposals described this as primarily a lift entrance, while others questioned whether the building would be used for events, as a viewing point, and/or as a security base. This included some questions regarding the opening hours and staffing of the entrance building. In addition to questions regarding the role of the building, some respondents were concerned that proposals will focus activity at the street level, and may not encourage more use of the lower gardens level. This included concerns that the proposed design for the building could dominate the gardens and detract from views from Union Bridge.
- Lighting to the arches and the proposed accessible walkways were generally seen as significant elements in addressing safety concerns – particularly if the arches are to be used as an access point. However, some respondents felt that proposals appeared insufficient to fully address safety concerns, and wished to see more ambitious proposals.

7.13. In addition to comments on the specific elements above, respondents also highlighted the importance of increasing footfall (particularly to the lower levels of the gardens) to address safety concerns regarding the gardens. These respondents referred to other proposals relating to creating events space and improving facilities as significant elements in increasing use of the gardens, and suggested that these should form part of an integrated approach to safety. The approach to improving green space was also seen as relevant here, ensuring that planting creates a more open space with better visibility and natural light.

7.14. Comments from ***the relatively small minority of respondents who did not feel that proposals would improve safety*** included some reference to specific design elements, but were primarily focused on broader concerns and issues. These included the extent to which proposals will fully address safety concerns, the need for additional security measures, and the importance of increasing footfall:

- A number of respondents suggested that safety will remain a concern even with the proposed changes to the gardens. Indeed some respondents specifically indicated that even with proposed changes,

they would not use the gardens after dark. For some this related to concerns regarding the quality and design of lighting (e.g. to minimise areas in dark shadow), but for most respondents a lack of footfall appeared to be a bigger safety concern than lighting. These respondents pointed to parts of the gardens and other areas across the City where lighting has not removed safety concerns, and suggested that a real change in the level of use of the gardens would be required to address safety concerns. The topography of the gardens was also mentioned as a significant concern, and that the lower level of the gardens would remain a safety risk even with significant lighting levels. As noted below, some respondents felt that lighting alone would not be sufficient to make the gardens safe, without other security measures.

- While comments indicate widespread support for proposals to improve lighting across the gardens, a substantial number of those providing comment also wished to see additional security measures. This was most commonly regarding CCTV systems and security staffing or patrols from Police or community wardens. Some of these respondents clearly saw such measures as the only means of effecting a genuine improvement in safety across the gardens, and wished to see part of the funding for proposals dedicated to this provision. Locking the gardens at night when not in use was also a relatively common suggestion. Recommendations for staffing to the gardens was primarily focused on security, but some also suggested that this role is integrated with maintenance and clean up following events.
- While a substantial proportion of those providing comment appeared to feel that increasing use of the gardens would be a key factor in improving safety, a small number of respondents disagreed and suggested that increased footfall could lead to increased safety issues. This was particularly in relation to increasing footfall within the gardens after dark, and some suggested that this could lead to more problems such as antisocial behaviour, theft and assault.
- The raised walkway and viewing platforms were also highlighted by a number of respondents as potential safety risks. This was most commonly in relation to a perceived suicide risk associated with the raised walkway, and several respondents wished to see this addressed by proposals. A small number of respondents also felt that raised areas brought a risk of accidental injury, and that shaded areas under the raised walkway were a potential safety concern.

7.15. Respondents who did not feel that proposals would improve safety suggested a range of potential amendments to specific design elements. Comments from these respondents focused primarily on proposals for additional lighting to the gardens, but also included reference to the new entrance building. This included some who wished to see more detail on the approach to improving

safety, including the detailed design of lighting and the intended use of the entrance building:

- The lighting installation was the most common focus for comments and suggestions. While a number of respondents saw significant potential for this to improve safety to the lower levels of the gardens, some felt that the effectiveness of the installation would depend on the quality and design of lighting. This was both in terms of ensuring lighting is bright enough for the area, and that the design of the lighting installation is sensitive to the character of the gardens. This included ensuring the space can be used for events and leisure activities, minimising the impact of light pollution, and avoiding any negative impact on wildlife. As noted earlier, some felt that encouraging more people to use the lower garden levels could lead to an increase in crime and antisocial behaviour – particularly after dark. Others also saw a risk of vandalism to the lighting installation, and highlighted the need for maintenance – these respondents suggested that cost projections should include provision for ongoing repair and maintenance.
- Similar points were raised in relation to lighting to accessible walkways and the arches. Respondents wished to see more detail on the proposed design of lighting and the extent to which this would fit with the character of the gardens, and would be of sufficient quality to address safety concerns.
- A small number of respondents raised concerns or queries regarding the proposed new entrance building on Union Street. This included some seeking further detail on the role of the entrance building, for example opening hours and staffing levels, facilities provided and how the space will be used. In terms of the potential role of the building in improving safety, some respondents noted that surrounding buildings already overlook the gardens and that this does not appear to have improved safety. These respondents suggested that the entrance building would not have a positive impact on safety without adequate staffing.

8. HERITAGE FEATURES

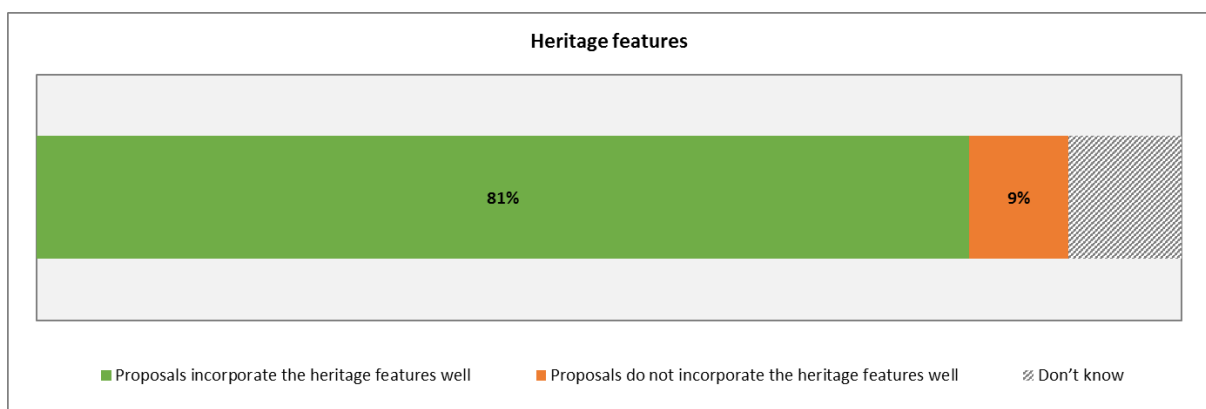
8.1. This section provides a summary of views on how Union Terrace Garden proposals address the priority to incorporate **heritage features**. The consultation highlights the following aspects of the proposals as being particularly relevant to the enhancement and celebration of existing heritage features in the gardens:

- Retaining and repairing the existing granite balustrading to the perimeter of the gardens;
- Reinstating the ‘grand staircase’ as a central part of the new accessible route into the gardens from Rosemount Viaduct;
- Reusing the existing granite steps, walls and coping materials as part of the new interventions within the scheme;
- Retaining the existing monuments to the edges of the gardens, giving them a new, enhanced setting;
- Creating new interventions within the arches which are ‘lightweight structures’ that express the heritage fabric of the gardens; and
- Utilising lighting to celebrate heritage features such as the arches, monuments and viaduct.

Rating of proposals

8.2. Figure 7 below summarises respondents’ views on whether proposals effectively incorporate heritage features at Union Terrace Gardens. As this shows, a large majority of respondents feel that proposals incorporate UTG heritage features well (81%). A little less than 1 in 10 respondents feel that proposals do not incorporate these heritage features well (9%).

Figure 8: Rating of proposals on heritage features



	ALL	Respondent type	
		Public	School/College
Proposals incorporate the heritage features well	81%	81%	87%
Proposals do not incorporate the heritage features well	9%	9%	4%
Don't know	10%	10%	9%
Base (% of all responses)	1383 (98%)	1337 (98%)	46 (96%)

Written comments

- 8.3. Around 350 respondents provided written comment on improving safety, a quarter of all respondents. Nearly two thirds of commenting felt that proposals incorporated heritage features well, reflecting the overall balance of views summarised at Figure 8 above. However, it is notable that most of the minority of respondents who felt that proposals did not incorporate heritage features well provided further comment to explain their view.
- 8.4. As is noted below, a number of common themes emerged through comments across respondents giving positive and negative ratings for the approach to integrating heritage features. This included concerns that designs included too much concrete and implied the removal of too much granite – these respondents wished to see proposals make greater use of granite to link with Aberdeen’s heritage. Repair and retention of granite was also one of the most common issues across both groups of respondents, and this appeared to reflect a common view that re-development should be in keeping with the character of the gardens.
- 8.5. Looking specifically at **comments from those who feel that proposals incorporate UTG’s heritage features well**, a substantial proportion of these respondents expressed broad support for the design approach. For most of these respondents, this focused on how proposals strike a balance with the original features of the gardens and its general character, and make good use of existing heritage features. This included reference to specific features such as the Victorian toilets, the “grand staircase” and granite balustrade, monuments and the arches. Respondents also noted that proposals acknowledged the importance of Aberdeen’s wider heritage and identity, including for example through retention and reuse of granite materials. These respondents praised the proposals as enhancing the surrounding area, and creating an accessible public space for the city centre.
- 8.6. Most of those providing written comment on heritage features raised issues, points for clarification, objections or suggested amendments. This included a substantial proportion of those who felt that proposals integrated heritage features well, but who nevertheless qualified their support with concerns and/or suggested amendments. Some of these comments raised general concerns for proposals, including the risk of over-development leading to light and noise pollution, and how the balance between heritage features

and green space can be struck. The latter issue included specific reference to retaining the prominence of the floral crest, proposals to pave over parts of Prince Albert gardens, and the design and location of the new café pavilion detracting from the character of the area.

8.7. In terms of suggested additions and improvements to proposals, the main areas raised by those generally in favour of the approach to heritage features were:

- Several respondents suggested that heritage features could be enhanced through signage, plaques and tours focusing on the architectural histories and geography of the area - such as the old loch and the Denburn.
- Re-use of materials and consistency with Aberdeen’s architectural features was also emphasised by some respondents. Some felt that it will be important to re-use cast iron from the existing park, and many argued for the importance of using locally sourced granite.
- Some respondents suggested opportunities to involve other bodies and civic fixtures within Aberdeen – such as Gray’s School of Art or local arts organisations – alongside use of local materials, suppliers and contractors. In this context, some respondents also highlighted the social and civic functions of the Gardens, and the importance of maintaining access to key features (e.g. the Wallace statue) for celebrations and events.
- Other specific improvements suggested by respondents in relation to integration of heritage features were:
 - The park near the Wallace monument is better incorporated into proposals.
 - A museum of the city by or within the gardens.
 - A new monument to mark the redevelopment.
 - Pedestrianisation around the square.
 - Replacing the tarmac paths.
 - Improving the railings by the bridge.

8.8. Turning to ***comments from the minority of respondents who did not feel that proposals integrated heritage features well***, these included a mix of suggested changes to specific design elements, and broader concerns that had informed respondents’ overall view on proposals. These more general concerns were primarily focused on the extent to which proposals sufficiently retained and preserved heritage features – most of those expressing concerns regarding proposals referenced this issue. This included some of the view that proposals are too contemporary and appeared to remove significant heritage features, and compromise the Victorian character of the gardens. Indeed some expressed a preference for no change to the gardens,

and expressed fears that “interference” would change the Victorian character of the gardens.

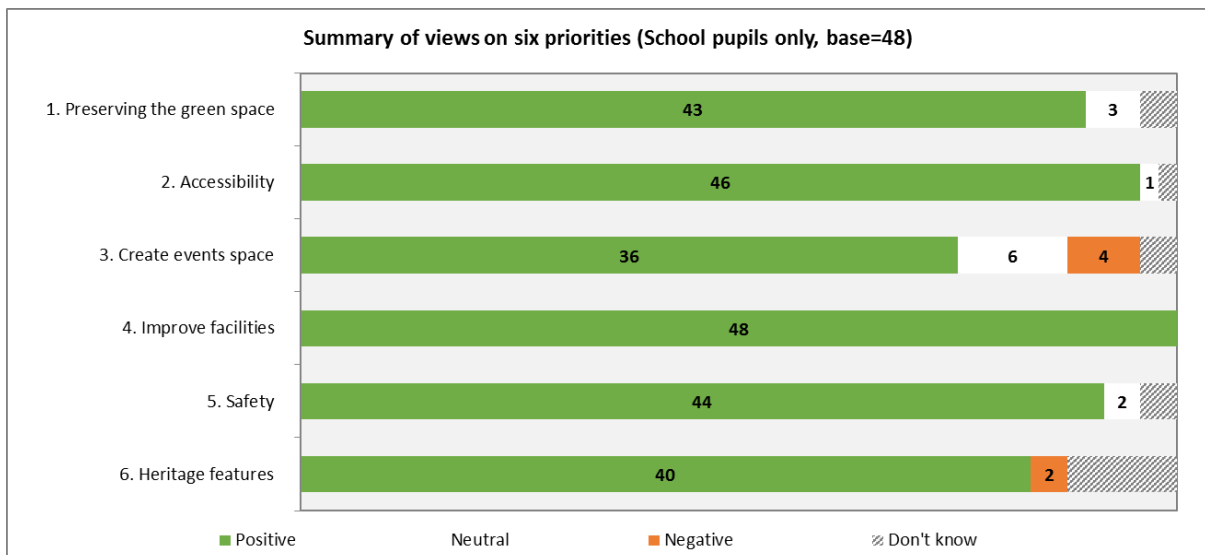
- 8.9. Some of these comments appeared to be due in part due to a lack of detail provided on specific aspects of proposals. For example, a number of respondents sought reassurance that specific heritage features such as the main staircase and granite balustrade would be respected. A substantial number of respondents also felt that there was a need for more detail generally on proposals. These respondents indicated that images did not provide sufficient detail, and they found it difficult to offer a view on the detail of proposals.
- 8.10. As has been highlighted across a number of the priority areas, a substantial proportion of those providing comment highlighted the importance of effective ongoing maintenance and cleaning. This appeared to be a particular issue for the integration of heritage features, and it was clear that some of those with a specific concern for heritage features saw ongoing maintenance of these features as a more significant issue than the new elements proposed for the gardens.
- 8.11. In terms of suggested amendments to proposals, the most common areas for those who felt that heritage features are not integrated well, were:
- The inclusion of the café pavilion was a cause of concern for some respondents. This included the placement of the building (some felt that this would “clog up” the gardens and impact on viewing points), the extent to which an additional café is necessary, and the extent to which the proposed design fit with the character of the gardens.
 - Specific plans for renovation of the Victorian toilets were raised by a substantial number of respondents. Most wished to see the facility retained as toilets, but some indicated that they could not comment on or approve any alternative use without further detail – particularly in relation to whether and how original features of the toilets would be retained.
 - Some felt that the proposed raised walkway was too contemporary in design, and would not be consistent with the character of the gardens.
 - Some expressed concerns regarding the integration of the grand staircase within proposals. These respondents wished to see the staircase retain its current prominence, and were concerned that the design indicated in the consultation document would not deliver this.
 - The proposed approach to integrating the floral crest with the accessible walkway was also a cause for concern for some. These respondents wished to see the crest retain its current role as a significant landmark for the gardens, and did not feel that proposals would ensure this.

- Some respondents suggested that size and layout of the accessible walkway from Rosemount Viaduct would not be in keeping with the character of the gardens – nor of the floral crest. This included reference to the modern materials to be used in the walkway.
- A number of respondents wished to see reassurances that specific heritage features would not be removed or compromised. This included the bow brig, the granite balustrades, and the Wallace Statue.

9. VIEWS FROM SCHOOL PUPILS

- 9.1. As is noted in section 1 of this report, the public engagement process sought to include the views from school pupils. A total of 48 responses were received from pupils of Harlaw Academy and Robert Gordon’s College, and the Children’s Parliament Imagineers also provided feedback on the proposals.
- 9.2. Figure 9 below summarises the view of the 48 school pupils in relation to each of the six priority areas. As this shows, the great majority of pupils were positive about the approach to all six priorities. This was particularly the case in relation to improving facilities (all 48 rating proposals positively) and accessibility (46 positive ratings). Only four pupils rated any of the six priority areas negatively – in relation to creating events space, and integrating heritage features.

Figure 9: Overview of ratings – school pupils only



- 9.3. Reflecting the balance of views shown at Figure 9 above, written comments from school pupils were generally positive in tone. Across all six priorities, most written comments reiterated broad support for the proposals and/or highlighted specific positive design elements. Nevertheless, pupils did raise a range of issues and/or suggested amendments to proposals. These reflected a broad view that the gardens at present do not feel like a welcoming place for children and young people, and that proposals do not appear to include a great deal of provision for children and young people. Specific points raised by pupils are summarised below:

- In relation to green space, comments from pupils highlighted the importance of upkeep of green spaces to improve the present condition. Suggested amendments to proposals included a football

pitch, more natural play areas (“dens”, treehouses), a greenhouse for all year growing, a paddling pool, dog waste bins, and picnic tables.

- In relation to accessibility, comments from pupils highlighted the potential for antisocial behaviour and vandalism to lifts and other facilities and emphasised the importance of good design to minimise this, wished to see a direct link to Belmont Street and raising the level of the gardens to improve accessibility.
- In relation to events space, comments from pupils highlighted the need to provide a range of events and activities that change through the year, at different times of day, and for different age groups. Pupils also provided a range of suggestions for additional facilities to support events and wider use of the gardens. These included providing a large screen for sports, additional seating areas, provision to enable children and young people to use their bikes, orienteering or obstacle courses, parkour facilities, a small animal zoo, ice skating in the winter, and a Ferris wheel or similar “sightseeing monument”.
- In relation to facilities, comments from pupils were almost exclusively focused on the positive aspects of proposals – and in particular the extent to which improved facilities will attract more visitors. The only changes to proposals suggested by pupils was the introduction of a park manager for security, and a suggestion that warm indoor places should be available for visitors who do not wish to buy something at a café.
- In relation to safety, comments from pupils highlighted the need to improve safety, particularly after dark and for children and young people. The main suggested amendment to proposals was a park manager and/or greater police presence within the gardens, although pupils also suggested better fencing between the gardens and the railway line.
- In relation to heritage features, pupils made very few comments with the only suggested amendment being improved maintenance of monuments.

10. OTHER COMMENTS

- 10.1. In addition to comments on the specific design proposals for Union Terrace Gardens, the engagement also gave respondents an opportunity to raise any other relevant issues.
- 10.2. More than half of respondents provided additional comment here. The great majority of these reiterated issues discussed in relation to each of the six priorities, and a substantial proportion of these were positive in tone. This included general praise for the proposals and a view that they will benefit the gardens and wider area, including some who saw the proposals as a “good compromise” with previous design proposals. Comments also referred to design elements and principles which related to one or more of the six priority areas – such as the balance between green space and hard landscaping, and retaining heritage features.
- 10.3. Comments also repeated other issues or concerns that do not relate exclusively to a specific priority area, but which have been highlighted throughout the report. This was most commonly disappointment that specific aspects of previous design proposals have not been included in proposals, such as raising the level of the gardens, creating a link to Belmont Street, and developing access from the train station. Some also questioned the extent to which proposals represent value for money against what some saw as an excessive budget, and warned against the potential for the budget to increase during development. This included comments from some respondents who wished to see “more ambitious” proposals.
- 10.4. The public engagement approach was also a relatively common theme across comments. These comments indicated some scepticism around the engagement, and the extent to which results will have a genuine impact on final plans for UTG. This was evident across those who broadly supported the proposals, and those who were more negative. In this regard, respondents referred to the results of previous consultations not being reflected in planning decisions on UTG. A small number of respondents also referred to news reports during the consultation period that proposals were to go to committee for approval to enable work to commence.
- 10.5. In terms of the engagement process itself, some respondents felt that the consultation period was too short. As has been noted earlier in this report, a substantial number of respondents also sought further detail on the design proposals, and some felt that this should have been provided to enable residents to provide meaningful feedback. Some also criticised what was seen as over use of “jargon” in the consultation document, and felt that this contributed to a lack of clarity on proposals.

10.6. Respondents also referred to a broad range of specific suggestions for inclusion in proposals, and which did not relate to specific priority areas. These included:

- Advertising spaces
- Areas for pop up bars, clubs, eateries etc
- Art throughout the gardens
- Big screen or projector sports events, gaming and films
- Central artwork
- Community book box where people can place and take books for sitting and reading
- Cycling facilities, including bike storage and rent-a-bike
- Dog park and water fountain for dogs
- Drone racing
- Free wifi hotspots
- Ice skating in the winter
- Indoor play area
- Means of preventing skateboarding and cycling on walkways
- Orchard
- Orienteering or obstacle courses
- Paddling pool
- Paintball events
- Reinstating Schoolhill railway station
- Reintroduce garden draughts
- Rooftop café
- Small animal petting zoo
- Sports and fitness facilities including an outdoor gym, running track, space for football, basketball hoops, trampolining, climbing wall.
- Tourist information
- Treehouses
- Workshops for gaming
- Zipwire from the roof of HMT to the gardens

COMMENTS & RESPONSES
SUMMARY DOCUMENT



Union Terrace Gardens – Response to comments from stakeholder consultations held in September, October and December 2016

Stakeholder Consultation comments	Reflected In Proposals	Consideration of comments in the proposals
Improving Connectivity and Accessibility		
Access is the no. one issue at UTG – current access is off-putting to older/less ambulant people	Yes	The accessibility of the gardens will be significantly improved with a range of new accessible routes from surrounding street level at Union Street, Union Terrace and Rosemount Viaduct down into the gardens. This will include both gently sloped paths allowing step free access to all parts of the gardens and lift access via new gateway buildings and walkway; existing level access from the north, via Lower Denburn, will be retained. Ongoing dialogue will be had with stakeholders including the Disability Equity Partnership and the Bon Accord Access Panel to ensure accessibility concerns are fully considered.
The proposal improves accessibility a lot especially for disabled users - always involve relevant groups	Yes	As above.
Primary issue is access and improving this	Yes	As above.
Primary issue to address – getting people into the park	Yes	As above.
People should not be discouraged to enter the gardens by the physical effort involved in getting into them – make new access as easy as possible e.g. escalators could be explored to create automated access	Yes	As above.
Key focus of the UTG improvement should be as an access and connectivity project	Yes	As above.
The gardens shouldn't be treated as an amenity on their own, need to give connectivity to other streets and spaces and amenities in the city centre	Yes	As above.
Disabled access from all entrances - Visual and hearing disability	Yes	As above.
Accessibility is key for all – old, young and disabled, with increased safety	Yes	As above.

Stakeholder Consultation comments	Reflected In Proposals	Consideration of comments in the proposals
Good proposed link from south but proposed sloped access from HMT end looks contrived and uncomfortable to use	Yes	As above. In addition to providing an accessible route, the graded paths to the north of the gardens provide an experience in their own right as a floriferous journey through the gardens and provide further functional use as an informal amphitheatre for events in the lower gardens.
Due to the current accessibility, you have to have a reason to go into the gardens, not one you would simply wander into	Yes	The proposals improve accessibility and connectivity for all users in order to create the 'destination' potential of the Gardens.
Desirable to create stronger visual connection to gardens generally - accessibility & intuitive wayfinding are key	Yes	As above. The creation of new access points from street level and management of existing trees will help improve the visual permeability of the gardens. Additionally a wayfinding strategy within the gardens will be considered within the context of the wider aspirations of the city centre masterplan.
Main issue with current UTG relates to connectivity and views	Yes	As above.
Accessible route past theatre should be improved – this is a must	Yes	Existing access to the rear of HMT will be retained and will be one of many access points into the gardens. Primary entrances will be those on Union Street, Union Terrace and the new Rosemount Plaza.
Safe routes through the car park		As above.
HMT – carpark functionality needs retained/ careful consideration given if looking at this as an access route	Yes	Existing parking and operational uses will be retained in this area.
Rosemount Viaduct – make safe and continue function of space for theatre. Access from north – need to make it safe and useful	Yes	As above.
Loading Bay/ Get In		As above.
Car parking provision – disabled parking spaces necessary to let people use the park. Not everyone can use public transport	Yes	Existing provision along Union Terrace will be retained with a number of additional spaces are also currently proposed.
Will Vehicle access remain the same?	Yes	The proposals envisage the vehicular access remaining the same.
Only two disabled parking spaces at rear of HMT	Yes	Disabled parking spaces are also proposed on Union Terrace.
Union Terrace – Disabled parking. Does this mean no other parking will work?	Yes	The proposals seek to prioritise disabled parking provision.
Keen to see link to Belmont Street – believe deck foundations exist across dual carriageway which could facilitate this	No	This is not being progressed as part of the current project although the proposals do not preclude this being investigated further at a later date.

Stakeholder Consultation comments	Reflected In Proposals	Consideration of comments in the proposals
Some materials cause issues e.g. Caithness slippery/ riven surface not good for cane users	Yes	The material palette proposed will be simple, elegant and robust and reference will be made to the wider city centre palette of materials. Ongoing dialogue regarding materials and finishes will be had with stakeholders including the Disability Equity Partnership and the Bon Accord Access Panel to ensure that the final palette of materials, chosen finishes and detailing address issues and concerns with regard to accessibility.
Tactile – brass/steel buttons slippery & cause issues for electric chairs (as tactile does generally but required for visually impaired)	Yes	As above.
Consider cues – including textures as means of navigation/ wayfinding	Yes	As above.
Stainless steel - reflective properties can cause issues for partially sighted e.g. bollards go unseen	Yes	As above.
Think about accessibility through park, not just into the gardens (railway link, east-west as well as north-south)	Yes	The proposals allow step free access throughout the park with all stepped routes having an alternative graded route. Accessible entrances at Union Street, Union Terrace and Rosemount Viaduct allow multiple entrance/exit opportunities for all users wanting to simply pass through the gardens. In particular, the proposals create a new traffic free connection between Union Street and His Majesty's Theatre through the gardens.
How do people get through the park? Key Element of successful parks is People going through parks (not been one of the guiding principles)	Yes	As above.
Disabled/ wheelchair access and spaces are an essential, in particular through gardens and to HMT	Yes	As above.
Additional Link to gardens from east (Linkage to Belmont Street)	No	The proposals create multiple new accessible entrances to the north and south of Union Terrace Gardens which will provide fully inclusive access, directly into the lower level of the Gardens, greatly improving the relationship with not only Belmont Street but other surrounding streets. The benefits, risks and opportunities arising from a potential bridge link with Belmont Street were considered early in the design process and it was determined that the additional cost and complexity of such a project did not justify the marginal potential gains in the context of the wider proposals.

Stakeholder Consultation comments	Reflected In Proposals	Consideration of comments in the proposals
Reconsider access from station (think outside box – London underground/ well lit routes or tie in with lift connection)	No	Engineering teams have led an investigation into the potential route which has concluded that the layout of columns and the taper in the existing platform make it unnatural for pedestrian traffic and the wall at the end blocks off connection to the gardens. The platform below the buildings is dark and cold, and does not feel like a secure area to walk through; even with improved lighting it is not anticipated that it would be a busy route and so the likelihood for it to be a focal point for antisocial behaviour would remain high.
Would have liked improved access from all four compass points	Yes	As above.
Belmont Street crossing – not viable in short term	Yes	As above.
Size of lifts for access		Proposed lifts will be sized appropriately to accommodate expected levels of use.
Need to consider segregated access		The proposals have been developed to promote inclusive access for all users.
Union Terrace use and open times	Yes	The park will remain accessible at all times of day.
Sensory experience for all - Children. Older people. Those with health concerns or challenges such as dementia, autism, down syndrome etc		Planting within the gardens will be given a complete overhaul as part of the proposals and will include species rich perennials and native wildflowers along with more formal areas of planting, providing a range of sensory experiences. Moving water, a mixed palette of materials and a playful lighting strategy will provide further sensory stimulation for a range of users.
Sensory stimulation in the city centre		As above.
<i>Enhancing Heritage Assets and Cultural Associations</i>		
Retain and Enhance Architecture/listed items	Yes	The vast majority of the existing architecture and heritage features within the gardens will be retained/repared or reused as part of the proposals. The architectural concept for pavilions and structures within the Gardens centres around the notion of lightness of touch, minimal intervention and celebration of historic assets. The delicate architectural events incorporated throughout the Gardens are carefully designed to be constructed independently from the historic fabric. This ensures that if required, the structures can be removed at a later date and the Gardens returned to their original design.
Balustrades & Arches are key heritage/ characteristic features that should be retained and enhanced	Yes	As above.
Celebrate Victorian setting/ garden	Yes	As above.
Cleaning existing granite feature would give this place an instant lift	Yes	As above.
Retain essence of the Victorian Gardens	Yes	As above.

Stakeholder Consultation comments	Reflected In Proposals	Consideration of comments in the proposals
Essence of Victorian heritage in danger of being lost	N/A	As above.
Listed building consents. Road. Positive views. Public toilets. Balustrades. Arcades	Yes	As above.
Many existing cultural assets	Yes	As above.
Adopt a design which recognises the historical aspect but doesn't shy away from significant change	Yes	The proposals aim to deliver a careful balance between delivering 'transformational' change whilst preserving the unique green space qualities and heritage assets of the gardens. The elevated walkways and central light sculpture introduce bold new features while the retention and repair of existing features such as monuments, balustrades, stairs, Victorian toilets, etc. celebrate the history of the gardens.
Conserve Mature Elms/ legacy trees	Yes	The majority of the existing trees will be retained as part of the proposals with those being removed largely in poor health or of lower quality. A significant number of new mature specimen trees will also be planted to offset the losses and provide a diverse and healthy tree stock well into the future.
Retain Floral Arch – iconic view	Yes	The floral crest, forming part of the iconic view up to His Majesty's Theatre from within the gardens, will be incorporated into the proposals.
Retain iconic crest (in proportion) and view from gardens and Union Street Legacy	Yes	As above.
Re think crest shape and form	Yes	As above.
Union Street Bridge; Largest single span granite arch in the world. Unique structure should be celebrated.	Yes	A new elevated walkway allowing access into the gardens from Union Street is located adjacent to the Union Street Bridge and will provide new opportunities to view this structure.
Lighting of key features such as arches and bridge desirable to highlight heritage assets	Yes	A comprehensive lighting strategy for the gardens will be implemented as part of the proposals and will include elements to highlight heritage assets.
Victorian Toilets; Quality features within interior of toilets worth restoration with alternative function	Yes	The Victorian toilets will be refurbished as part of the proposals and incorporated within a new building at the Union Street entrance to the gardens.
Rail turntable; Only the stone circle remains not the workings. Other turntable being restored near Duthie park more appropriate and fully functional	N/A	Restoration of the turntable does not form part of the proposals.

Stakeholder Consultation comments	Reflected In Proposals	Consideration of comments in the proposals
UTG can support Cultural Strategy for creation of 'Culture lab' – promoting culture through both space and education	Yes	The proposals will support the cultural strategy and celebrate the existing heritage and cultural features within the Gardens and will provide improved connections and a new destination location within the heart of the city which provides a range of flexible spaces suitable for a wide range of events, exhibitions and cultural activities.
More focus on art, creativity, culture and exhibition gallery spaces	Yes	As above.
UTG can support Cultural Strategy for City - 'Telling our story' – enhancing current and historical cultural associations and interpretation	Yes	As above.
Keen to see industrial heritage reflected in the UTG proposals. Previous ideas exist for creation of an 'Oil Experience' – ideas promoted for educational, heritage and technology showcase centre link to former and current oil industry/ entrepreneurs in Aberdeen.	Yes	As above.
Doric language – heritage & interpretation in UTG would be positive e.g. Local writer Lewis Grassie Gibbon, Thomas Glover 'Scottish Samurai', Scottish Merchant	Yes	As above.
Cultural infrastructure provided needs to be sustainable with identifiable market	Yes	The proposals seek to create a flexible hub to complement, rather than compete with, existing facilities such as His Majesty's Theatre and the diverse range of venues around the Union Street and Belmont Street area. A detailed business case is being developed as part of the proposals to ensure the long term sustainability of the new facilities.
Businesses – Encouragement of local business, self-employed, artists and artisans	Yes	As above. The new facilities including the gateway buildings and gallery spaces would encourage use by local businesses and artists.
What will the gardens look like in 2100?	Yes	As with all civic landscapes the demands placed on them and the desires of the local population will change over time such that it is not possible to say for sure what the gardens will look like that far into the future. The proposals do however aim to ensure longevity in terms of the choice of robust and long lasting, high quality materials and the creation of flexible space that is adaptable to a wide range of future needs. New trees will also be planted throughout to ensure a continued legacy of mature tree canopy within the gardens as some of the existing trees begin to reach the end of their natural lives.

Stakeholder Consultation comments	Reflected In Proposals	Consideration of comments in the proposals
Chess boards should be integrated	Yes	There are opportunities within the proposals for these to be integrated.
Concerns about hot dog vans in the future. How to avoid this?	Yes	Street/food vendors within the gardens would be subject to the usual consents and permits.
<i>Improving safety and amenities within the park</i>		
Retail/ Café use in the garden would assist safety and security creating a permanent presence including evening activity	Yes	Three new buildings are being proposed within the gardens providing a range of new uses such as restaurant/café/bar, gallery and retail which will encourage new use throughout the day and increase passive supervision of the space.
A significant change is required to get rid of the hangout space for 'junkies', drunks and predators	Yes	As above.
Good quality café / gift shop desirable	Yes	As above.
Bandstand/Café – Alvar Alto Glass pavilion, Helsinki is a good precedent	Yes	As above.
Café space key to encouraging access into the gardens – needs to be right quality to create attraction and differentiate offer from other	Yes	As above.
Safety is perceived as a prominent issue meaning people don't access the gardens as often as they might	Yes	As above. New facilities and improved access will increase activity and supervision throughout the day and night and a comprehensive lighting strategy will ensure that the space is appropriately lit at all times and discourage antisocial behaviour. The lighting strategy takes account of potential impacts on wildlife and has been designed to allow darker corridors, such as along the railway, to minimise disruptions.
Create balanced/ adjustable lighting to make space safe & inviting	Yes	As above.
Lighting issues – make sure people feel safe	Yes	As above.
Evening lighting & during opening hours	Yes	As above.
Avoid over lighting – impacts on wildlife	Yes	As above.
Improve onsite facilities e.g. toilets at lower level	Yes	The proposals will create a range of new facilities accessible by all within the Gardens providing facilities for events, play, community growing, education and new places to eat and drink. The Victorian toilets will be comprehensively refurbished as part of the proposals and incorporated within a new building at the Union Street entrance to the gardens which provides access to and from the lower level of the gardens. Further proposed buildings within the gardens will offer additional opportunity for the incorporation of accessible facilities.

Stakeholder Consultation comments	Reflected In Proposals	Consideration of comments in the proposals
Victorian Toilets; Location not suitable to service the park, requirement for accessible toilets at lower level	Yes	As above.
Amenities required e.g. toilets at lower level	Yes	As above.
Provision of public toilets 'reimagining' will toilets be provided	Yes	As above.
Management and opening times of toilets – will these be public toilets?	Yes	New facilities such as lifts and toilets will be incorporated into the proposed gateway buildings with responsibility for management and maintenance falling to the building tenants. These facilities will be publicly accessible irrespective of building use with opening times a matter to be determined by the building owner (i.e. the Council) and operators.
Safety and Management of Lifts including access	Yes	As above.
Help operators share management responsibility / ownership	Yes	As above.
Maintenance is key – too many uses may cause maintenance difficulties	Yes	As above.
Arches have good potential for café/ gallery/ retail use	Yes	The proposals incorporate the infill of the arches with glass to create a weatherproof space suitable for a range of uses, complimenting those of the new building at the Burns monument.
UTG arches better suited to flexible / temporary space or 'artisan' market than permanent studio or gallery space	Yes	As above.
Gallery space in gardens could be created and used as part of the RGU degree show – potential to create gallery/exhibition space e.g. in arches that could showcase degree show work from the art or architecture departments	Yes	As above.
Utilising arches – not convinced temporary pop-up uses would be a success, quality permanent uses desirable	Yes	As above.
Improve quality 'dwell' space creating shelter and amenity	Yes	In addition to opportunities offered by new the proposed buildings there will be extensive new seating throughout the gardens and a range of newly created spaces to pause and gather.

Stakeholder Consultation comments	Reflected In Proposals	Consideration of comments in the proposals
Choose materials and surfaces carefully to use safely	Yes	The material palette proposed will be simple, elegant and robust and reference will be made to the wider city centre palette of materials. Ongoing dialogue regarding materials and finishes will be had with stakeholders including the Disability Equity Partnership and the Bon Accord Access Panel to ensure that the final palette of materials, chosen finishes and detailing address issues and concerns with regard to accessibility.
No Caithness Stone to be used for walkways	Yes	As above.
Materials used for various amenities	Yes	As above.
Can DEP get access to see samples of materials to be used?	Yes	As above.
Appropriate seating for all users to be safely used	Yes	There will be a wide range of seating available within the park catering for a wide range of users.
Safety of bringing access to rear of HMT – issues if it's a main access point	Yes	Existing access to the rear of HMT will be retained and will be one of many access points into the gardens. Primary entrances will be those on Union Street, Union Terrace and the new Rosemount Plaza.
Rosemount Viaduct – currently operational working area	Yes	As above.
Elevated Walkway – concerned with height / suicide – Not caged		Elevated walkways will have guard rails to the perimeter and be fully compliant with relevant health and safety standards.
Need a park manager – long term management for safety issues	Yes	There is the potential for revenue generated from building rental and park events to provide long term funding for the employment of a park manager.
Is the park closed at night? Who closes it?	No	The park will remain accessible at all times of day.
Management of safe cycling / boarding	Yes	The inclusive design of the park will allow for a range of concurrent uses. Cyclists will be encouraged to visit the gardens as a destination rather than a through route. Strategically located cycle parking will be provided in visible, well-lit locations. Shared footway/cycleways will be designed to allow 'share with care' use.
More focus on family orientation and play for children and all ages	Yes	There will be a range of new facilities within the gardens providing interest for the whole family. Opportunities for both formal and informal play will be incorporated throughout the gardens, catering to a wide range of ages and abilities.
Safety of water features	Yes	Water features will generally be shallow and will be fully compliant with relevant health and safety standards.
Concerns about expense / maintenance of water features	Yes	Water features will be designed to be low maintenance with provision for the first five years maintenance is built into the construction cost plan for the proposals.

Stakeholder Consultation comments	Reflected In Proposals	Consideration of comments in the proposals
New design needs to focus on the negative aspects of UTG – bad weather, gardens are low down, proximity to the railway line – look at Clarke Quay, Singapore as a good example	Yes	The design development has undertaken a thorough analysis of the site and the proposals reflect this process.
<i>Activation of the gardens with attractions, events, destination draw</i>		
UTG can Support Cultural Strategy for city 'City as a Stage' - use of outdoor space (as well as indoor) for events/ niche festivals	Yes	The improved access, flexible event space and provision of event services (electricity, water, etc.) throughout the gardens will allow for a wide range and scale of events to be held. The draft Aberdeen 365 Events Strategy 2016-2021 has been used to inform the business case for the proposals while simultaneously the draft strategy is cognisant of the proposals for the gardens. It is envisaged that the gardens will become a hub in the overall events strategy for the city centre.
Successful large scale events have been held in the gardens (Jubilee Tea) – improving access would allow more events	Yes	As above.
Need programme of events – 365 events strategy built into proposals	Yes	As above.
Provide 'plug & play' power options for 'appropriate' events & storage for onsite production	Yes	As above.
Scale of events suited to UTG via APA organisation – 500-1000 people	Yes	As above.
2 or 3 key / 'signature' events a year – right kind of activity level for UTG	Yes	As above.
'Proms in the Park' – possible future link desirable. Global Brand – right kind of association for Aberdeen – Proms link up recently held in Glasgow Green.	Yes	As above.
Jazz festivals/ higher end signature events appropriate for UTG	Yes	As above.
Would like to see a 'city centre gala'	Yes	As above.
Arts and Culture ought to be reflected in the gardens – part of the culture and arts quarter	Yes	As above.

Stakeholder Consultation comments	Reflected In Proposals	Consideration of comments in the proposals
Coordination of temporary events in UTG need to be carefully coordinated with HMT	Yes	It is envisaged this will be considered as part of a wider events strategy for the city however, any temporary event within the gardens would be subject to the usual consents and consultation requirements.
Acoustics important – noise conflict (HMT/Garden event)		As above.
Cornwall ‘Minack’ Theatre / outdoor amphitheatre referenced (holds 750) – flexible outdoor amphitheatre in UTG would be a positive asset for events	Yes	Proposed seating along the new accessible route from Rosemount Viaduct would act as an informal ‘amphitheatre’ space to view events in the lower lawn area.
Large music operators require 5000-7000 to make a commercial return - UTG too small	Yes	The proposals will increase the total area of flexible events space within the gardens, supporting a wide range of potential uses. Individual operators will make commercial decisions based on the facilities available.
Address flooding lower green space to facilitate better use for events	Yes	The proposals will include a comprehensive drainage strategy in order to minimise potential for flooding. Additionally, the potential for a reinforcing structure to be incorporated into the lawn in order to minimise damage during events use will be explored.
Issue of drainage post events – drainage very important for new frequency	Yes	As above.
Drainage for hard surfaces	Yes	As above.
Cover for a temporary structure would be required – tented structures of right quality/storage/ ease of use are key	Yes	The gardens will be able to accommodate temporary structures to support events.
Proposals for UTG need to deliver something ‘transformational’	Yes	The proposals aim to deliver a careful balance between delivering ‘transformational’ change whilst preserving the unique green space qualities and heritage assets of the gardens. The elevated walkways and central light sculpture introduce bold new features while the retention and repair of existing features such as monuments, balustrades, stairs, Victorian toilets, etc. celebrate the history of the gardens.
Previous idea for ‘Louvre’ Pyramid – raising gardens and housing meeting space and mini conference centre below	No	Raising of the gardens do not form part of the proposals.
Recognition UTG needs a key attraction e.g. water feature to create a destination ‘event’ in the gardens	Yes	Formal water features will be a feature of the gardens. The proposals also include a sculptural lighting feature over the main lawn to create a further destination feature.

Stakeholder Consultation comments	Reflected In Proposals	Consideration of comments in the proposals
Adult Outdoor gym	Yes	Formal exercise equipment is not being proposed, however, the main lawn is a flexible space and may be used for fitness activities such as yoga, pilates, etc. and the range of different paths and routes through the gardens may be used as part of a route by runners, walkers, etc.
New Coffee Pavilion	Yes	Three new pavilions are proposed within the gardens with food and drink opportunities being supported by the business case.
New pavilion tourist centre	Yes	Tourist information has recently invested elsewhere within the city centre with an “iCentre” located on Union Street. It is not envisioned that there would be additional requirement within the gardens.
Link inter-activities	Yes	The proposed amenities and facilities are connected by easily accessible footways throughout the gardens
Play and Family uses very important	Yes	There will be a range of new facilities within the gardens providing interest for the whole family. Opportunities for both formal and informal play will be incorporated throughout the gardens, catering to a wide range of ages and abilities.
Too many ideas/uses – insufficient = dead space	No	A comprehensive business plan is being developed to support the proposals and ensure long term financial viability of the gardens.
<i>Improving the quality of the greenspace</i>		
Landscape; Management of vegetation required e.g. crown lifting/ thinning trees	Yes	The majority of existing trees will be retained and managed, also supplemented with new specimens, to ensure mature trees remain characteristic of the gardens well into the future. Some trees will however be removed due to being in poor health or of low quality and a small number will be removed to improve the overall aesthetic appeal and usability of the gardens. More generally, planting within the gardens will be given a complete overhaul as part of the proposals and will include species rich perennials and native wildflowers along with more formal areas of planting. A comprehensive, long-term landscape maintenance regime will be implemented as part of the proposals.
Mature trees key part of existing character/ asset to gardens/ city centre	Yes	As above.
Trees are important for environmental quality	Yes	As above.
Careful management of trees – open space but keep value for nature	Yes	As above.
Remove trees to create open spaces	Yes	As above.
Long term management and maintenance plan and associated budget provision essential	Yes	As above.
Improve greenspace (planting heritage, sensory planting)	Yes	As above.

Stakeholder Consultation comments	Reflected In Proposals	Consideration of comments in the proposals
Consider planting heritage i.e. roses to be included within gardens	Yes	As above.
Vegetation in need of some management	Yes	As above.
High quality of the green space	Yes	As above.
Aspiration for Floral and Arboretum aspect to be enhanced: Butchart Gardens, Vancouver – referenced as a good example of a flora/arboretum	Yes	As above.
Municipal planting is a key existing strength for ACC	Yes	As above.
People want the gardens to be for them. Prior concerns around ‘privatisation’ of UTG/ removal of greenspace	Yes	The proposals maintain the gardens fully within public ownership and preserve green space within the heart of the city.
Inclusion of ‘quiet space’ important	Yes	There will be a range of new spaces created within the gardens including both busy and active as well as quieter areas away from the hustle and bustle of the surrounding city.
Informal play/ learning - Beastie garden/ wormery/mud/sand water/ digging all popular for children play & learning	Yes	Opportunities for incidental play and learning will be incorporated throughout the gardens and the provision of artificial habitats such as bird and bat boxes, bug hotels, etc. will be implemented as part of the Biodiversity Enhancement Plan.
Formal play - Cradle swings are popular but not ‘wheelchair’ swings and a slide – not accessed by steps would be great	Yes	Play equipment suitable for a range of abilities will be included within the gardens.
Plan useable space well – maximise use of sunny areas	Yes	The proposals take full account of environmental conditions within the gardens.
Drainage is an issue in UTG – re-profiling may alleviate	Yes	The proposals will include a comprehensive drainage strategy in order to minimise potential for flooding.
The garden is local residents ‘garden in the city – this is my garden’. Residents should be given a facility they want to use	Yes	The proposals will create a range of new facilities, accessible by all, within the gardens providing facilities for events, play, community growing, education and new places to eat and drink. Extensive stakeholder and public consultation has been undertaken to inform the proposals and ensure they reflect the wishes of the local community.
Upkeep of gardens part funded by operators	Yes	It is envisaged that revenue from park events and building operators would be used in part to fund ongoing maintenance and management of the gardens.
Maintenance of the water feature	Yes	Water features will be designed to be low maintenance with provision for the first five years maintenance is built into the construction cost plan for the proposals.

Stakeholder Consultation comments	Reflected In Proposals	Consideration of comments in the proposals
Conflict arboretum / community garden	Yes	These two areas are physically distinct from one another, separated by both a fence and notable change in level.
Appropriate use of the community garden and sensory planting	Yes	Basic facilities will be provided (including water and electricity) as part of the proposed works although ultimately the content and use of this asset will be determined by the community groups taking ownership.
Community garden limited due to shading and position	No	The community garden area enjoys a relatively open south-easterly aspect which provides sufficient sunlight for a wide range of plants to thrive. Some trees that overhang the western boundary of this area will be removed as part of the proposals which will further help light levels. The position of this asset allows it to be segregated and secured from the wider public gardens.
Accommodation of 'wildlife corridor,' variety of flora and fauna, community garden	Yes	The proposals incorporate recommendations of the Biodiversity Enhancement Plan and create a range of new habitats and wildlife corridors to enhance those already found within the gardens.
Retain railway habitat	Yes	As above.

Union Terrace Gardens – Additional comments from the Public Consultation (refer to section 10 of *Aberdeen City Council: Union Terrace Gardens Public Engagement Report*, January 2017)

Other Comments provided by the public on the proposals	Reflected In Proposals	Consideration of comments in the proposals
Advertising spaces	Yes	Existing advertising space within bus shelters on Union Terrace is not currently used. This facility will, however, be retained.
Areas for pop up bars, clubs, eateries, etc	Yes	Connection to services will be available at multiple points throughout the gardens providing opportunity for a range of pop up events.
Art throughout the gardens	Yes	There will be opportunities for art installations throughout the Gardens, including a central lighting sculpture above the main lawn and within the archway galleries.
Central artwork	Yes	A central artwork is proposed in the form of the lighting sculpture above the main lawn.
Community book box where people can place and take books for sitting and reading	Yes	A book box could be accommodated within the gardens subject to agreement on ownership and ongoing upkeep with interested community groups.
Cycling facilities, including bike storage and rent-a-bike	Yes	The proposals cater for leisure cyclists and cycle parking will be incorporated within the gardens. 'Rent-a-bike' does not form part of the current proposals however a cycle hire scheme may be implemented in the future as part of the city centre masterplan project IN04.
Dog park and water fountain for dogs	No	There will not be a dedicated dog park however the gardens will be dog friendly.
Drone racing	No	This is unlikely to be feasible due to legal and public safety reasons.
Free wifi hotspots	Yes	This does not form part of the current proposals although may be implemented in the future as part of the city centre masterplan project IN11.
Ice skating in the winter	Yes	The gardens will provide a range of flexible event spaces which will include areas suitable for a temporary winter ice rink.
Indoor play area	Yes	There will be a range of formal and incidental opportunities for play within the gardens although no provision for indoor play has been made within the proposals. There may be opportunity for some exterior play elements to include shelter.
Means of preventing skateboarding and cycling on walkways	Yes	The inclusive design of the park will allow for a range of concurrent uses. Walkways are sized to accommodate use by both pedestrians and leisure cyclists.
Orchard	Yes	There is opportunity for orchard planting to form part of the area identified for use as a community garden.
Orienteering or obstacle courses	Yes	These will not form a permanent feature within the park however the flexible design of the gardens allows the opportunity for temporary events subject to appropriate consents.
Paddling pool	No	A paddling pool does not form part of the current proposals although it is intended water features are incorporated, providing opportunity for incidental water play.
Paintball events	No	This is unlikely to be feasible due to legal and public safety reasons.

Other Comments provided by the public on the proposals	Reflected In Proposals	Consideration of comments in the proposals
Reinstating Schoolhill railway station	N/A	The reinstating of the railway station does not form part of this project brief.
Reintroduce garden draughts	Yes	It is intended that this feature be incorporated within the reimagined gardens.
Rooftop café	Yes	The design of buildings proposed within the gardens, including café/bar/restaurant use, incorporate roof terraces.
Small animal petting zoo	No	The gardens would provided limited potential space for this kind of enterprise.
Sports and fitness facilities	Yes	No specific facilities are proposed, however, the paths and walkways would be suitable for runners. The main lawn is a flexible space and may be used for fitness activities such as bootcamp, yoga, pilates, etc.
Tourist information	Yes	One of the three proposed buildings may be able to accommodate a tourist information centre if deemed appropriate.
Treehouses	No	Treehouses are not being proposed however the proposed elevated walkways will give the experience of being within the trees.
Workshops for gaming	Yes	The proposals include a range of flexible spaces that may be able to cater to this use.
Zipwire from the roof of HMT to the gardens	No	This is unlikely to be feasible due to legal and public safety reasons.

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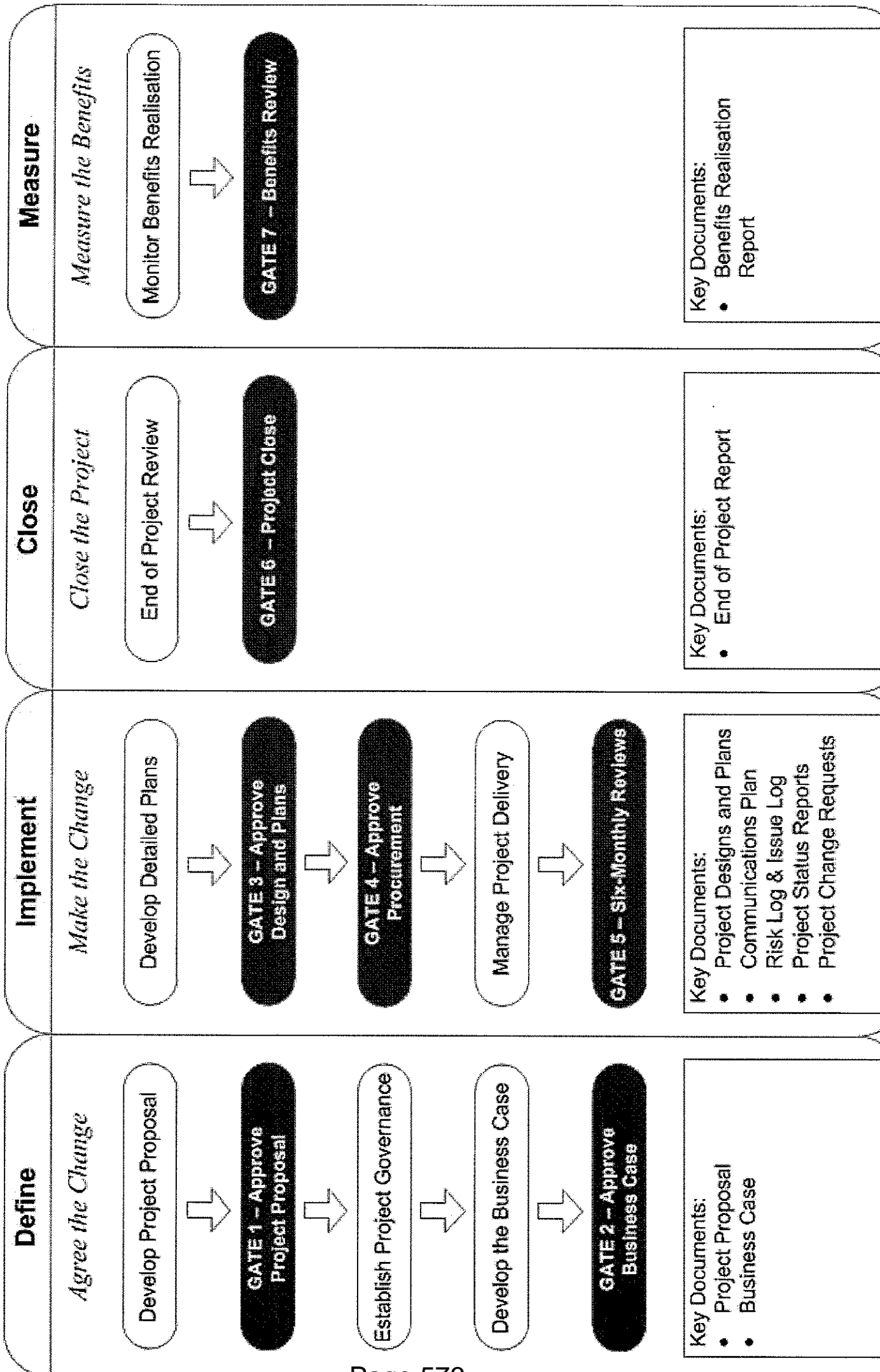
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Project Management Process



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Union Terrace Gardens Redevelopment Project
Master Programme (Draft)



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ID	Task Mode	Task Name	Duration	Start	Finish	2017				2018				2019				2020	
						Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1
1	→	Union Terrace Gardens Master Programme	631 days?	Tue 24/01/17	Tue 23/07/19														
2	→																		
3	→	ACC Sign Off/Approvals	155 days?	Tue 24/01/17	Tue 29/08/17														
4	→	ACC Stage A Report Approval	0 days	Tue 24/01/17	Tue 24/01/17		◆ 24/01												
5	→	ACC Confirmation of Planning Strategy	0 days	Fri 03/02/17	Fri 03/02/17		◆ 03/02												
6	→	ACC Committee Sign Off (Concept Design, Budget, Procurement Strategy)	0 days	Wed 15/03/17	Wed 15/03/17		◆ 15/03												
7	→	ACC Committee Sign Off (Detailed Design, Cost plan)	0 days	Mon 21/08/17	Mon 21/08/17													◆ 21/08	
8	→	ACC CHI Committee- Stopping up order for slip road between UT and Rosemount Viaduct	0 days	Tue 29/08/17	Tue 29/08/17													◆ 29/08	
9	→	ACC CHI Committee- TRO for Union Terrace	0 days	Tue 29/08/17	Tue 29/08/17													◆ 29/08	
10	→																		
11	→	Statutory Approvals	80 days	Mon 03/04/17	Fri 21/07/17														
12	→	Scottish Water Approval	4 mons	Mon 03/04/17	Fri 21/07/17														
13	→	Network Rail Approval	3 mons	Mon 03/04/17	Fri 23/06/17														
14	→																		
15	→	Planning Process	120 days	Fri 03/02/17	Thu 20/07/17														
16	→	Preparation of Detailed Planning Application	12 wks	Fri 03/02/17	Thu 27/04/17														
17	→	Submission of Planning Application (Target)	0 days	Thu 27/04/17	Thu 27/04/17														
18	→	Submission of Listed Building Application (Target)	0 days	Thu 27/04/17	Thu 27/04/17														
19	→	Planning Application/LBC Approval Period	12 wks	Fri 28/04/17	Thu 20/07/17														

Union Terrace Gardens Master Programme (Draft) 1 March 2017	Task		Project Summary		Manual Task		Start-only		Deadline	
	Split		Inactive Task		Duration-only		Finish-only		Progress	
	Milestone		Inactive Milestone		Manual Summary Rollup		External Tasks		Manual Progress	
	Summary		Inactive Summary		Manual Summary		External Milestone			

Union Terrace Gardens Redevelopment Project
Master Programme (Draft)



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ID	Task Mode	Task Name	Duration	Start	Finish	2017				2018				2019				2020	
						Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1
20	→	Planning Application/LBC Approved	0 days	Thu 20/07/17	Thu 20/07/17				◆ 20/07										
21	→																		
22	→	Roads and Transport Approvals	330 days?	Tue 24/01/17	Mon 14/05/18														
23	→	Preparation of Road Stopping Up Order (Union Terrace Slip Road)	7.4 wks	Tue 24/01/17	Wed 15/03/17														
24	→	Submission of Roads Stopping Up Order	0 days	Wed 15/03/17	Wed 15/03/17				◆ 15/03										
25	→	Roads Stopping Up Order Determination Period	10 mons	Wed 15/03/17	Tue 19/12/17														
26	→	Approval of Stopping Up Order	0 days	Tue 19/12/17	Tue 19/12/17														
27	→?																		
28	→	Development of Union Terrace Road/Traffic Proposals	8 wks	Tue 24/01/17	Mon 20/03/17														
29	→	Road/Traffic Proposals Submitted to ACC	0 days	Mon 20/03/17	Mon 20/03/17				◆ 20/03										
30	→	ACC Review/Decision Period	10 wks	Tue 21/03/17	Mon 29/05/17														
31	→	ACC Sign Off On Road/Traffic Proposals	2 wks	Tue 30/05/17	Mon 12/06/17														
32	→	Preparation of TRO Submission	6 wks	Tue 13/06/17	Mon 24/07/17														
33	→	Submission of TRO	0 days	Mon 24/07/17	Mon 24/07/17														
34	→	TRO Approval Period	10 mons	Tue 25/07/17	Mon 14/05/18														
35	→	TRO Approved	0 days	Mon 14/05/18	Mon 14/05/18														
36	→																		
37	→	Building Warrant/AIP Process	140 days	Mon 01/05/17	Fri 10/11/17														
38	→	Preparation of AIP Application	6 wks	Mon 01/05/17	Fri 09/06/17														
39	→	Submission of AIP Application to ACC	0 days	Fri 09/06/17	Fri 09/06/17				◆ 09/06										

Union Terrace Gardens Master Programme (Draft) 1 March 2017	Task		Project Summary		Manual Task		Start-only		Deadline	
	Split		Inactive Task		Duration-only		Finish-only		Progress	
	Milestone		Inactive Milestone		Manual Summary Rollup		External Tasks		Manual Progress	
	Summary		Inactive Summary		Manual Summary		External Milestone			

Union Terrace Gardens Redevelopment Project
Master Programme (Draft)



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ID	Task Mode	Task Name	Duration	Start	Finish	2017				2018				2019				2020		
						Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
40	→	AIP Determination Period	8 wks	Mon 12/06/17	Fri 04/08/17															
41	→	AIP Approval	0 days	Fri 04/08/17	Fri 04/08/17															
42	→																			
43	→	Preparation of Stage 1 Warrant (Sub Structure)	12 wks	Mon 01/05/17	Fri 21/07/17															
44	→	Submission of Stage 1 Warrant to ACC	0 days	Fri 21/07/17	Fri 21/07/17															
45	→	Stage 1 Warrant Determination Period	8 wks	Mon 24/07/17	Fri 15/09/17															
46	→	Approval of Stage 1 Warrant	0 days	Fri 15/09/17	Fri 15/09/17															
47	→																			
48	→	Preparation of Stage 2 Warrant (Super Structure)	8 wks	Mon 24/07/17	Fri 15/09/17															
49	→	Submission of Stage 2 Warrant to ACC	0 days	Fri 15/09/17	Fri 15/09/17															
50	→	Stage 2 Warrant Determination Period	8 wks	Mon 18/09/17	Fri 10/11/17															
51	→	Approval of Stage 2 Warrant	0 days	Fri 10/11/17	Fri 10/11/17															
52	→																			
53	→	Tender Process	205 days?	Wed 01/03/17	Tue 12/12/17															
54	→	Preparation of Stage 1 Tender Documentation	10 wks	Wed 01/03/17	Tue 09/05/17															
55	→	ACC OJEU Process	30 days	Fri 28/04/17	Thu 08/06/17															
56	→	ACC Approval to Issue Tender Documentaation	0 days	Wed 15/03/17	Wed 15/03/17															
57	→	Issue of Stage 1 Tender Package to Contractors	0 days	Tue 09/05/17	Tue 09/05/17															
58	→	Stage 1 Tender Period	6 wks	Wed 10/05/17	Tue 20/06/17															
59	→	Stage 1 Tender Return	0 days	Tue 20/06/17	Tue 20/06/17															

Union Terrace Gardens Master Programme (Draft) 1 March 2017	Task		Project Summary		Manual Task		Start-only		Deadline	
	Split		Inactive Task		Duration-only		Finish-only		Progress	
	Milestone		Inactive Milestone		Manual Summary Rollup		External Tasks		Manual Progress	
	Summary		Inactive Summary		Manual Summary		External Milestone			

Union Terrace Gardens Redevelopment Project
Master Programme (Draft)



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ID	Task Mode	Task Name	Duration	Start	Finish	2017				2018				2019				2020	
						Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1
60	→	Stage 1 Tender Review and Interview Period	4 wks	Wed 21/06/17	Tue 18/07/17				Ryden										
61	→	Stage 1 Contractor Selection/ACC Approval	1 wk	Wed 19/07/17	Tue 25/07/17				ACC Project Team,Ryden										
62	→	Stage 1 Contractor Appointment	0 days	Tue 25/07/17	Tue 25/07/17				25/07										
63	↔?																		
64	→	Commence Stage 2 Tender Process	0 days	Tue 08/08/17	Tue 08/08/17				08/08										
65	→	Stage 2 Tender Period	18 wks	Wed 09/08/17	Tue 12/12/17				Ryden										
66	→																		
67	→	Construction Process	470 days	Wed 06/09/17	Tue 23/07/19														
68	→	Contractor Mobilisation Period	4 wks	Wed 06/09/17	Tue 03/10/17				Ryden										
69	→	Construction Commencement	0 days	Tue 03/10/17	Tue 03/10/17				03/10										
70	→	Construction Period (Target)	90 wks	Wed 04/10/17	Tue 23/07/19														ACC Project Team,Ryden
71	→	Construction Completion (Target)	0 days	Tue 23/07/19	Tue 23/07/19														23/07

Union Terrace Gardens Master Programme (Draft) 1 March 2017	Task		Project Summary		Manual Task		Start-only		Deadline	
	Split		Inactive Task		Duration-only		Finish-only		Progress	
	Milestone		Inactive Milestone		Manual Summary Rollup		External Tasks		Manual Progress	
	Summary		Inactive Summary		Manual Summary		External Milestone			

RISK LOG

Project Name:	Union Terrace Gardens
Project Manager:	Andrew Win

ID	Description	Type	Date Identified	Original Risk			Implication	Mitigation (Counter Measures)	Residual Risk (after Mitigation)			Owner	Updates	Date Last Updated	Status	Close Reason
				Impact	Likelihood	Score			Impact	Likelihood	Score					
1	Failure in obtaining the necessary consents within required timescales.	Project	01.02.17	3	4	12	Impact on the project plan, resulting in a delay in delivering the scheme.	Ensure pre-planning discussions are undertaken with all required personnel and that there is a suitable design for approval	2	3	6	AW			Open	
2	Obtaining the necessary approvals to proceed with project	Strategic	01.02.17	4	4	16	Rejection of the project will impact the scheme and CCMP objectives	Following the correct procedures whilst ensuring all information submitted to committee is robust at the stage of submission.	3	3	9	TG	Meeting with LDA, Ryden and planning to review deliverables on 03.03.17.	27.02.17	Open	
3	Organisational Capacity	Strategic	01.09.16	4	3	12	The scale of the project requires support in resources to allow timescale to be achieved	LDA consultancy team have been established to support the development programme. Officers are required to support with internal project management, reporting and stakeholder engagement.	2	2	4	TG	Ryden have appointed additional resource to support their PM for the project.	25.02.17	Open	
4	Time - programme over-running	Project/Operational	05.11.16	4	3	12	Scheduled completion date not being achieved will result in negative perception, the timeline being extended, costs increasing and impact on resource.	A realistic programme to be determined for all stages of the project. Design timescales to be agreed with the Design Team. Regular project team meetings to monitor progress and actions.	3	3	9	TG	After SI completion, programme plan to be reviewed and adjusted where required for risk mitigation to be updated.	05.02.17	Open	
5	Delay with Stopping Up Order	Project/Operational	08.02.17	4	4	16	As a key driver in the project, any delay in the stopping up order will impact the project plan and staging of delivery.	Undertaking the Stopping Up Order in March gives more time for the Order to be processed and keep in line with the outlined programme.	3	3	9	TG	Doug Ritchie provided suggested timeline for undertaking stopping order. Meeting 03.03.17 to drive forward.	01.03.17	Open	
6	Roads and transport approvals	Project	01.02.17	3	3	9	Objections to the proposals will cause a delay in approvals and will impact on the project delivery and potentially the overall scheme should they be rejected.	Engagement with roads and workshops with departments and consultants	3	2	6	TG	Meeting 03.03.17 regarding intervention and orders required.	27.02.17	Open	
7	Final cost plan exceeds project budgets	Project	03.02.17	4	4	16	There is a risk that the project, as designed, does not proceed	Two stage tender process gives opportunity to achieve certainty of a fixed contract sum at the second stage procurement process	3	3	9	TG			Open	
8	Reduction of overall project budget. Risk of affecting overall design.	Project	01.02.17	3	4	12	Consultation with the public and members based on the Stage A design.	Cost plan provided by LDA highlighting cost savings with limited impact on design.	2	3	6	AW	Meeting held with RS, BM, MC 20.02.17 to review savings.	21.02.17	Open	
9	Revenue income assumptions are not achieved and there is a revenue cost pressure.	Project	10.01.17	3	3	9	Revenue income will impact the overall cost plan as it is based on assumptions. Further market testing is being completed by the consultants to allow revenue estimates to be robust.	Cautious assumptions have been made to date and initial market testing on the commercial space will inform this mitigation.	2	4	8	TG	Robust costings will be developed following SI work.	15.02.17	Open	
10	Failure to reach agreement with Network Rail in respect of land acquisition/ title boundary	Project	01.02.17	3	5	15	As the NR internal clearance process takes six weeks to complete, this could delay progress and impact on current design.	Arrange meeting with network rail to discuss project designs and requirements moving forward	3	3	9	TG	Meeting held 27.02.17	28.02.17	Open	
11	Common Good	Project	08.01.17	2	4	8	Restrictions on the land can impact on uses within UTG	Project team working with the asset team to confirm if there are any restrictions on the land in question and support on how to mitigate this risk.	2	2	4	TG		27.02.17	Open	
12	Failure to agree on the proposals regarding the surrounding ballustrade	Project	01.02.17	2	4	8	Cost implications on the project may impact other aspects of the design being removed.	Ballustrade options provided by Arup and discussed internally. Incorporated into committee report.	2	3	6	TG	Meeting with Arup, LDA and Ryden with internal roads team to review and discuss options 03.03.17.	27.02.17	Open	
13	Implications if the initially agreed project budget is to include works to balustrades as this was not identified within original scope of works	Project	01.02.17	2	4	8	Cost implications on the project may impact other aspects of the design being removed.	Incorporated into the cost plan.	2	3	6	TG		27.02.17	Open	
14	Network Rail- Stakeholder consultation will take 3 months from clearance completion.	Project	27.02.17	3	5	15	As the NR consultation process takes 3 months to complete, this could delay progress and impact on current design.	Negotiations regarding the land to begin with the asset team.	2	4	8	TG		27.02.17	Open	
15	Network rail- electrification of line may impact on the sell of the land.	Project	27.02.17	3	5	15		Project drawings updated and sent to Network Rail to begin the process. Negotiations regarding the land to begin with the asset team.	2	4	8	TG		27.02.17	Open	
16	Network Rail- Authorising access for the SI work.	Operational	27.02.17	4	3	12	Delay in achieving the SI work will impact the schedule.	Meeting with network rail to discuss the requirements.	1	2	2	TG	NWR are happy with April for the SI works in principle and will provide resource for supervision.	27.02.17	Open	

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KEY

Impact	
Catastrophic	4

Score		
Between 1-7	Green	Not a priority

ID	Description	Type	Date Identified	Impact	Likelihood	Score	Implication	Mitigation (Counter Measures)	Impact	Likelihood	Score	Owner	Updates	Date Last Updated	Status	Close Reason
	Serious	3			Between 8-14	Amber		Quick wins now plus medium term plan to address								
	Material	2			Between 15-24	Red		Address immediately								
	Negligible	1														

Likelihood	
Very High	6
High	5
Significant	4
Low	3
Very Low	2
Almost Impossible	1

Type
Project
Operational
Strategic

Status
Open
Closed

Proximity
Timescales or specific date when risk may occur.

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	15 th March 2017
DIRECTOR	Bernadette Marjoram
TITLE OF REPORT	Bond Financing Strategy – Economic Policy Panel
REPORT NUMBER	CHI/17/052
CHECKLIST COMPLETED	YES

1. PURPOSE OF REPORT

The purpose of the report is to provide Members with further detail on proposals for an Economic Policy Panel. Its primary purpose would be to advise on and inform the Council's annual credit rating assessment review, and its reporting would also inform the ongoing delivery of the Regional Economic Strategy and other key economic matters relevant to the Council.

2. RECOMMENDATIONS

It is recommended that Council:

- i) Approves the draft Terms of Reference for an Economic Policy Panel (Appendix 1) for its interest at this stage and delegate authority to the Head of Legal and Democratic Services to finalise the Terms of Reference;
- ii) Agrees that a Panel is piloted for a period of three credit rating reviews;
- iii) Instructs the Chief Executive to undertake a national advertisement with a view to recruiting appropriately qualified members for the Panel; and thereafter, to recommend proposed members to the first available Finance, Policy and Resources Committee for its approval;
- iv) Agrees that the Finance, Policy & Resources Committee shall have due regard to the reports and other work of the Panel;

- v) Instructs the Head of Economic Development in consultation with the Head of Finance to undertake an ongoing evaluation of the pilot and report the findings back to the Finance, Policy and Resources Committee on an annual basis.

3. FINANCIAL IMPLICATIONS

The proposed model assumes that any input data to the work of the panel would be sourced and analysed by officers in the Council's Economic Development Service. Where any additional analysis is required, additional costs would be met from within existing Service or Corporate Governance budgets.

The costs of allowances to the proposed Panel Members are estimated at this stage at £60-80,000 per annum based on three members at c12 days per annum, and would include two visits to Aberdeen a year. This includes allowances to members, travel expenses and recruitment and administration costs and would be met from within Corporate Governance Directorate budgets.

4. OTHER IMPLICATIONS

While the focus of a Panel would be to support the Council's annual credit rating review, it could also provide further benefits in relation to informing the delivery of the Regional Economic Strategy and the key economic priorities in the city and wider region. It could also benefit the Council's wider economic priorities such as:

- Responding to implications of Brexit;
- The Council's medium term financial planning;
- Independent comment on any major proposals;
- The Council's inward investment delivery and 'economic messaging'; or
- Regional Economic Strategy Group and Regional Advisory Board;

5. BACKGROUND/MAIN ISSUES

Prior to the Council being able to issue a Bond, it needed to obtain a credit rating from a Credit Rating Agency. The Council secured an Aa2 Rating (negative outlook, mirroring the negative outlook on the UK sovereign rating) from Moodys, and it is important that Aberdeen City Council maintains this credit rating level. This credit rating shall be reviewed by Moodys on an annual basis.

As part of the credit rating appraisal Moodys required an assessment of the Council's financial and institutional framework and a detailed assessment of the current and future economic performance of Aberdeen and the North East of Scotland. It should also be noted that investors too required a detailed analysis of the city and regional economies.

This type of analysis will also be needed for the future annual Credit Rating Reviews. In addition feedback during the investor presentations corroborated the importance of independent economic commentary to support the Council's credit rating reviews by providing assurance on the medium to long term economic performance of Aberdeen and the North East of Scotland to existing and future investors.

In December the Council discussed a report on the implications for the Council of the bond. That report provided information on a model (the Jersey Fiscal Panel) that the Council could consider in response to the requirements of the annual credit rating review.

6. DEVELOPING THE PROPOSAL

Since then, officers have been discussing the potential for a panel with a number of regional and industry (financial services) stakeholders. These include:

- Chartered Institute of Public Finance & Accountancy (CIPFA)
- Bank of England agents
- Banking sector
- Fund managers
- Scottish Government (officials)
- State of Jersey (officials)
- Opportunity North East

These discussions highlighted different non-statutory models that currently operate that aim to provide independent scrutiny and assessment of economic analysis and reporting. The following models were frequently referred to in the consultation programme:

- Monetary Policy Committee;
- Office of Budget Responsibility
- The Scottish Fiscal Commission
- The State of Jersey Fiscal Panel where its finance committee must have regard to the Panel's work and research

The main findings from the consultations are:

Credit rating agencies value independent analysis and reporting of local economies. A panel is seen as a robust check on the economic analysis provided to the credit rating agency as it provides independent validation of economic policy and performance.

A panel is separate from existing institutions and governance – it has no other remit/ agenda. However, the State of Jersey's finance committee does have regard to its Fiscal Policy Panel's work. For

example, the State Treasurer must provide a rationale for not acting on the Panel's advice.

A panel sends positive signal to existing investors (bondholders) that there is continuous monitoring of the Aberdeen and regional economy, and independent commentary on the findings of that analysis.

The main focus of any panel is on the credit rating. However, the potential output of a panel could have wider applications. For example, consultations indicated that having such a panel could provide an opportunity to look at the relationships between the economy of the place and societal impacts – a successful economy is key to funding public services, that in turn provide social outcomes. Some consultations indicated that the work of a panel could also look at understanding the societal benefits of successful economies and business.

There are three 'checks' in maintaining a credit rating – economic, financial and, related, inward investment performance. Based on the need and likely objectives, an 'Economy Panel' is the most appropriate term; but separately officers could consider internal support in terms of financial performance (institutional); while the resourcing of the Council's inward investment plan will ensure that it maximises the opportunity of access to a panel to inform the economic messages used for inward investment purposes.

Availability of resources for a panel is important – for example, the State of Jersey Panel is supported by an economic adviser/ analysts that do all of the work that sits under its panel.

Benefits

A panel provides assurance for bond holders and other inward investors – just as the decision to invest in a city is quick, a decision to disinvest is as quick. Any mechanism that provides assurance to existing investors is beneficial, and a sends a positive signal on the economic performance of Aberdeen and the region.

For the credit rating agencies, and bond holders, this provides further assurance that the Council is an integral part of the local economy. For investors, a panel can mitigate against the effects of any national or local political uncertainty.

Beyond the support to the Council's credit rating review, a panel, and an annual 'state of the region' report, indirectly provides a medium term strategy plan to the investor market, and in this sense will benefit the increasing inward investment focus.

Unanticipated benefits of annual independent 'state of nation' reporting can be to inform wider decisions/ policy making. For example, strategy/ action plans, investment, employability, sectors. In the case

of Jersey, and its experience of 'boom/ bust' in its key financial services sector, its access to a panel helped inform how it provided an economic stimulus, and its investment response. The Jersey example also indicates the benefits of the panel's work in informing medium term financial planning and providing a strategic direction and overview, and informing the decision-making of its finance committee.

Composition

The quality, expertise and credibility of panel members are important in ensuring its success. Feedback from the consultation programme suggests that membership should be restricted to ideally three people.

The presence of observers is a way of securing input from independent bodies that could not be actual members – eg Bank of England local agent observers do not endorse the annual report.

Members should be appointed for a three or five year period so that there is continuity and an accumulated knowledge of Aberdeen and the wider economy.

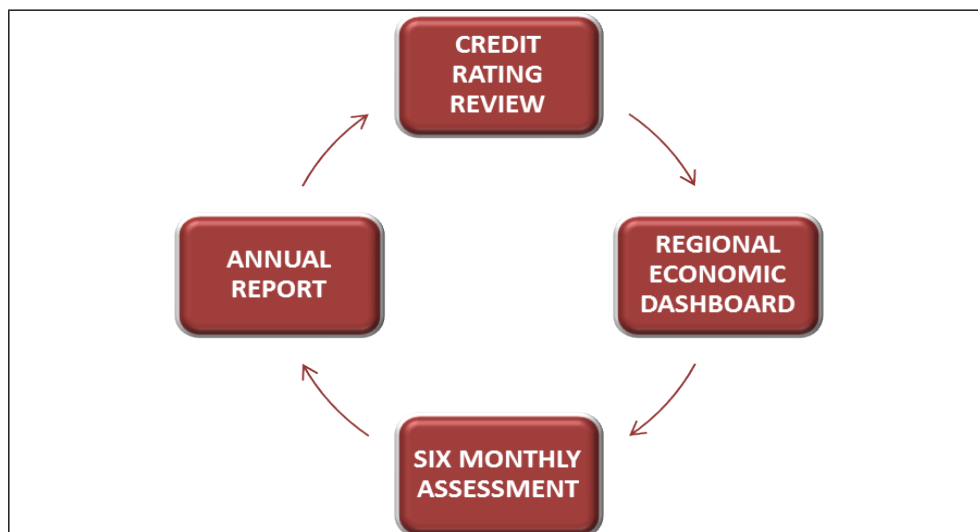
Recruitment

It is recommended that positions for membership of the panel are advertised nationally.

7. OBJECTIVES

The figure below illustrates the proposed process.

Figure 1: An Aberdeen Economic Panel - Process



Following analysis of the consultation exercise, and in order to meet the aims to support the annual credit rating assessment for the COuncil, the objectives of the panel are to:

- Provide independent commentary of the state of the Aberdeen economy in the form of an annual report that will be presented at the Council's Finance, Policy & Resources Committee;
- Provide a 'sounding board' for any emerging issues in relation to the wellbeing of the Aberdeen and regional economies; and
- To meet on a six monthly basis with regional stakeholders – elected members, industry, / businesses to discuss emerging issues from economic data and returns provided by officers.

8. IMPACT

Corporate – Just as the credit rating and bond issue positioned the Council as a leading Council in this area, the establishment of a Panel is seen as a unique and positive mechanism to provide independent advice on the economic performance of the city and wider region that in turn is an integral part of the institutional framework for the bond and the wider obligations to bond holders, investors and the London Stock Exchange. After its pilot, it may also provide wider benefits in developing the Council's own transformation programme.

Public - This report does not require an Equality and Human Rights Impact Assessment, or a Privacy Impact Assessment. It will be of interest to the public as it relates to the Council's issue of a bond to support financing the Council's capital programme.

Improving Customer Experience

The Panel supports improving the customer (external stakeholders and UK and international investment community) by providing an independent annual economic commentary on the performance of the local and regional economy and additional information and assurance around investment decisions.

Improving Staff Experience

The credit rating process and the subsequent bond issue have already delivered significant learning and development opportunities for staff across Council services. Under the proposed model, Council officers will support the work of the Panel, and will provide further opportunities to engage with wider national stakeholders that in turn will benefit the Council's economic development activity.

Improving our use of Resources

The proposed model builds on the existing investment by the council in focusing resources on robust economic monitoring and analysis and a Regional Economic Dashboard; and its focus on inward investment, and the institutional investment strand of that. Supporting the work of a Panel would not require additional resources and will also improve the overall effectiveness of how data and analysis is provided.

9. MANAGEMENT OF RISK

The Council must endeavour to maintain a suitable credit rating. Should this significantly fall from the Aa2, existing bondholders can request repayment of their proportion of bonds held, that in turn could influence the Council's wider borrowing commitments, and, indirectly, the Council's inward investment priorities. There are a number of institutional mitigations that can be put in place, in particular in relation to financial management and reporting. The Panel however provides further mitigation by providing a transparent and independent assurance to investors in Aberdeen, the North East and Scotland.

There is a risk that the economic performance of Aberdeen and the wider region decreases over time, and due to a number of exogenous factors, the credit rating is lowered. An example of this could be the implications of Brexit, or an economic recession. While this is out of the control of the Council and the Panel, the effects of this on the annual credit rating could be mitigated by the annual economy report and outlook.

10. BACKGROUND PAPERS

- Bond Financing Strategy – Implications for the Council report CG/16/152

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APPENDIX 1 – TERMS OF REFERENCE

ABERDEEN ADVISORY ECONOMIC PANEL

PROPOSED TERMS OF REFERENCE & GUIDELINES

1.	<p><u>Name of Group</u></p> <p>Aberdeen Economic Panel comprising a non-statutory and independent panel that supports the Council's annual credit rating review.</p>
2.	<p><u>Purpose</u></p> <p>The Panel is being established to :</p> <ul style="list-style-type: none">- Provide independent commentary of the state of the Aberdeen economy in the form of an annual report that will be presented at the Council's Finance, Policy & Resources Committee;- Provide a 'sounding board' for any emerging issues in relation to the wellbeing of the Aberdeen and regional economies; and- To meet on a six monthly basis to meet with regional stakeholders/ businesses to discuss emerging issues from economic data and returns provided by officers.
3.	<p><u>Scope</u></p> <p>The Panel would:</p> <ul style="list-style-type: none">- Produce an annual 'state of the nation' economic report on the Aberdeen and regional economic performance.- Undertake 'site visits' twice a year to consult with businesses in key sectors on the issues, challenges and opportunities in Aberdeen and the wider north east region to inform that report.- Provide constructive challenge on any wider interventions that could inform the Council's annual credit rating assessment.
4.	<p><u>Membership and Appointment</u></p> <p>Membership of the Panel will reflect its purpose to provide independent and valid analysis to support the Council's annual credit rating assessment and therefore draws on the following expertise. Positions will be advertised in national press/ journals.</p> <p>In addition, it could draw on the support of observers from:</p> <ul style="list-style-type: none">- Bank of England- Aberdeen City Council (Economic Development, Finance) <p>It will be supported by data and evidence from Aberdeen City Council's economists and analysts, working in partnership with regional stakeholders and drawing on other analysis where required.</p>

5.	<p><u>Code of Conduct</u></p> <p>The Panel will be expected to uphold the spirit and wording of the code of conduct:</p> <ul style="list-style-type: none"> a) Honesty b) Integrity c) Objectivity d) Openness e) Confidentiality
6.	<p><u>Resources and Budget</u></p> <p>Allowances to support the work of the Panel will be provided by Aberdeen City Council up to £60-80,000 per annum. This includes allowances to members, travel expenses and recruitment and administration costs.</p> <p>Information and data from the Council's Regional Economic Dashboard will be made available for the work of the Panel, from within existing Council resources.</p> <p>Administrative support to the Panel will be available from within existing Council resources.</p>
7.	<p><u>Communications</u></p> <p>Any communications involving the Panel will be prior agreed with the Council in relation to its obligations to the London Stock Exchange.</p>
8.	<p><u>Meetings</u></p> <p>The Panel will meet two times a year.</p> <p>Papers will be issued at an agreed number of weeks in advance of the meeting and a schedule of meetings two years in advance will be agreed by the Panel.</p>
9.	<p><u>Reporting</u></p> <p>The annual economic report will be publically available.</p>

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ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	15 th March 2017
DIRECTOR	Bernadette Marjoram
TITLE OF REPORT	Aberdeen Inward Investment Plan
REPORT NUMBER	CHI/17/046
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

The report introduces the Aberdeen Inward Investment Study and Plan to Council and proposes a number of actions to take the Plan forward.

2. RECOMMENDATIONS

It is recommended that Council:

- i) Agree that the content, conclusions and recommendations of the Aberdeen Inward Investment Study and Plan ('the Plan', appendix 1) will form the basis of the Council's approach to inward and institutional investment going forward
- ii) Note that this may require the reprioritisation of some budgets within the Council's Economic Development Service
- iii) Given its wider focus, agree that oversight of the Plan and its implementation will be undertaken by the Regional Economic Strategy Officer Group to ensure that efforts to improve investment performance in the city region are coherently and effectively managed
- iv) Receive annual updates on the Plan, starting in May 2018

3. FINANCIAL IMPLICATIONS

There is currently no revenue budget allocation for investment activity beyond the staffing resource. This report recommends that part of the International Trade and Investment operational budget may need to be reprioritised to deliver against investment objectives. This will be taken forward in the service planning and resulting budget setting process by the Head of Economic Development and relevant officers.

There are no State Aid implications.

4. OTHER IMPLICATIONS

The restructure of the Council's Economic Development Service in 2016 created a new International Trade and Investment team, with two fte discrete posts dedicated to inward investment activity (Investment Project Officer and Investment Project Support Officer). Three attempts to recruit to the Investment Project Officer post in 2016 were undertaken, none of which were successful. The Plan stresses the importance of recruiting suitably (ideally commercially) experienced staff to posts of this nature.

Given the importance of this post to the Council's investment activity, it is proposed that further options for recruitment to the post are explored, including the possibility of a part-funded secondment from partner or stakeholder organisations (e.g. Department for International Trade (DIT) or Scottish Development International (SDI)). The options analysis will include a short review of the previous recruitment exercises and an assessment of market comparability for the post.

In addition to the discrete posts, the International Trade and Investment Team Leader will direct approximately 50% of their time and capacity to investment activity, alongside the Head of Economic Development and Business and Skills Manager, who will also be actively engaged. This effectively means that there is significant expertise and experience being allocated to this priority activity.

Implementation of some of the core recommendations within the Plan will require close alignment with the Communications and Promotions Service, and in particular the City Promotions team. Their activity in terms of Events 365 and the wider promotional messaging about the city will be significant in terms of taking the Plan forward.

Finally, it is proposed that a contract with Breeze Strategy, the consultancy who have produced the Plan, is entered in to for 2017-18. A fully compliant procurement exercise was undertaken which resulted in the contract with Breeze Strategy in 2016. This additional contract will be awarded through the direct route to ensure continuity and given the consultancy's knowledge and understanding of the Aberdeen context and their connections to key investment intermediaries. The total maximum cost, including the first contract, will be £35,000.

5. BACKGROUND/MAIN ISSUES

5.1 CONTEXT

The Regional Economic Strategy for North East Scotland sets out a long-term vision for the area and its economy. At the heart of the strategy's focus on diversification is a recognition that more needs to

be done to attract investment to Aberdeen and the city region. Specifically, the Regional Economic Strategy prioritises a number of investment actions, including:

- Promote the 'investor readiness' of the region to institutional investors and sovereign wealth funds
- Develop an Investment Plan that looks at alternative financial models which can be used to invest in and deliver regional priorities
- Ensure businesses have access to a variety of immediately available sites
- Maximise opportunities from Offshore Europe and develop a programme of ancillary activity that broadens the appeal of the region to a global audience
- Work with Aberdeen International Airport in support of its development plans
- Support the development of the Energetica corridor

Following its approval of the Regional Economic Strategy in December 2015, the Council reviewed its Economic Development Service and subsequently prioritised inward investment within that. In the absence of a plan or any clear tactics for inward investment, officers commissioned a specialist consultancy (Breeze Strategy) to:

- Assess inward investment performance in Aberdeen
- Assess the city region's ability to attract new investment to support delivery of the economic strategy
- Set out how the City Council and its partners should organise themselves in terms of:
 - Defining and promoting the Aberdeen proposition
 - Reacting to investor enquiries
 - Targeting efforts to attract investment, including through sector focus and intermediary relationship development
 - Establishing an intelligence led approach across partners
 - Collaborating, recognising that it is not one organisation's role to deliver against these priorities

Breeze Strategy undertook desk-top analysis, primary research (focusing on comparator city regions) and wide-ranging stakeholder consultation between October-December 2016. Drafting of the Plan and final editing with the Council's Economic Development Service leads took place during January and February 2017, resulting in the Plan that is presented to Council today.

5.2 FINDINGS

The Plan provides a comprehensive contextual background to inward and institutional investment in the UK and Scotland and assesses the

performance of Aberdeen against national trends. In summary, the research suggests that:

- Aberdeen is the most global UK city after London, measured by the number of people employed by foreign-owned companies (nearly a third of the total)
- There are 620 foreign-owned companies active in Aberdeen, employing over 47,000 people
- Whilst inward investments to the UK grew by 20% between 2014 and 2015 (from 890 to 1065), in Aberdeen there was a fall of 25% between the same years (from 12 to 9)
- Aberdeen is the largest city region in the UK without a dedicated inward investment plan and function
- Aberdeen is a very strong proposition for investors, but there is limited visibility of what the proposition is
- Particular strengths of the city region include:
 - The research, technical and graduate profiles of the two universities and the 'indigenous' (and transferable) skills that flow from the energy sectors
 - 'Centre of Excellence' status for oil and gas, underpinned by the recently opened Oil and Gas Technology Centre. Increasingly also recognised for renewables, life sciences and food and drink
 - The quality of life offer both from the city and the wider region
 - Major public and private sector investment which is transforming the city region's infrastructure and delivering new economic opportunities
 - Its international profile and relationships

The Plan recommends that efforts to harness the above and other strengths of Aberdeen should be aligned with other relevant promotion activities, including the branding work being led by Aberdeen and Grampian Chamber of Commerce.

5.3 RECOMMENDATIONS AND IMPLEMENTATION

The recommendations in the Plan are set in the context of a strong supply-side proposition from Aberdeen and the wider city region which is underpinned by the 'attract factors' outlined above. To deliver a step-change in the city region's investment performance, the visibility of these attract factors needs to be significantly increased, but a sophisticated approach is required which recognises three distinct demand perspectives in the investment market:

- Corporate investment (traditionally known as 'foreign direct investment') – i.e. companies from outwith the region investing in new premises / offices / sites here

- Capital or institutional investment – sovereign wealth funds, pension funds investing in large-scale developments with a long-term outlook. It is worth noting that the Council has already started to build relationships and networks with significant intermediaries and brokers, as well as directly with key finance institutions, as a result of the successful conclusion of the bond issue
- Investor development – indigenous businesses looking to grow here

The actions in the Plan need to be developed with these distinct strands in mind if they are to deliver the best levels of new investment for the area. The core priorities, along with proposed actions for implementation in year one, are outlined below. The full set of recommendations and actions is in the Plan which is appended to this report.

1. Articulate what Aberdeen has to offer potential investors

Building on the many reports into Aberdeen's economic future, articulate the business benefits of locating and investing here. A suite of highly-focussed collateral that demonstrates the area's strengths should be made available to target audiences and partners.

Year 1 actions

- Agree 'Invest in Aberdeen' as the main brand
- Create stand-alone 'Invest in Aberdeen' website
- Produce series of propositions that can be used for investors

2. Leverage existing resources at the Scotland and UK levels

Build closer working relationships with other inward investment teams at the Scotland and UK levels, so that the Aberdeen proposition is fully understood by Scottish Development International (SDI) and the Department for International Trade (DIT) both at home and overseas.

Year 1 actions

- Ongoing relationship building with SDI and DIT, including outreach to overseas posts
- Priority should be given to strengthening strategic and operational links with SDI to ensure that the Aberdeen proposition is well understood and proactively articulated
- Host familiarisation visits for overseas posts and home-based sector leads

3. Work alongside partners across the area to deliver the service

Close working relationships with partners will be key to this work. Particularly important will be links with Aberdeen and

Grampian Chamber of Commerce, Aberdeenshire Council, Opportunity North East, the universities, airport, harbor, local intermediaries and businesses.

Year 1 actions

- Enhanced use of social media to share intelligence and success
- Annual local inward investment event to inform and update
- Creation of a 'soft-landing' service that integrates in-kind support

4. Proactively engage businesses that have a good fit with Aberdeen

Implement a proactive approach to targeting specific opportunities based on smart research and relationships with those advisors who can influence investment decisions.

Year 1 actions

- Research and intelligence monitoring to identify corporate and capital investment targets
- Identify and engage with key intermediaries and influencers
- Highly targeted presence and activity at selected events with SCA/SDI/DIT

5. Understand expansion plans of existing companies

More than half of all inward investment originates from businesses that are already here. There should be a strong focus on 'investor development' activities that capture and add value to potential expansion projects by local firms.

Year 1 actions

- Analyse existing research on local companies to support proposition development
- Identify strategic list of key companies with highest propensity to expand
- Engage with local decision-makers to explain what the Council and its partners can do to facilitate growth

5.4 MEASURING SUCCESS

Baseline data for Aberdeen's inward investment performance (in terms of corporate, rather than institutional, investment) is included in the Plan. It shows that the number of inward investment projects secured for the city fell from 12 in 2014 to 9 in 2015. 2016 data is not yet available.

Establishing a set of metrics against which the Plan can be measured will be an early priority. The Economic Development Service

Improvement Plan for 2017-18 reflects activities and outputs that have been agreed in the Aberdeen Local Outcome Improvement plan. This includes increasing the number of FDI projects as measured by Ernst and Young and increasing the number of jobs created from investment projects. In addition, measures relating to the conversion rate of enquiries and to customer (i.e. investor) satisfaction with the services offered will be developed.

The first annual report on the Investment Plan (May 2018) will include more detail on the activity and output measures, including establishing performance baselines where possible. This work will be supported by the performance analyst resource that is in place within the Economic Development Service.

The operational plan for implementation of investment activity will include a number of milestones relating to issues such as recruitment, web development, branding and intermediary relationship development.

10. IMPACT

Corporate

The Aberdeen Inward Investment Study and Plan is a key deliverable from the Regional Economic Strategy, the Aberdeen Local Outcome Improvement Plan and the Economic Development Service Improvement Plan (2017-18). It supports corporate objectives on economic growth, the creation of new jobs, the diversification of the Aberdeen economy and the use of innovative financial mechanisms to support Council services.

Public

This report does not require an Equality and Human Rights Impact Assessment, or a Privacy Impact Assessment.

Improving Customer Experience

Implementation of the Investment Plan will significantly enhance the customer (i.e. investor or developer) experience by delivering a core set of services that support investment decisions. A coherent effort around marketing and promotion and the integration of in-kind support services around the 'Invest in Aberdeen' brand and proposition will make it easier for customers to find and understand what the city region has to offer. The availability of dedicated staffing resources to manage enquiries will mean that customers have greater confidence in Aberdeen as a great place to do business and invest.

Improving Staff Experience

The Investment Plan offers opportunities for staff from within the Economic Development Service and from the wider Council to be involved in working with businesses and partners on the promotion of Aberdeen to local, national and international audiences. There will be

significant opportunities for staff to work across local partnerships and for networking relationships to be built.

Improving our use of Resources

The Plan recognises that Aberdeen City Council is not the only player in the investment market and that a number of partners and stakeholders will need to pull together to deliver a step-change to investment outcomes in the area. There are opportunities for informal integration of some activities to be delivered as part of the proposed approach and the principle underpinning any such informal integration will be that it has a positive effect on the use of City Council resources.

11. MANAGEMENT OF RISK

Operational risks in relation to implementing year one priorities in the Plan will be managed through the Economic Development Service. Work on branding and web / social media presence development will be sensitively managed as there are potential reputational risks associated with poorly handled branding and wider campaign activity. The knowledge and expertise of officers within the Economic Development and Communications and Promotion services will mitigate these reputational risks.

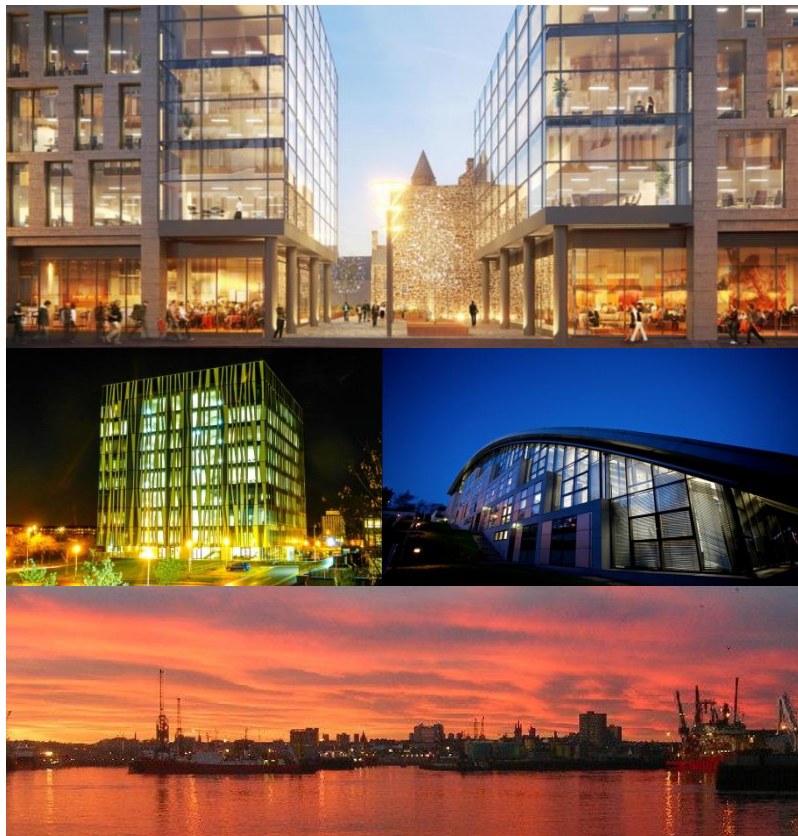
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Aberdeen Inward Investment Study & Plan

Aberdeen City Council



February 2017

Breeze
inwardinvestment.co.uk

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Executive Summary

Aberdeen is at a pivotal moment that will define its future economic fortunes. The wealth and economic benefits on which the city has been built is threatened by the fragility and longevity of the oil and gas industry. The development of a more sustainable, diverse and successful modern city requires the attraction and growth of new companies and investment from outside of the area.

Three facts stand out and highlight the importance of this plan:

- **Aberdeen is more dependent on inward investment than any other UK city outside of London**
- **Aberdeen's inward investment performance has fallen as Glasgow and Edinburgh's have risen**
- **Aberdeen is the largest place in the UK without an inward investment team**

Foreign companies in Aberdeen make up only 6.2% of the total of businesses in the city; but they directly employ 31% of the workforce and are indirectly responsible for many more. Some 47,000 people are employed in the city by 620 foreign firms.

Aberdeen has had no inward investment team or function simply because it hasn't needed to, or so it was always assumed. The global competition for companies, investment and talent challenges that assumption and suggests that a new proactive approach is required.

Aberdeen City Council has restructured its Economic Development Service to enable a greater focus on inward investment. This is to be welcomed and the purpose of this plan is to help to guide the priorities of the city council and its partners.

The attraction of inward investment requires a number of things – primarily a dedicated team to engage with potential investors and react to enquiries in a way that increases the chances of Aberdeen winning new projects and investment.

It also requires a smarter intelligence-led approach to understanding the needs and challenges of existing companies located in the city – irrespective of whether they are foreign or home-grown.

What it doesn't need is a grandiose place marketing campaign. The role of place marketing in inward investment is often misunderstood and far too much attention and resource is dedicated to 'raising awareness' and 'getting us on the map'. There is simply no evidence to suggest that expensive place promotion campaigns result in the attraction of new investment and jobs. This plan advocates a very clear and considered approach based on smarter engagement with companies, both existing and potential investors, and the influencers and intermediaries who advise them.

Whilst this is not about place marketing, there does need to be a far better articulation of the Aberdeen story, the Aberdeen offer and the Aberdeen vision. This will require an element of collateral, but will largely depend on a dedicated 'Invest in Aberdeen' website and cost-effective social media activities to share and amplify positive messages with partners and target audiences. Any promotional collateral should build on existing work undertaken by the Chamber of Commerce and the City Council in recent months to help develop a strong, unique narrative for Aberdeen.

There are other people and organisations who are important partners in delivering inward investment for Aberdeen; these include the UK Department for International Trade (formerly UKTI) and Scottish Development International, both of whom have international staff and offices which should be leveraged in support of Aberdeen. There are also companies and people based in the region who have extensive global contact networks, these should be acknowledged and supported; as should Aberdeen alumni and Aberdonians in the GlobalScot network and other expats.

In terms of the sectors and industries that the inward investment plan seeks to target, there is a need to work in conjunction with partners on the diversification of the local economy, while supporting the oil and gas industry and the city's acknowledged role as 'Europe's Energy Capital'. Emerging opportunities for inward investments include oil and gas technology and R&D; renewable energy; life sciences; food and agritech; and tourism.

It should be understood though that there are many opportunities in sectors not traditionally regarded as core for Aberdeen, especially in IT and internet, and business services. New technologies and new business models are driving inward investment into the UK and Aberdeen should be presenting a confident offer to potential investors based on its excellent pipeline of graduates, especially in computing, maths and sciences.

Increasingly, inward investors are realising that London is a great place to land and startup as a first step into Europe; but the negatives of spiralling costs; staff retention and churn; lack of available office-space; congestion and pollution, can seriously hinder growth prospects. Aberdeen has an interesting alternative offer which solves each of these problems.

The core target markets for Aberdeen's inward investment plan are UK, North America and Europe. The opportunities in these source markets should be approached either directly, or in partnership with others, following research and monitoring of corporate intelligence. More than 90% of Aberdeen's foreign-owned firms have headquarters in either Europe or the Americas.

The pursuit of new infrastructure investment should be a role for the Council's Economic Development Service. The launch and successful pricing of index linked bonds for an aggregate principal amount of £370 million will help secure investment in the city to deliver its transformational capital and infrastructure programme. Being the first local authority in Scotland to launch such a bond exemplifies the innovative approach to finance and investment that will be a key selling message to large funders, in London and elsewhere, whether domestic or overseas pension funds and other investors. The targeting of capital investment is already underway and the council has already had some high-profile engagement with funders in London and Edinburgh.

Given that as much as half of all UK inward investment comes from companies that are already here, there needs to be a focus on exploring opportunities with the large strategic employers and fast-growing businesses which have a base in Aberdeen. This investor development work should be carried out alongside partners with a view to developing a service that can help businesses to identify property, recruitment and finance solutions that will increase the likelihood of them remaining and growing in Aberdeen.

The inward investment landscape is complex and constantly changing, with new threats and opportunities emerging every day. From the political challenges of Brexit and a Trump presidency, to the emergence of new technologies and business models, there is much to consider.

Having undertaken consultations with more than 20 key partners and stakeholders, this plan draws upon the combined knowledge and support of many organisations. This reflects the collaborative nature of effective inward investment activities and demonstrates a unity and team-based approach to this issue.

Whilst this is a plan for the city council, inward investment has no knowledge or, or respect for, administrative borders and boundaries. Consultees included Aberdeenshire Council and Opportunity North East, and the plan has been produced with the knowledge that a win for one part of the region, is a win for the entire region.

Recommendations

What are the specific actions that will deliver the best levels of new investment for the area?

Articulate what Aberdeen has to offer potential investors (PROPOSITION)

Building on the many reports into Aberdeen's economic future, the new team should articulate the business benefits of locating and investing here. A suite of highly-focussed collateral that demonstrates the area's strengths should be made available to target audiences and partners:

- Use 'Invest in Aberdeen' as the main brand
- Creation of a standalone 'Invest in Aberdeen' website
- Programme of social media activity focussed on targeted engagement and intelligence sharing
- Produce series of propositions (Word, PDF and PPT) that can be used for investors
- Utilise the tone and imagery from work commissioned by Chamber of Commerce on place branding

Leverage existing resources at the UK and Scotland level (LEVERAGE)

The new team needs to build close working relationships with other inward investment teams at the Scotland and UK levels, so that the Aberdeen proposition is fully understood by Scottish Development and Department for International Trade both at home and overseas:

- Ongoing relationship-building with SDI, including outreach to overseas posts
- Ongoing relationship-building with DIT, including outreach to overseas posts
- Host familiarisation tours for overseas posts and home-based sector leads
- Arrange presentations at SE/SDI/DIT in Glasgow and London
- Continue active participation in national and international networks to promote Aberdeen, including the Scottish Cities Alliance

Work alongside partners across the area to deliver the service (PARTNERSHIP)

Close working relationships with partners in the area will be a key part of the new team's work. Particularly important will be links with Aberdeen & Grampian Chamber of Commerce, Aberdeenshire Council, Opportunity North East, Universities, Airport, Harbour, local intermediaries and businesses.

- Regular communications (using social media) with partners to share intelligence and success
- Annual local inward investment event to inform and update partners on work
- Creation of an Aberdeen Soft Landing Service that integrates in-kind support for inward investors

Provide a highly effective concierge service to react to enquiries (REACTIVE)

The new team needs to offer an exemplary, professional concierge service to any company thinking of investing in the area.

- Creation and maintenance of enquiry management system (utilising existing Tractivity eCRM)
- Creation and maintenance of sites and property database (utilising existing Tractivity eCRM)
- Preparation of presentation and proposal templates for responding to enquiries

Proactively engage businesses that have a good fit with Aberdeen (PROACTIVE)

The team should implement a proactive approach to targeting specific opportunities based on smart research and those advisors who can influence a location decision. Outreach to these targets should be through email, social media and telephone – once engaged, in-market support should be sought from SDI or DIT as appropriate.

- Research and intelligence monitoring to identify corporate and capital investment targets
- Identification and engagement with key intermediaries and influencers
- Identification and engagement with exiles and alumni in key positions of influence
- Highly targeted presence and activity at selected events with SCA/SDI/DIT

Understand expansion plans of existing companies (INVESTOR DEVELOPMENT)

More than half of all inward investment originates from businesses that are already here. The new team should have a focus on investor development activities that capture and add-value to potential expansion projects by local firms.

- Analyse existing research on local companies to support proposition development
- Identification of strategic list of key employers with highest propensity to expand
- Engage with local decision-makers to explain new service
- Work with SDI and DIT as appropriate to engage with overseas HQs

Gather and maintain intelligence on sectors, skills and sites (INTELLIGENCE)

Existing research capabilities at the city council and in partner organisations should feed into the new team, providing input for propositions and proposals including available skills, demographics, sites, cost-base and supply-chains.

- Compile list of research items that are required and liaise with existing resources
- Identify potential subscriptions to inward investment specific data
- Establish in-house monitoring and intelligence systems to support investor targeting

Feed intelligence into other council teams to improve attractiveness (FEEDBACK)

There should be ongoing feedback loops to other teams in the council and wider partners around the region. This will highlight gaps in the current offer and provide important market intelligence to support the council's work.

- Quarterly briefings to cross-departmental team leads at city council
- Establish KPIs that can be measured and monitored effectively
- Annual reporting to colleagues and partners
- Conduct external review of team every two years

Part One: The Findings

Introduction

Definitions

The traditional definition of inward investment refers to companies seeking to establish a new facility and creating new jobs. This **corporate inward investment** is the mainstay of promotion and facilitation efforts of teams across the UK and internationally. It also includes reinvestment by existing investors who are already located in an area, which given the increasing global mobility of projects is an important aspect; having an Aberdeen-based firm open a new facility in the city, can be just as important (and often more sustainable) than attracting a new firm in from outside.

As well as attracting businesses and jobs, some locations are looking to promote large-scale investment opportunities to support major infrastructure developments and regeneration schemes. This **capital inward investment** is increasingly mobile and sovereign wealth funds (SWFs), pension funds or major institutional investors are being targeted.

In terms of geographic origin of projects, UK government defines 'inward investment' as 'foreign direct investment' (FDI), and therefore the remit of the Department for International Trade (what was UK Trade & Investment) is only concerned with opportunities from outside of the UK.

The Scottish Government has a broader definition which includes any projects outwith Scotland, with the majority of Scottish Development International success coming from English businesses.

For the purposes of this plan, 'inward investment' will refer to any investment projects from outside of the North East of Scotland.

Whether targeting corporate or capital inward investment, from elsewhere in the UK or from the other side of the world, there are a number of roles which need to be performed which form the structure of this inward investment plan for Aberdeen.

Aberdeen & Inward Investment

Aberdeen is the largest UK city region without a dedicated inward investment function. This is entirely due to the years of successful growth that oil and gas has delivered.

Elsewhere in the country, the creation of investment promotion teams was led by locations in the 1980s and 90s which were looking to stimulate economic growth and deliver a step-change in the quantity and quality of businesses, jobs and investment. Inward investment initiatives have often been linked to major regeneration schemes (such as the drive to diversify local economies that had been reliant on coal, steel or shipbuilding) or to support major urban expansions (such as New Towns like Milton Keynes, Warrington and Telford).

A perfect storm of oil and gas contractions and increased inward investment activity by other UK cities has eroded Aberdeen's competitive position. Aberdeen's inward investment performance is declining whilst Glasgow and Edinburgh are enjoying significant increases in new projects.

The ability to attract new investment can have a major impact on the transformation of a region's economy.

There are many examples of how cities have managed to reposition themselves and attract new kinds of businesses which would have been unimaginable a few years ago. There are many examples of where new inward investors have helped to create hundreds of high quality jobs and have had a catalytic impact on diversification and economic growth.

Manchester attracted Bank of New York, long before it was an established financial services centre; similarly, Nottingham landed Capital One and Chester secured MBNA. These were all significant headquarters or important functions, which have grown over the years. New digital media clusters have emerged thanks to a mix of inward investment and local startups in places like Salford, Liverpool and Newcastle, all cities which are transforming their profile and the kinds of businesses they attract.

Inward investment is no instant panacea, nor is it a magical tap that can be turned on and off to suit politicians; but it has an important role to play in helping to diversify the economic base and in positioning Aberdeen as a vibrant international business location that builds upon, but isn't dependent on a single sector.

That the Aberdeen city region is one of the last locations to adopt a proactive approach to attracting new business is both a strength and a weakness. It offers an opportunity to create a world-class team based on lessons learned from competitors and comparators; but there is a significant amount of catch-up that is required in terms of promoting Aberdeen to potential investors.

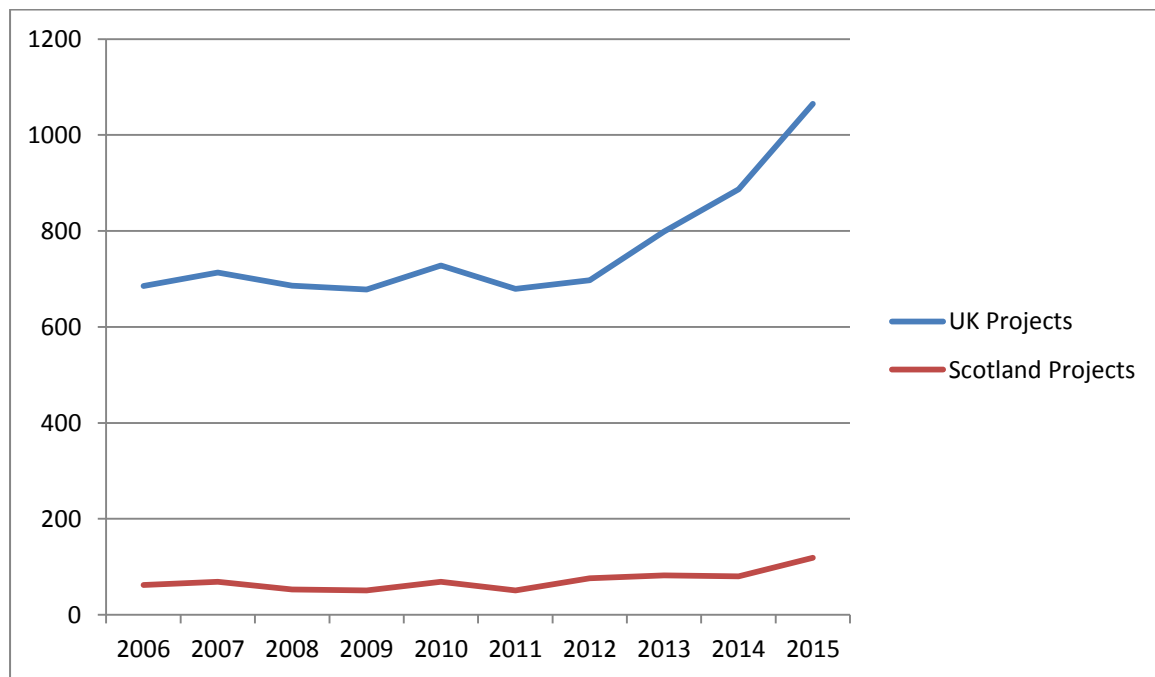
Current Demand

The following tables show the current and recent detail of foreign inward investment projects. It should be noted that these only refer to foreign direct investment (FDI) and so does not include investment by UK companies, for which there is currently no official data or tracking.

UK and Scottish Inward Investment

	UK Projects	UK Jobs	Scotland Projects	Scotland Jobs
2006	685	27,903	62	4,511
2007	713	24,186	69	4,200
2008	686	20,210	53	1,614
2009	678	20,017	51	1,538
2010	728	21,209	69	4,071
2011	679	29,888	51	5,926
2012	697	30,311	76	4,876
2013	799	27,953	82	4,165
2014	887	31,344	80	3,532
2015	1,065	42,336	119	5,385

Source: UK Trade & Investment

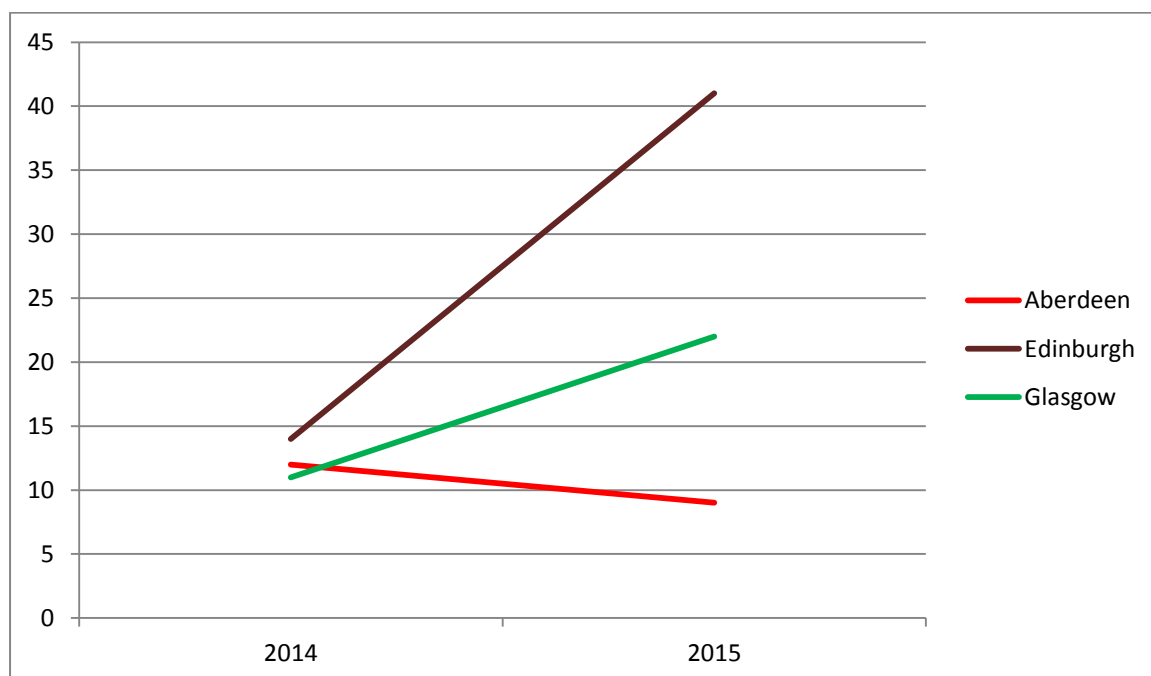


Aberdeen’s Inward Investment Performance

In the last two years, Aberdeen’s share of Scotland’s inward investment projects as measured by EY’s European Investment Monitor has halved from 15% to 7.5%, while Edinburgh’s share has doubled and Glasgow has doubled its number of projects.

	2014	2015	↓↑	UK Rank (2015)
Aberdeen	12	9	↓	10 th
Edinburgh	14	41	↑	3 rd
Glasgow	11	22	↑	6 th
Scotland	80	119	↑	-
UK	887	1,065	↑	-

Source: EY European Investment Monitor



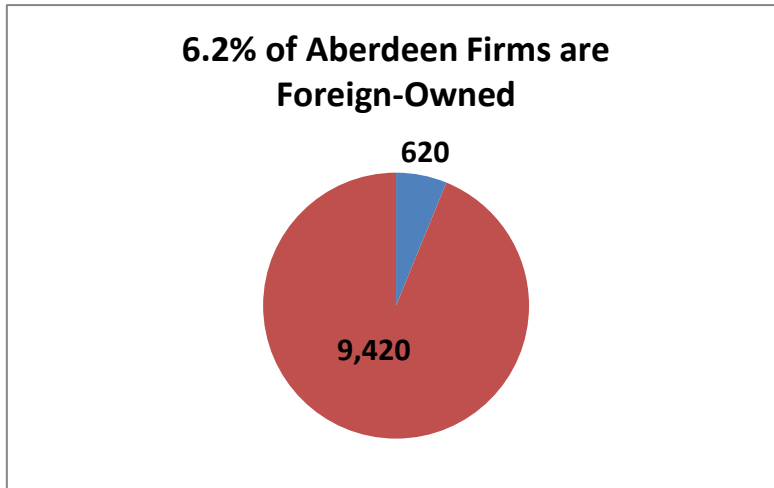
Note on Statistical Collection:

The monitoring and recording of inward investment statistics is subject to a number of variables and there is no, official, accurate and reliable figure that records every investment project and job created. Most of the reporting, whether by UK or Scottish Government or consultancies like EY, depend on the input of local inward investment teams. Without such a team, it is likely that Aberdeen’s performance is being under-reported.

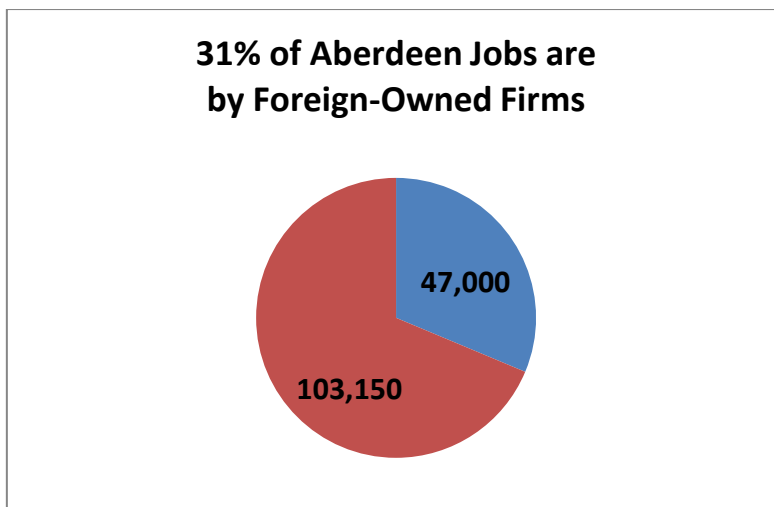
Importance of Inward Investment for Aberdeen

According to the Office for National Statistics in 2014, around 1% of businesses based in the UK were foreign-owned. The figure for Aberdeen is 6.2%.

Whilst only accounting for 1% of the total number of company, foreign-owned firms in the UK contribute 29% of national gross value added (GVA), according to the ONS.



Source: Scottish Government, ONS (IDBR)



Source: Scottish Government, ONS (IDBR)

Of Aberdeen's 620 foreign-owned firms, the overwhelming majority originate in either Europe or North America: 59% (365 firms) are European and 33% are from the Americas. There are 250 firms (40% of the total) which are headquartered in the European Union.

These companies employ almost 50,000 people in the city, out of a workforce of 150,000. This underlines the importance of inward investment for Aberdeen. Because the city is such an international business centre, it is more reliant on foreign-owned companies for employment and wealth creation than any city outside of London. The continued success of the city region as a global hub requires the attraction and retention of inward investors.

Source	Firms	Jobs
EU	250	15,700
Other European	115	12,010
Americas	205	17,630
Asia	35	*
Africa, Australasia and Oceania	15	*
Total Foreign-owned Enterprises	620	47,010**

Source: Scottish Government, ONS (IDBR)

* Not available due to confidentiality

** Only Europe and Americas

Sources of Inward Investment

“The US continues to be Scotland’s primary investor, but China and India are not in the top five, while Norway and Canada are. In fact, neither China nor India are even in the top ten, despite being the third and fifth biggest sources of investment respectively for the UK as a whole.”

2016 European Investment Monitor, EY

Inward investment can originate from literally anywhere in the world. This plan seeks to prioritise the most appropriate and fertile markets for Aberdeen to attract investment from.

Local

Any examination of inward investment statistics shows that more than half of all UK projects are actually expansions of existing facilities, so by far and away the most important source of new investment is your local market. The companies already based in Aberdeen today, will be the largest source of new investment and job creation in the coming years.

According to the Scottish Government figures, in 2014 there were 740 businesses in Aberdeen City which employ more than 250 people (and a further 265 in Aberdeenshire). There are 620 foreign owned companies in Aberdeen (and a further 200 in Aberdeenshire). Each of these represents an inward investment expansion opportunity. There needs to be an agreed programme with partners on researching and understanding the breakdown by sector and opportunity, with a view to prioritising the engagement with these firms.

This information can then be used to support the propositions and collateral; and feed into a monitoring and intelligence-gathering system. This can also assist in providing better quality information to SDI and DIT for inward investment results, which will help improve the position of Aberdeen, given that there has been significant under-reporting of inward investment successes.

UK

The wider UK market offers a number of opportunities, in particular given the role of London as a global centre for both corporate and capital investors. Full use should be made of partner facilities (such as the SDI office) to host events and meetings and share intelligence.

The London offices of major investment vehicles such as international pension funds should be targeted with a view to direct engagement, alongside partners.

Fast-growing firms across the UK should be identified where and contacted with a view to discussions around the benefits of locating in Aberdeen. Particular emphasis should be given to international technology firms who have located in London and Thames Valley in recent years and who are now expanding rapidly.

It should be noted that the rest of Scotland, outside of the North East, should not be considered as an appropriate target market for Aberdeen; however, the new team should react to any 'expansion' opportunities which arise (but not 'relocations' of existing Scottish firms).

International

Inward investment is often synonymous with international activities which are by their nature expensive and can be controversial. However, the smartest approaches to attracting new investment rely more on initial contact being through email, telephone or social media, and face-to-face follow-ups being conducted, where necessary, by national partner agencies (such as SDI and DIT) which have a presence in international markets.

Target Market	Best Approach	Priority
Local	Direct with Partners	1
Rest of UK*	Direct	2
International	Through SDI	3

* excluding Scotland

Functions & Activities

In 2015, there were around a thousand recorded foreign inward investments in the UK, of which by far the most commonplace involved the establishment of a sales and marketing function. As the table below shows, the next most common were manufacturing facilities followed by headquarters functions.

New investments into the UK in 2015 by type:

	Projects
Sales & Marketing	463
Manufacturing	183
Logistics	71
R&D	100
Headquarters	155

Source: EY's Global Investment Monitor 2016.

For most companies, the first facility it will setup in a new market is a relatively small sales and marketing function, often employing fewer than ten staff. These have traditionally been attracted to London and the South East due to familiarity and comfort with being close to London, and the location of available recruits.

If the sales and marketing projects are further examined on a sector basis, it demonstrates the importance of software, manufacturing and business services. If Aberdeen is to position itself as an inward investment location, then it needs to develop propositions for these types of projects.

Sales and Marketing projects by sector:

Sector	Projects
Software	125
Manufacturing	82
Business Services	79
Financial Services	73
Construction	25
Property	13
Culture and education	13
Other	53

Source: EY's Global Investment Monitor 2016.

Although these sales offices begin small, the businesses fuelled by venture capital and in high growth markets such as software and internet technologies, undergo rapid growth in job numbers in a short space of time. It is not unusual for a first-time inward investor to grow from 5 staff to more than 50 in its first 18-24 months and in many cases further rapid growth with more than a hundred staff. Whilst London was a 'no brainer' for a 5 person sales office, the challenges of recruiting and retaining quality staff and controlling overheads becomes a very different matter with a hundred staff. It is at this point, 2-3 years after first landing, that a regional expansion office is often considered.

Inward Investment Models

There is no 'optimum model' for a best practice inward investment team, but there are certainly things that can be learned from competitors and comparators.

Each location with an inward investment function has typically evolved its model through numerous iterations, usually in response to funding opportunities or, on occasion political whim. There are a number of locations which have well-respected track record in attracting inward investment, from which Aberdeen can learn.

There are summary tables in the Appendix of the various competitor and comparator models for inward investment.

Aberdeen is lagging all comparator locations with no formal inward investment team yet – however, the City Council is already implementing a revamped economic development team which includes a number of inward investment roles.

Aberdeen has an opportunity to cherry-pick key learnings from other successful teams, whilst at the same time creating a unique model reflecting the area's particular strengths and challenges.

Having reviewed more than a dozen UK inward investment teams and drawn from our experience of working alongside these teams for many years, the most important elements to consider are:

- **Recruit the best talent** – the quality of individuals involved is the thing that makes most difference to the effectiveness of the team. Having experienced, commercially-aware people that can translate local knowledge into clear propositions will be a key ingredient for success. Anything which inhibits the recruitment of the best possible team, be it budget, location, or perception of the council as an employer, should be addressed where possible. In building the new team, the council has recently encountered some difficulty in attracting the right people.
- **Secure broader base of funding** – having a robust funding model enables a consistency of approach and appropriate medium-term planning of investment promotion activities. Whilst almost all local inward investment teams receive their core funding from their local authority, the most successful ones also attract wider funding from other partners and commercial sources.
- **Look and behave more commercial** – the attraction of inward investment requires a business-focus and commercial culture. The best teams, irrespective of funding and governance, have adopted the appearance of being able to operate in an agile and proactive manner. Non-council branding certainly helps with this.
- **Avoid political interference** – inward investment is rarely party political, although it is often subject to unnecessary changes and restructuring because of changes in control at councils. The attraction of new jobs and investment to the area should be something to which all political parties subscribe to, and therefore the team should be as immune as possible from local political change. Building a consensus on the approach certainly helps.

- **Highly focussed on outputs** – many inward investment teams are setup with the specific outputs of attracting and retaining jobs and investment; however, they are subject to ‘mission creep’ as more and more demands on their time arise. The desire for widespread place marketing activities, to “generate awareness” can lead to a dilution of the team’s work at the expense of the ultimate outputs. The best teams have a clear focus on where they can make a difference and add value.

- **Size isn’t everything** – the teams with the most staff, spending the most money, are not necessarily the most effective. Large budgets (something of a rarity outside the national agencies since 2010) tend to result in inefficient activities, whereas tighter budgets will often lead to greater innovation of approach. The smartest approaches require careful researching of targets and direct engagement, either directly or through partners; there is a need for a well-resourced team in terms of staff, but it doesn’t require huge amounts of budget. A typical size for an effective team would be 5-10 people and a budget of between £500,000 and £1 million.

Functions

From the outset, it should be pointed out that the nature of comparative inward investment teams varies significantly across the country. While every team has a responsibility for ‘inward investment’, other related elements are often included, depending on resources and objectives. The diagram below shows the key functions that are found to a varying degree in different teams:



- **Inward Investment** – the attraction of new companies, jobs and investment into the local area, either from UK or foreign sources. In most cases this refers to the expansion or relocation of companies into the area; but some agencies also focus on attracting individual entrepreneurs or institutional investment from pension funds or sovereign wealth funds.

- **Investor Development** – the work with existing companies in the area to secure follow-on investment and expansion of their operations. This is a key element for most UK teams, that provides more than half of all new jobs and investment. It is also known as Key Account Management and can refer to any existing business, whether homegrown or an inward investor.

- **Business Growth** – the more general support and local business advice provided to individuals and companies. This is often a grey area of overlap between inward investment teams, other teams such as SE and chambers of commerce.

- **Place Marketing** – the promotion of the location to support inward investment. Some teams have this remit, while others focus purely on the ‘sales’ side of inward investment and less on the ‘marketing’. This aspect is one of the most confused and resource-sapping elements which often leads to activities which appear to be appropriate but do not translate into jobs or investment.

- **Tourism & Visitors** – the attraction of visitors and the promotion of the area as a tourism destination. In some areas, this function is merged with inward investment, although the resources, skills required, target audiences and necessary activities are very different.

It should be noted that this plan refers to the first two elements – inward investment and investor development only. The other three aspects are covered elsewhere through existing structures and arrangements.

- **See appendix for comparative investment promotion agencies**

Target Sectors and Aberdeen Offer

The most appropriate target sectors and sub-sectors for any location should be determined by:

- supply-side: what are the particular strengths of the location
- demand-side: what is the nature of corporate expansion activity

Far too many inward investment teams have a tendency to overly focus on the supply-side – ie what they have to offer. While this is natural, there needs to be a far-better understanding of the scale and types of projects which are actively seeking new locations.

Aberdeen has several strategies and plans which emphasize the diversification away from oil and gas and which target Renewable Energy, Life Sciences, Food & Drink; and Tourism. These are all important sectors and ones in which Aberdeen and the wider region, have a decent offer. However, in terms of number of projects, they do not add up to a significant proportion of the overall inward investment 'cake'.

The most prolific sectors for inward investment in the last few years have been:

- software, internet and digital technologies
- financial, professional and business services
- advanced manufacturing

Whilst Aberdeen has potential to a varying degree in each of these, none are being targeted in any coherent way. An approach which recognises the priority sectors from the Regional Economic Strategy but that also enables targeted activity around the most prolific investment sectors should be pursued. Sector targeting can be entirely complementary and niche specialisms within the RES priority sectors can add significant value to the overall proposition.

Accepting that without a developed industrial supply-chain around automotive or aerospace, for example, the manufacturing sectors are unlikely to result in many successful projects for Aberdeen; but the other two are critical sectors for any modern city.

Sector Comparisons

The following table shows the target inward investment sectors as defined by SDI, Invest in Glasgow and Invest Edinburgh. The final column shows the priority sectors as defined by Opportunity North East. The coloured boxes indicate where Aberdeen should develop more of a proposition, given the number of inward investment projects in these sectors.

Scotland (SDI Targets)	Glasgow	Edinburgh	Aberdeen
Aerospace, defence and marine			(Marine)
Chemical sciences			
Creative Industries	Creative Industries	Creative Industries	
Financial services	Financial Services	Financial Services	
Global business services	Business Services		(Business Services)
Life sciences and biotech	Life Sciences	Life Sciences	Life Sciences
Oil and gas			Oil and gas
Renewables	Low Carbon	Low Carbon	Renewables
Technology and engineering	Engineering	Technology & Software	(Technology & Software)
Textiles			
Tourism	Tourism	Tourism	Tourism
	Retail	Retail	Retail
			Food & Drink

The following section looks at the various sectors and sub-sectors which have a fit with Aberdeen and which could provide suitable inward investment targets for the city.

IT & Digital

- Software and Computing

The largest inward investment sector globally is the rapid expansion of software and computing firms. Again, many of these are globally expansive startups with the need to establish a UK and/or European footprint. Whilst most of these will land in London, there is an increasing awareness that the capital is not only extremely expensive, but it is very difficult to attract and retain the right skills – especially with Google, Apple, Facebook and LinkedIn all announcing thousands of jobs at their luxurious new headquarters.

The key location factors for software inward investors are:

- availability of skills and talent
- access to potential customers (UK, European and Global)
- modern urban environment (lifestyle, coffee, wifi etc)

While Aberdeen would not necessarily outscore major tech hubs like London, Berlin, Amsterdam – there is certainly potential to start developing a unique Aberdeen proposition for tech inward investors. Places with no track record in technology have been able to create significant clusters over the last few years. Ireland, Finland, Estonia, for example, all had little or no IT track record compared with other locations, but with focus and development and the right partnerships, Aberdeen can become a tech hotspot.

- *Aberdeen Offer*

Aberdeen offers something very different for these firms, but it is a proposition which will certainly be of interest to some. These businesses seek, above all else, access to talent – typically computing graduates. Aberdeen has two excellent universities producing hundreds of computing graduates each year and any tech player which decided to make the city its European headquarters would be the natural ‘employer of choice’ in a city that offers something very distinct compared with other non-London options. More should be made of the work at both University of Aberdeen and RGU, with initiatives such as the Aberdeen Software Factory, a student-led software development house that has been creating new applications and solutions since 2009.

The areas of research and specialism at local universities include Cloud Computing; Data Mining; Data Science and Big Data; Information Security and Intelligent Systems at University of Aberdeen’s School of Computing. Robert Gordon University has a School of Computing Science and Digital Media which is focused on Data Driven Innovation in four key areas: Big Data, Internet of Things, Security and Privacy and Computing Education. Both universities are engaged in research themes which would be of great interest to inward investors.



The city must do more to enhance its broadband and wifi offering if it is serious about attracting inward investment. Comparative broadband speeds using <http://maps.thinkbroadband.com/> show that Aberdeen is currently experiencing slower broadband than most other major cities in Scotland and the rest of the UK.

As the map above shows, while broadband speeds are good in the city centre (green), within a few miles this is not the case; this can be a problem for residential areas where inward investors might choose to live.

- Inward Investment Demand

In 2015/16 there were:

- 558 UK inward investment projects from IT and digital sector (increase of 15% from 2014/15).
- 14,556 jobs created (an increase of 7% on the previous year).

Source: Department for International Trade

Business Services (Office-based Projects)

Business services covers a wide gamut of activities and describes office-based occupiers ranging from financial and professional services to outsourcing and call centres. It also includes specialist technical and consultancy projects which would be targeted as part of the oil and gas or renewable energy sector. Rather than viewing these opportunities in purely sector terms, this wide target market would be best dealt with a more general offices proposition that could be tailored to suit different needs.

The key location factors for business services inward investors are:

- availability of skills and talent
- access to potential customers (UK, European and Global)

The extent to which the access to customers is a positive or negative for Aberdeen depends on who the customers are. For businesses that relate the technical and consulting elements of the oil and gas sector, there will be a clear advantage. For other types of businesses, the 'one hour to everywhere' in the UK message should be used and the airport's many links to UK cities emphasised.

- Aberdeen Offer

Aberdeen does not have a great deal of track record or credentials when it comes to pure financial or legal services; nor does it have the demographics which suit large call centre or back-office processing projects. However, it does have thousands of smart graduates each year and a plentiful supply of modern Grade A offices suitable for new inward investors.

Both universities have renowned Business Schools; with specialisations in Accounting and Finance; Human Resources; Management; Supply Chains and Project Management. With more than 30,000 university students, Aberdeen can certainly be an attractive proposition for business services firms.

The issue of cost might be regarded as a hindrance for Aberdeen. Whilst this would be true for low value call centres for example, it is certainly not the case for higher-value projects which would be familiar with paying similar prices in Cambridge, Manchester and Birmingham, and who would be paying more than twice as much in London.

- Inward Investment Demand

In 2015/16 there were:

- 561 UK inward investment projects from financial and business sector (increase of 9% from 2014/15).
- 41,975 jobs created (an increase of 20% on the previous year).

Source: Department for International Trade

Life Sciences

The inward investment potential for life sciences, medical technology and healthcare projects is smaller than other sectors, but often extremely high-value in terms of jobs. Competition for these projects is fierce, with almost every city in the UK targeting the sector. UK cities which are most active in targeting this sector include London, Manchester, Birmingham, Liverpool, Leeds, Sheffield, Newcastle and Edinburgh; although for the most sought-after projects, there tends to be a European, if not a global, competition with companies being lured with significant incentives by the likes of Singapore and Malaysia.

In the UK, the continued consolidation of the sector with mergers and acquisitions often leads to the higher value research and development projects being relocated. Biomanufacturing still takes place in a number of locations such as Liverpool, but cost pressures from overseas put a continual doubt over the future of these facilities.

The key location factors for life science inward investors are:

- availability of skills and talent
- access to potential customers (UK, European and Global)
- existing cluster of life science community
- cost-effectiveness and incentives

- Aberdeen Offer

According to Biggar Economics the life sciences sector is a significant part of the economy of North East Scotland, with more than 2,500 people employed in the company and research base. "In Scottish terms 22% of all employment in life sciences R&D in biotechnology companies is based in the Aberdeen area." (*Aberdeen City and Shire Life Sciences Framework for Growth, Biggar Economics, 2014*).

The region has a range of life sciences and healthcare assets, including NHS Grampian, Centre for Healthcare and Randomised Trials, Scottish Biologics Facility, world renowned research institutes and industry to commercialise products.

Niche areas of specialism for the region include biotherapeutics, with the development of the first Biotherapeutic Hub for Innovation in North East Scotland, providing space for start-up businesses, specialist shared facilities and support services.

Aberdeen's universities are at the centre of the region's life sciences research. The College of Life Sciences and Medicine at the University of Aberdeen is a dynamic research-led centre with more than 3,000 undergraduate and postgraduate students from all over the world. Life science subjects include Zoology, Biomedical Sciences and Drug Development. The School of Pharmacy and Life

Sciences at RGU is highly regarded national, and is ranked 1st in Scotland for Pharmacy (The Guardian University Guide 2017) and top 10 for Medical Technology, Forensic Science and Food Science (Complete University Guide 2017).

The new Rowett Institute facility is a world-class research asset that should be at the forefront of Aberdeen's offer to life science companies.

- Inward Investment Demand

In 2015/16 there were:

- 178 UK inward investment projects from life sciences sector (increase of 6% from 2014/15).
- 4,505 jobs created (a decrease of 32% on the previous year).

Source: Department for International Trade

Renewable Energy

The opportunities around renewable energy are significant and can play an important part in the diversification and future economic growth of Aberdeen. The number of major inward investment projects in this sector are relatively few. One of the challenges for Aberdeen as it moves from an 'oil capital' to 'energy capital' is that there are many hundreds of cities around the world seeking a similar status. While Aberdeen is a natural oil and gas hub; it will have to compete with every other town and city in Europe for renewable energy projects.

A number of manufacturing facilities to support the offshore wind sector have created jobs in places like Hull with the new Siemens turbine facility, but these are exceptional projects and given the lack of manufacturing skills and supply-chain, unlikely to be repeated in the North East of Scotland.

- Aberdeen Offer

Aberdeen has become a focal point for renewable energy with know-how and supply chain skills – particularly in the fields of offshore/marine renewables, hydrogen and biomass. The Aberdeen Renewable Energy Group (AREG) has 160 members from every realm of renewable energy – onshore and offshore wind, wave, tidal, biomass, hydrogen fuel cell, photovoltaic and thermal solar, hydro and geothermal. AREG has brought together companies and organisations for the last 10 years and demonstrates the opportunities for inward investors in this sector.

In 2016, Swedish energy firm Vattenfall confirmed that it will construct a £300 million 11-turbine wind farm off the coast of Aberdeen. This European Offshore Wind Deployment Centre will be a test and demonstration facility and the largest of its kind in Scotland. There is likely to be operations and maintenance facilities required for all of the offshore wind farms and Aberdeen would make sense given its port and airport helicopter facilities.

The City Region's Hydrogen Strategy outlines the key actions to deliver the ambition of being a leading global energy hub; these include the attraction of inward investment. Aberdeen has led the way with low carbon public transport and its fleet of hydrogen powered buses. These projects should help to define the ambition and attract interest from around the world.

Collaboration with Aberdeenshire around the Energetica programme should be increased, with coordinated approach to identifying potential investors and occupiers.

The Institute of Energy at University of Aberdeen specialises in new and renewable energy technologies, particularly in bioenergy, wave and wind, while RGU has research expertise in energy devices, energy storage, wind power, solar and photovoltaics as well as CO2 storage.

- Inward Investment Potential

In 2015/16 there were:

- 260 UK inward investment projects from the energy sector (increase of 8% from 2014/15).
- 13,490 jobs created (an decrease of 8% on the previous year).

Source: Department for International Trade

Oil & Gas

There are of course many initiatives to exploit the technology opportunities around oil and gas, and it should almost go without saying that these should be a core element in Aberdeen's diversification plans. The extent of potential inward investment is unclear, but there is no reason why the city shouldn't be on a shortlist for every oil and gas technology project in Europe.

- Oil and Gas Technology

The sector has focussed on expansion into emerging markets and much of the FDI projects relating to oil and gas tend to be in places like Nigeria, Uganda, India, China and Latin America. Beyond international expansion, the sector is faces an ongoing challenge to maximise profitability through greater efficiencies that make full use of emerging technologies. The latest techniques in subsea engineering opens up opportunities from robotics and remote vehicles to composite materials.

- 'Digital Oilfield' (Big Data, Sensors and Internet of Things)

Thanks to pervasive computing devices, such as affordable sensors that collect and transmit data, and the development of analytic tools, oil companies are able to capture more detailed data in real time at lower costs. There will be digital firms interested in the practical applications for their products which an oil and gas cluster could provide. There are examples of Silicon Valley tech firms opening up offices in Houston specifically because of this opportunity.

- Decommissioning

In the next thirty years, around 470 platforms, 5,000 wells, 10,000km of pipelines and 40,000 concrete blocks will have to be removed from the North Sea. This decommissioning of redundant platforms is estimated to cost between £30 billion and £60 billion. There is undoubtedly the potential for inward investment projects related to this work, although there is likely to be intense competition from other locations both in the UK and internationally. According to the latest industry insights, 94% of North Sea decommissioning projects are still in the early planning stage, with peak activity forecast to take place around 2024/25.

- Aberdeen Offer

A centrepiece for the area is the £160 million Oil & Gas Technology Centre (OGTC) funded through the City Deal. The OGTC's aim is to make the north-east a focal point for oil and gas technology by helping companies develop and deploy new products and processes that can reduce costs.

Both universities are centres of excellence for research in the sector with degrees of all levels in every aspect of the industry. The RGU Oil and Gas Institute is a world-class centre for teaching, innovation and research into Drilling & Wells; Operations; Decommissioning and Subsea Excellence.

Aberdeen clearly has significant expertise which will be relevant for decommissioning with many specialist companies already located here. The approved expansion of Aberdeen Harbour will certainly enhance the local offer and in 2016, the UK's first Masters degree in decommissioning oil rigs and platforms was launched by the University of Aberdeen in partnership with RGU.

The 2016 video, 'Journey of the Drop', produced by ITN and commissioned by the Chamber of Commerce is an excellent piece of collateral that demonstrates the region's oil and gas story; this needs to be shared wider.

Aberdeen's credentials as the natural centre for the decommissioning opportunity include having the existing infrastructure and companies to manage most aspects of the work.

Decom North Sea is an organisation led by many of Aberdeen's key players and has more than 400 members drawn from operators, major contractors, service specialists and technology developers.

It is delivering a number of projects including studies into supply-chain capabilities and the creation of a market intelligence portal for members. Decom North Sea's flagship conference, Decom Offshore, will take place in Aberdeen on 24 May 2017.

Other Sectors

- Food & AgriTech

The food and drink sector is an extremely broad one, but in terms of inward investment potential, there is limited opportunity for Aberdeen, given that most mobile inward investors in the food and drink sector would be looking for a less remote location for production and distribution facilities.

The UK is a global centre of excellence for agritech R&D and innovation. The size of opportunity in this sector has been estimated at around \$400 billion and the UK government has committed resources to supporting increased inward investment from agritech in the last few years. Areas such as food security, nutraceuticals and plant science are a particular source of potential FDI projects.

Aberdeen has a world-class asset for food research in the Rowett Institute. With its new facilities, the Institute should be a magnet for international companies involved in this sector and across life sciences.

- Tourism

The proposed £207 million new Aberdeen Exhibition and Conference Centre (AECC) will be a centrepiece of Aberdeen's business tourism offer and will help to attract major conferences and trade shows which will be crucial in bringing potential inward investment target audiences across all sectors to the area.

The expansion of both the harbour and the airport are crucial projects that will attract more visitors to the area. There is significant potential to bring new visitors and companies on the back of the enhanced tourism offer and the new team should collaborate with Visit Aberdeenshire on key messages and target audiences.

The airport and harbour are both best placed to lead any engagement with new carriers, routes and cruise lines; but the inward investment team should be able to offer additional support if required.

- Retail

The attraction of retailers to Aberdeen requires a different approach from other sectors and is very focussed on the numbers. The new team should be armed with the appropriate demographic, catchment, spending and footfall information that will be of interest to retailers and leisure operators.

Some locations, notably Derby, have targeted specific retailers with bespoke propositions and have been very successful at attracting new hotels, restaurants and shops to the city.

It is important to note the critical importance of a supporting infrastructure when attracting inward investment. Aberdeen's city centre masterplan is helping to deliver an environment that will be key

to attracting new types of businesses and people. The modern city needs great shops, boutique hotels, quality restaurants and bars. Whether it's targeting more craft breweries, independent coffee shops or a Michelin starred chef, retail should be seen as integral to this plan.

An effective intelligence and monitoring process will help to identify those retailers and operators that are actively seeking new locations and the team should work alongside the city centre manager to ensure that Aberdeen gets on their shortlists.

Capital Investment Opportunities

Aberdeen has a number of major infrastructure projects which require funding. The pursuit of new capital investment for these is a priority of the council and echoes with the Scottish Government policy of attracting major international funds, as outlined in Global Scotland, Scotland's Trade and Investment Strategy 2016-2021.

“Across the globe, financial institutions, companies and investment groups, along with government backed Sovereign Wealth, investment and pension funds, are looking for opportunities and projects to invest in. The scale of available capital from UK and international investors is immense.”

The strategy rightly points out that:

“In the vast majority of cases, the development and delivery of projects and matching of projects with potential investors is principally a private sector activity.”

However, Aberdeen Council is in a unique position to work seamlessly with private partners in showcasing the project opportunities and facilitating discussions with potential investors.

Aberdeen's reputation in financial and investment circles is being strengthened by the launch of the £370million bond and by becoming the first Scottish local authority trading on the London Stock Exchange market.

Being an innovative and commercially-savvy council can only enhance the city's reputation and give a considerable amount of validation and trust in the eyes of potential inward investors.

There are a number of organisations which Aberdeen currently works alongside to attract capital investment:

- **Department for International Trade (DIT)** - at a national level, the DIT-funded Regeneration Investment Organisation (RIO) has been bolstered with significant additional resources and an extended remit to include infrastructure and energy, as well as regeneration. The team has been renamed the Capital Investment Organisation (CIO). The team has a major focus on increased investment and job creation in the North of England and Midlands through projects such as HS2, and investment in the private rented sector (PRS).

- **Scottish Cities Alliance (SCA)** – Aberdeen is a proactive partner in the seven city initiative that seeks to promote £7.5 billion of exciting investor-ready opportunities. The SCA provides a single point of contact for interested investors and raises the profile of Aberdeen at investment industry events such as MIPIM.

CBRE Study

The CBRE study, Research and Analysis of Capital Investment for Projects of Scale in Scotland (October 2016), provides an excellent insight into opportunities and challenges in attracting investment. This study, produced for Scottish Enterprise, contains a wealth of information and analysis on capital investment and its findings and recommendations concur with Breeze Strategy's view and are applicable at the local level.

The CBRE study included the following conclusions:

- *Overseas capital is not typically deployed directly into speculative development projects in anything other than major global cities. None of the Scottish cities would meet these criteria. Even the largest Scottish projects may be too small to attract major overseas investors.*
- *Scotland would be better served by focussing on an alternative approach better aligned to the way in which development and investment products (which should be recognised as two distinctive propositions) are created. For development product the focus should be on the providers of equity and debt encompassing a range of both UK and overseas parties who provide relatively short term finance for the development phase of the a project. For investment product the focus should be on both UK and overseas longer term investors.*
- *Where Scottish projects have been "marketed" to overseas capital the quality of the material used to effect an initial introduction has in some cases been poor*
- *Only projects that have the prospect of generating a sufficient return for the investor should be promoted. The selection of investors to whom such projects are presented should be based on stronger research and greater due diligence should be presented to show viability and attractive returns and independent financial modelling should be carried out for major projects*
- *Too much emphasis has been placed on using exhibitions and conferences (eg. MIPIM) as a means of generating overseas investor relationships and we consider that there is some over-reliance on such events. They do have a role to play but more important is for there to be a clear strategy to monitor, understand behaviours and engage directly with sources of capital in their local markets.*
- *Some competing English cities have managed to develop strong identities both in themselves and as city regions. There needs to be a better defined balance for Scottish cities between individual promotion, joint promotion and promotion under the SCA collective banner.*

The challenge but also the opportunity for the agencies involved in promoting investment in Scotland as a stimulant to development we believe requires a fresh approach which should encompass the need:

- *to be more pro-active in assessing changing patterns and sources of capital*
- *to better understand the differing types of capital*
- *to avoid a "blanket approach" to engaging with and seeking capital*
- *to undertake sufficient due diligence on viability and returns.*

Examples of Capital Investment Opportunities

- Canadian Pension Funds

Some of the largest investors in the UK are Canadian pension funds, the largest of which is the Ontario Teachers' Pension Plan (OTPP). With more than £100 billion of investments, the Ontario Teachers' recorded a 13% return on investments in 2015 and has a stake in many UK projects such as HS1, Camelot (the National Lottery operator) and stakes in several UK airports. Other major Canadian funds include Canada Pension Plan Investment Board (CPPIB); Ontario Municipal Employees Retirement System (OMERS) and the Alberta Investment Management Corporation (AIMCo).

- German Regional Banks

Another important potential target for capital investment is the German regional banks. The Landesbanken in Germany are a group of state-owned banks of a type unique to Germany. They are regionally organised and their business is predominantly wholesale banking. They are also the head banking institution of local and regional saving banks (Sparkassen). They include the likes of BayernLB (Bavaria); HSH Nordbank (Hamburg); Landesbank Baden-Württemberg; and Helaba (Hessen and Thuringia). These banks manage pension funds and are significant investors in UK property and most have a London-based team which should be engaged.

PART TWO: The Plan

Promoting the Aberdeen Proposition

Articulate what Aberdeen has to offer potential investors (PROPOSITION)

Place marketing and inward investment are not the same thing. While it is logical to think that greater awareness and positive imagery helps to attract new jobs and investment, in actual fact there is no empirical or anecdotal evidence to prove this. The image and brand of a city can be a useful backdrop to the specific selling points and business proposition, but big marketing campaigns rarely result in any new inward investment and are no substitute for smarter approaches around research and intelligence; direct engagement and intermediary networks.

Rather than simply promoting Aberdeen in a general way, the council's inward investment team needs to articulate the clear and compelling messages which can be used and shared with partners. These need to include demographic and statistical information that will help to build a business case for locating or expanding a business in the city.

There is a need standalone website which will be the outward face of the inward investment team. General council websites are NOT fit for this very specific purpose as they have a very different internal audience. This is something which is recognised by every city in the country, with the typical branding used 'Invest in Cityname' or for some 'Locate in Cityname'.

Aberdeen city council should prioritise a standalone website for 'Invest in Aberdeen'. This need not be a lengthy or expensive exercise, as some of the best practice inward investment websites are actually built on very standard wordpress templates – great examples of extremely cost effective ones include Invest Ottawa (<http://investottawa.ca>) and Make & Stoke & Staffordshire (www.makeitstokestaffs.co.uk).

Suggested domain names currently available are:

www.investinaberdeen.co.uk

www.investinaberdeen.com

www.investinaberdeen.uk

www.investinaberdeen.scot

It is recommended that all of these are secured.

The www.investaberdeen.com and www.investaberdeen.co.uk is already taken.

Equally various social media domains should also be secured. On Twitter your username cannot be longer than 15 characters and your real name can be longer 20, so the following is suggested:

@Invest_Aberdeen (Invest in Aberdeen)

Similar domains can be established for YouTube, Flickr and Instagram. It is recommended that the website and social media domains be secured as soon as possible.

'Invest in Aberdeen' does not require a logo, business cards or anything more than the online presence. This is not about creating a new brand, but simply providing a clear inward investment portal for partners.

The team would always use Aberdeen as the ‘attack brand’ but would seek to support anything that increases the economic well-being of Aberdeenshire and the wider North East of Scotland too. There is a widespread acceptance in the inward investment industry that city brands are the optimum level of geography. ‘Manchester’ is used to promote the whole of Greater Manchester and is supported by ten different councils; similarly ‘Invest Liverpool’ is used as shorthand for the Merseyside region and includes several councils.

There has been initial work commissioned by local partners, led by the chamber of commerce, into place branding. There are many aspects of this work which should have a run through into the inward investment activities. Rather than start with a blank page, the team should adopt the tone, imagery and ideas behind the chamber’s work. Inward investment isn’t about straplines or advertising copy, however, there appears to be some useful and striking ideas around promoting Aberdeen as a cool, modern, youthful, adventurous city with a nod to the North Sea and Nordic neighbours. This backdrop would provide context and some very positive images to support inward investment activities.

Building on the many reports into Aberdeen’s economic future, the new team should articulate the business benefits of locating and investing here. A suite of highly-focussed collateral that demonstrates the area’s strengths should be made available to target audiences and partners. These would include as a minimum, a series of propositions (6-8 pagers, in Word, PDF and PPT formats) which would address different sectors: Business Services/Technology/Life Sciences/Renewables/Oil & Gas. These would all be made available on the new website in different formats; shared with partners and promoted through social media.

Recommendations:

PRO1 - Use ‘Invest in Aberdeen’ as the main brand

PRO2 - Utilise the tone and imagery from work commissioned by Chamber of Commerce

PRO3 - Creation of a standalone ‘Invest in Aberdeen’ website

PRO4 - Programme of social media focussed on targeted engagement and intelligence sharing

PRO5 - Produce series of propositions (Word, PDF and PPT) that can be used for investors

Action	Priority	Delivery	Estimated Cost
PRO1	1	Team	-
PRO2	1	Team	-
PRO3	1	Team + Local Company	£15,000
PRO4	1	Outsourced (6 months)	£7,500
PRO5	1	Outsourced	£15,000

Leveraging National & Global Resources

Leverage existing resources at the UK and Scotland level (LEVERAGE)

The new team needs to build close working relationships with other inward investment teams at the Scotland and UK levels, so that the Aberdeen proposition is fully understood by Scottish Development International (SDI) and Department for International Trade (DIT, formerly known as UKTI) both at home and overseas.

Aberdeen should take a very proactive and targeted approach to international markets – but this should largely be in partnership with Scottish Development International. SDI has 40 offices in around 20 countries across the world in all of the key inward investment hotspots from Silicon Valley to Shanghai. A programme of shared intelligence, better engagement and improved relationships will ensure that Aberdeen gets more value from these offices and SDI's activities.

The same is true of DIT, which has staff at more than 100 embassies and consulates around the world, whose role it is to help attract inward investment to the UK. In the larger target markets such as United States, China, India, Germany and France, there are teams of DIT specialists organised on a sector basis. Aberdeen should be harnessing these additional resources and ensuring that the overseas posts in the most relevant of markets and sectors have a good, up-to-date understanding of the Aberdeen proposition.

The new inward investment team should prioritise a list of DIT and SDI posts and setup regular webinars or video conferences to introduce or update their knowledge of what Aberdeen has to offer.

Whenever DIT or SDI overseas posts are in the UK for familiarisation or sector visits, Aberdeen should make an effort to either host a visit, or to meet them in Glasgow or Edinburgh. The new team should attempt to secure a forward plan of these visits.

DIT and SDI deliver an extensive events schedule across all markets and sectors. For those that are most relevant for Aberdeen, there should be pre-contact with the staff that will be attending the show, or in some cases, a request to attend alongside. Having a Scotland or UK stand at an event will allow an Aberdeen presence to be extremely cost-effective and would help to build relationships further. The new team should secure an events plan from both DIT and SDI.

In the case of high profile events like MIPIM and MIPIM UK which have a focus on capital investment, the Scottish Cities Alliance is a suitable vehicle for Aberdeen. The SCA provides a useful 'umbrella brand' and Aberdeen's participation enables the city's development and investment opportunities to be showcased in an effective way.

Recommendations:

LEV1 - Ongoing relationship-building with SDI, including outreach to overseas posts

LEV2 - Ongoing relationship-building with DIT, including outreach to overseas posts

LEV3 - Host familiarisation tours for overseas posts and home-based sector leads

LEV4 - Arrange presentations at SE/SDI/DIT in Glasgow and London

LEV5 - Continue active participation in Scottish Cities Alliance

Action	Priority	Delivery	Estimated Cost
LEV1	1	Team	-
LEV2	1	Team	-
LEV3	2	Team	-
LEV4	2	Team	-
LEV5	1	Team	-

Local Partnerships

Work alongside partners across the area to deliver the service (PARTNERSHIP)

Close working relationships with partners in the area will be a key part of the new team's work. Particularly important will be links with Aberdeen & Grampian Chamber of Commerce, Aberdeenshire Council, Opportunity North East, Universities, Airport, Harbour, local intermediaries and businesses.

From consultations with key partners in the public and private sectors, there is no doubt that Aberdeen City Council has a huge amount of goodwill and support. As with any local council, there will be difficulties and challenges from time to time, but in terms of the inward investment agenda, there is widespread willingness to cooperate on the attraction of new jobs and investment to the area.

It should be noted that there is common consensus that a win for the city is a win for the wider region, and vice-versa. The use of a strong 'attack brand' of Aberdeen, in no way dilutes the regional partnerships that are in place, in fact it will help to deliver economic benefits for the whole region.

There is a good framework for cooperation within existing collaborations such as Opportunity North East and there is a strong public-private partnership approach in place that will help to support the council's inward investment plan.

There is scope for better working with local intermediaries such as property agents, lawyers, banks and accountants. These professionals are a vital part of the inward investment process providing trusted advice to both local and incoming investors. They should be integrated into the council's activities in a way that brings mutual added-value.

Many locations offer a soft-landing service to potential investors which provide a range of free services such as "2 hours free consultation" and "3 months hot-desk or serviced office". Good examples include Derby's Red Carpet service (<http://www.marketingderby.co.uk/red-carpet>) which provides potential investors with introductions to a range of local services through trusted partner intermediaries. Some soft-landing packages just focus on the property angle, for example, the Hello Manchester service by MIDAS (<http://www.investinmanchester.com/hello-manchester>) which is run in partnership with local serviced office providers that offer free accommodation up to 12 months.

Some locations have been able to create commercial partnerships with local businesses and intermediaries that can bring in additional revenue to pay for inward investment activities. London & Partners have selected a handful of partners which pay an annual fee (<http://invest.london/about-us/our-partners>) while Derby has a 'bondholder' model which has 300 partners (each paying between £1,500 and £5,000) bringing in more than £250,000 each year to supplement the core funding provided by the city council for Marketing Derby (www.marketingderby.co.uk/bondholders).

In terms of governance, the core inward investment team should be an integral part of Aberdeen City Council as part of the economic development function, however, it could be part of a wider virtual team that includes in-kind resources and staff from partners. There should be an external sounding board which would include partners such as the Universities, Airport, Harbour and key businesses. This would not have any governing or reporting function, but would rather ensure that there is a close collaboration at a practitioner/officer level. The recently established officer group for the Regional Economic Strategy could fulfil this role.

Recommendations:

PART1 - Regular communications (using social media) with partners to share intelligence and success

PART2 - Annual local inward investment event to inform and update partners on work

PART3 - Creation of a Soft Landing Service that integrates in-kind support for inward investors

PART4 - Establishment of officer-level Partnership Board to share ideas and ensure cooperation

Action	Priority	Delivery	Estimated Cost
PART1	1	Team	-
PART2	1	Team & Partners	-
PART3	2	Team or Outsource	£7,500
PART4	2	Team	-

Reacting to Enquiries

Provide a highly effective concierge service to react to enquiries (REACTIVE)

The new team needs to offer an exemplary, professional concierge service to any company thinking of investing in the area.

Every potential investor, whether a business looking to locate or a fund looking to invest, would expect to have a clearly sign-posted gateway to manage their enquiry and provide support throughout the process. That happens in almost every city in the UK, and it is an absolute must-do for Aberdeen.

The lack of a front-door and concierge to the city means that potential inward investors are left to find their own way and, when it comes to mobile projects, the competitor locations will have an easy job convincing them that their city is better.

The new team should ensure that it is willing and able to field enquiries from any quarter and manage them in a professional way that makes them more likely to invest in Aberdeen. This requires some form of CRM system and the establishment of enquiry handling process.

The council has access to Tractivity (www.tractivity.co.uk), a specialist CRM system for inward investment and one of the two industry-standard alternatives available. Many of the best inward investment services use Tractivity. It provides all the functionality required by the new team both in terms of a sites and premises database and an enquiry handling tool. It is web-based so can be used with ease and information can be shared readily with partners.

An integral and important part of the Tractivity system is a sites and premises database. Teams vary in the ways that they use this feature, but most established inward investment teams use it to host an up-to-date, fully featured database of what commercial properties are available locally – a good example is Invest in Fife – see <https://www.investinfife.co.uk/content/land-property-search>.

Having such a property database is extremely useful for inward investors and local companies looking to expand, and makes responding to enquiries far easier. It is also a mechanism for regular cooperation and dialogue with local property agents, so that the information is up to date. It can also help relieve the pressure to respond to all enquiries by offering a self-service option online.

As a starting point and a minimum, the details of the largest available sites and offices should be included. The extent to which smaller properties are included depends on resources, but the database should ideally be a showcase of exemplar properties rather than providing 100% accurate coverage of everything.

Tractivity provides a good way of tracking enquiries and engagement with prospects, intermediaries and partners.

All inward investment teams can benefit from regular updates and training on a variety of skills and issues which will enhance the levels of customer service and effectiveness of the team. An annual training day for the inward investment team should be seen as a minimum.

Recommendations:

REAC1 - Creation and maintenance of enquiry management system (existing Tractivity eCRM)

REAC2 - Creation and maintenance of sites and property database (utilising existing Tractivity eCRM)

REAC3 - Preparation of presentation and proposal templates for responding to enquiries

REAC4 - Team training to ensure best practice enquiry handling skills are developed and honed

Action	Priority	Delivery	Estimated Cost
REAC1	2	Team	tbc Tractivity subscription
REAC2	2	Team	tbc Tractivity subscription
REAC3	2	Team	-
REAC4	1	Outsource	£2,500

Proactive Investor Targeting

Proactively engage businesses that have a good fit with Aberdeen (PROACTIVE)

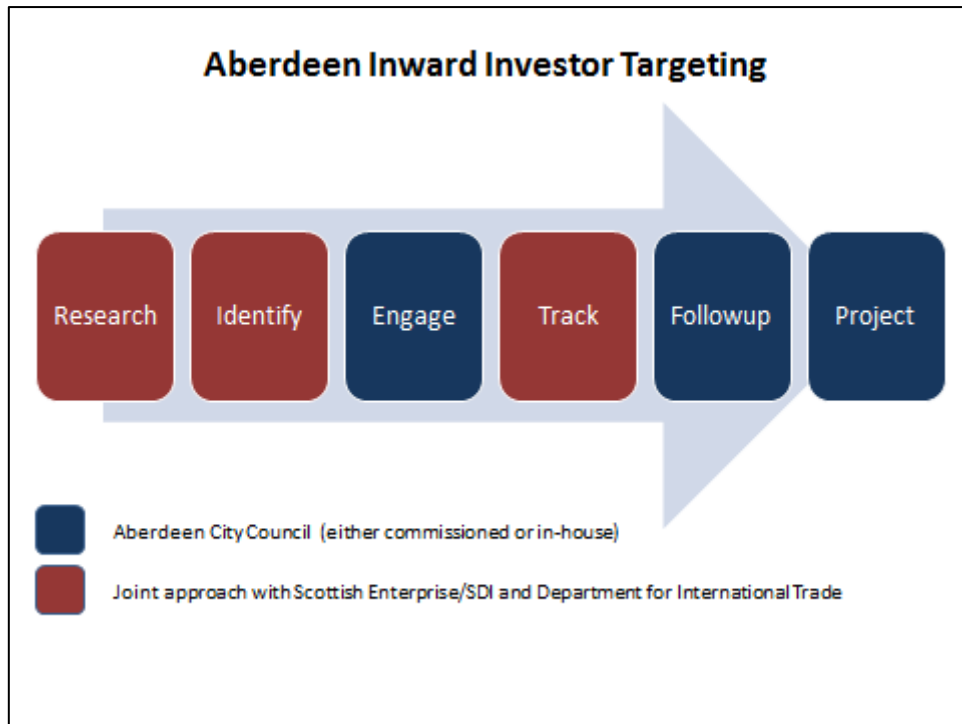
The team should implement a proactive approach to targeting specific opportunities based on smart research and those advisors who can influence a location decision. Outreach to these targets should be through email, social media and telephone – once engaged, in-market support should be sought from SDI or DIT as appropriate.

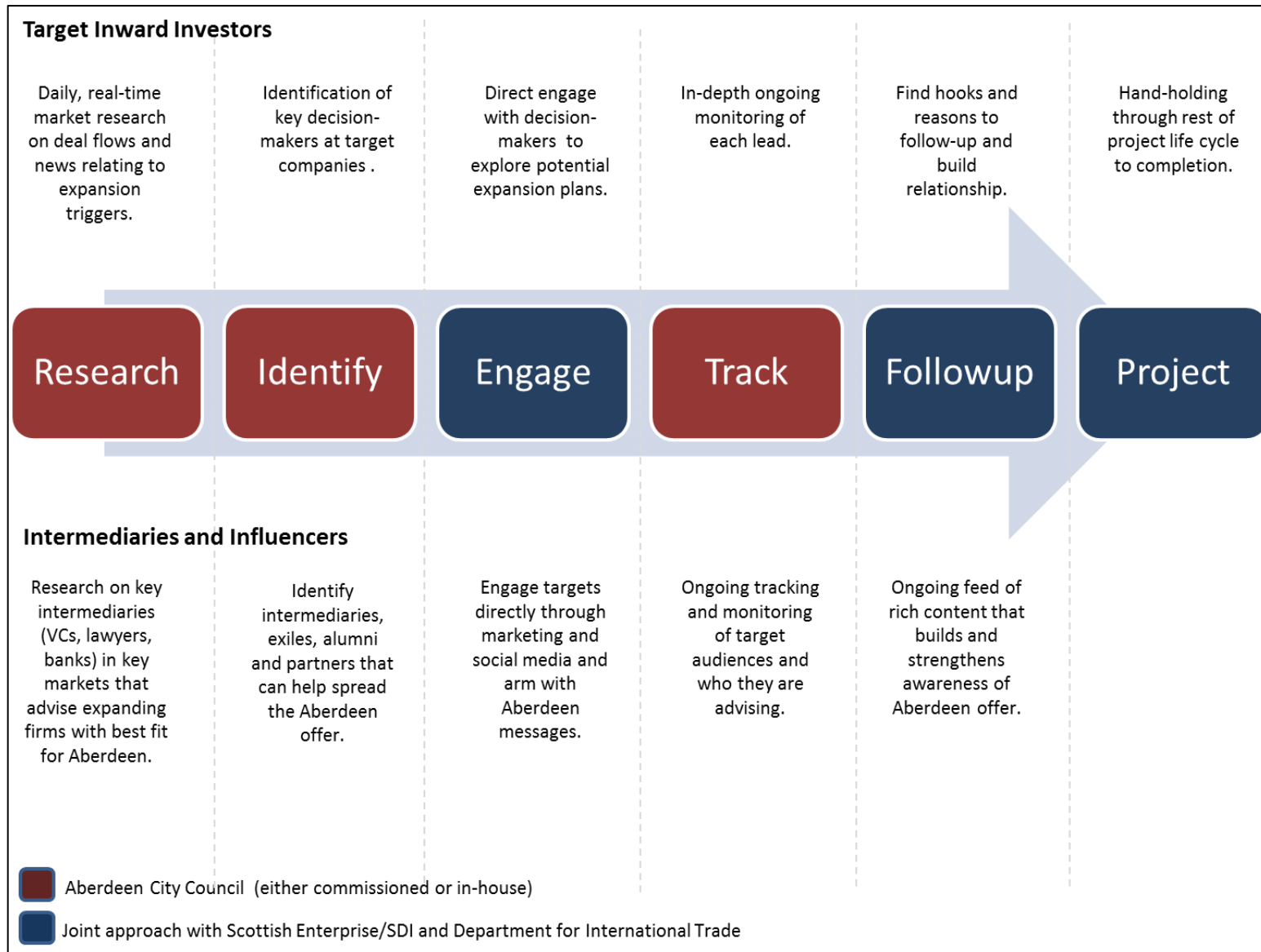
Corporate and Capital Investors

Smart investor targeting involves requires the use of daily monitoring and intelligence systems to identify companies who are currently expanding and who might be receptive to an approach from Aberdeen. These companies can be from anywhere in the world, or already in Aberdeen; the approach in terms of engagement will depend on the geographic location of their key decision-makers. For local companies, the team should engage directly. For potential targets based outside of Scotland, a twin-pronged strategy of direct engagement through email/phone/social media should be combined with engagement through SDI where it makes sense to do so and they have in-market staff.

Over time, a target pipeline will evolve and prospects should then be nurtured through to becoming a lead and ultimately a project. The building of this pipeline will be instrumental in delivering key outputs around new inward investment projects and jobs. Expert help in setting up an in-house system is advisable, with a view to the team taking full control within 6 months.

The process for both capital and corporate investor targeting would be the same and is shown below:





Intermediaries and Influencers

The role of intermediaries in the inward investment process is critical. Local and regional intermediaries should be integrated into the Aberdeen offer (as described in the Partnership section) but external intermediaries can also be important in identifying potential inward investment projects. These would include venture capitalists, lawyers, accountants, bankers and specialist advisors. The team should identify those intermediaries in Glasgow, Edinburgh and London who could be useful to Aberdeen by virtue of their areas of work or sectoral speciality. These should be identified and engaged with on an ongoing basis.

Exiles & Alumni

There is a huge opportunity to engage with Aberdeen exiles and alumni who can play an important role as ambassadors and influencers in key international markets. Key businesspeople that are in positions of influence should be identified should be advantageous to the city. This would include a deep examination of alumni networks (using social media) and other people with an association with the area, either through birth, school or work. After identifying the most useful alumni and exiles, each should be contacted and reintroduced to what Aberdeen has to offer, with a view to them being an informal ambassador in the future.

The GlobalScot network run by Scottish Enterprise should be engaged too, with any Aberdeen connections being identified.

Trade Shows and Events

Traditionally inward investment teams have relied on trade shows and events as a mainstay of their activities. Whilst raising the city's profile among target sector audiences does no harm, there is not a great deal of evidence to suggest that it makes much difference in attracting new companies and investment. As described above, the most cost-effective way of targeting investors is to carefully research and monitor, before highly selective direct engagement or indirect approaches through intermediaries. Exhibiting at a trade show is expensive and time-consuming; however, the presence of target companies and individuals at a show does provide the opportunity for meaningful interaction and engagement. Where SDI and/or DIT already have a presence, then Aberdeen could benefit by having a member of the team present. As with all events, it is critical to:

- do your homework and understand why you are going and who will be there
- reach out in advance to potential targets and set up meetings
- identify useful intermediaries that will be there
- make full use of social media in the run up to the event (using event hashtags etc)
- prepare a relevant proposition in advance
- check which partners/local firms will be there
- ensure that follow-ups are conducted after the show

In consultation with partners, the team should draw up a list of target events, not necessarily to attend, but to be aware of and to factor in to partner engagement and social media activity. The following table suggests some of the more important shows and how they might be targeted:

Event	Date	Location	Sector	Presence
MIPIM	14-17 March	Cannes	Capital Projects	SCA
OTC	1-4 May	Houston	Oil & Gas	ACC
All Energy	10-11 May	Glasgow	Energy	ACC
Offshore Europe	5-8 Sept	Aberdeen	Oil & Gas	ACC
Medica	13-16 Nov	Dusseldorf	Healthcare	SDI

For major events that are being held in Aberdeen, such as Offshore Europe, there should be a concerted effort to maximise the city's offer to the visiting delegates. A good way of doing this would be a partnership between the city council and the major hotel operators to leave a piece of collateral and/or welcome letter in each room during the event.

Aberdeen is a key member of the World Energy Cities Partnership (WECP) and this grouping of major cities such as Houston, Stavanger, Calgary, Perth and Rio has a huge potential to provide the basis for a more focussed engagements with peers and colleagues in these markets. There should be an attempt to attract WECP-led events to Aberdeen. Longer-term there could be multilateral agreements in place to encourage soft-landing arrangements for energy companies from each city looking to expand into new markets.

Recommendations:

- PROA1 - Research and intelligence monitoring to identify corporate expansion targets
- PROA2 - Research and intelligence monitoring to identify capital investment targets
- PROA3 - Identification and engagement with key intermediaries and influencers
- PROA4 - Identification and engagement with exiles and alumni in key positions of influence
- PROA5 - Highly targeted presence and activity at selected events with SCA/SDI/DIT
- PROA6 – Engage partners in World Energy Cities Partnership

Action	Priority	Delivery	Estimated Cost
PROA1	1	Outsourced	£1,000 per month
PROA2	1	Outsourced	£1,000 per month
PROA3	1	Outsourced	£5,000
PROA4	1	Outsourced	£5,000
PROA5	2	Team	tba £5-50,000
PROA6	2	Team	-

Investor Development

Understand expansion plans of existing companies (INVESTOR DEVELOPMENT)

More than half of all inward investment originates from businesses that are already here. The new team should work alongside local partners to have a focus on investor development activities that capture and add-value to potential expansion projects by local firms.

Once the team is established, there should be a discussion with key partners, such as the Chamber of Commerce, who are well positioned locally to understand the dynamics and nuances of local businesses and their potential expansion plans. Working alongside the chamber, the new team should raise awareness of the inward investment service with a particular focus on:

- helping local firms with the practicalities of expansion, especially regarding skills, premises etc
- working with local businesses that have international HQ and need to make the case for expansion
- identify particular companies who can act as champions for Aberdeen and provide case studies
- work with SDI and DIT if there are issues that require international intervention

Partners such as Scottish Enterprise already have a number of Aberdeen companies as part of their investor development programme and the new team should seek to support this work.

The new inward investment team should have deep ongoing monitoring of all local company news so that more pinpointed interventions and support can be considered.

Recommendations:

ID01 - Analyse existing research on local companies to support proposition development

ID02 - Identification of strategic list of key employers with highest propensity to expand

ID03 - Engage with locally-based decision-makers to explain new service

ID04 - Work with SDI and DIT as appropriate to engage with overseas HQs

Action	Priority	Delivery	Estimated Cost
ID01	2	Team + Partners	-
ID02	2	Team + Partners	-
ID03	2	Team + Partners	-
ID04	1	Team	-

Intelligence and Research

Gather and maintain intelligence on sectors, skills and sites (INTELLIGENCE)

The smart approach to inward investment requires access to data, intelligence and information on an array of issues from a wide range of sources.

Existing research capabilities at the city council should feed into the new team, providing input for propositions and proposals. The important areas that require intelligence are:

Local Research

- breakdown of workforce demographics by skills and function
- available specialist skills in the region relevant to target sectors
- travel to work catchment areas and times
- available sites and premises currently on the market
- operating cost factors for different industries

Corporate Intelligence

- media and news monitoring
- premium social media access (especially LinkedIn)
- company database subscriptions (DueDil, Mint, D&B, OneSource)
- specialist inward investment tools (benchmarking, alerts)
- property intelligence (CoStar, EGI)

There is a huge amount of free information online that can help the team to identify potential investors and monitor companies. An internal system of Google News Alerts and savvy use of social media can avoid expensive subscriptions. It is recommended that this be setup – perhaps with the help of an external specialist who can train the team and handover after six months.

Recommendations:

INTEL1 - Compile list of research items that are required and liaise with existing resources

INTEL2 - Identify potential subscriptions to inward investment specific data

INTEL3 - Establish in-house monitoring and intelligence systems to support investor targeting

Action	Priority	Delivery	Estimated Cost
INTEL1	1	Team	-
INTEL2	1	Team	£1,000 to £20,000
INTEL3	1	Outsource to setup	£1,500 pcm

Feedback and Monitoring

Feed intelligence into other council teams to improve attractiveness (FEEDBACK)

There should be ongoing feedback loops to other teams in the council and wider partners around the region. This will highlight gaps in the current offer and provide important market intelligence to support the council's work.

The new team should establish informal quarterly briefings that are cross-departmental and should include planning, finance, communications and other teams as relevant. This is important to secure wider awareness and support from other people within the council that are involved in aspects of economic development that can impact on inward investment. The key performance indicators that the new team should work towards will be useful, not only as an internal monitoring tool but also for communicating with external partners on the progress of the team. The kinds of KPIs which should be considered include:

Primary KPIs

- number of new companies attracted to Aberdeen
- number of new jobs attracted to Aberdeen
- amount of new investment attracted to Aberdeen

Secondary KPIs

- prospective inward investor companies targeted and engaged
- prospective capital inward investors targeted and engaged
- number of intermediaries targeted and engaged
- number of alumni and exiles targeted and engaged

Notwithstanding this list, the key focus should always be on the three primary outputs of jobs, companies and investment. The remaining indicators will help to show progress towards the primary aim, but should never be viewed as ends in themselves.

There should be a regular external review of performance, every two years, by inward investment specialists to ensure that the team is at the forefront of industry best practice and is performing at optimum levels of customer service and effectiveness.

Recommendations:

FEED1 - Quarterly briefings to cross-departmental team leads at city council

FEED2 - Establish KPIs that can be measured and monitored effectively

FEED3 - Annual reporting to colleagues and partners

FEED4 - Conduct external review of team every two years

Action	Priority	Delivery	Estimated Cost
FEED1	2	Team	-
FEED2	2	Team	-
FEED3	2	Team	-
FEED4	2	Outsource	£10,000

Matrix of Actions, Costs and Timescales

Action		Priority 1 = 6 mnths 2 = 6-18 mnths	Delivery Method	Estimated Cost
PRO1	Invest in Aberdeen	1	Team	-
PRO2	Imagery	1	Team	-
PRO3	Website	1	Team + Local Company	£15,000
PRO4	Social Media	1	Outsourced (6 months)	£7,500
PRO5	Propositions	1	Outsourced	£15,000
LEV1	Scottish Development International	1	Team	-
LEV2	Department for International Trade	1	Team	-
LEV3	Familiarisation Visits	2	Team	-
LEV4	Glasgow & London Presentations	2	Team	-
LEV5	Scottish Cities Alliance	1	Team	-
PART1	Partner Communications	1	Team	-
PART2	Annual Partner Event	1	Team & Partners	-
PART3	Soft Landing Service	2	Team or Outsource	£7,500
PART4	Partnership Board	2	Team	-
REAC1	Enquiry Management	2	Team	tbc Tractivity
REAC2	Sites Database	2	Team	tbc Tractivity
REAC3	Proposal Templates	2	Team	-
REAC4	Team Training	1	Outsource	£2,500
PROA1	Corporate Investor Targeting	1	Outsourced	£1,000 per month
PROA2	Capital Investor Targeting	1	Outsourced	£1,000 per month
PROA3	Intermediaries	1	Outsourced	£5,000
PROA4	Exiles & Alumni	1	Outsourced	£5,000
PROA5	Targeted Events	2	Team	est £20,000
PROA6	World Energy Cities Partnership	2	Team	-
ID01	Existing Research	2	Team + Partners	-
ID02	Strategic List of Existing Firms	2	Team + Partners	-
ID03	Local Engagement	2	Team + Partners	-
ID04	SDI and DIT	1	Team	-
INTEL1	Scoping Research	1	Team	-
INTEL2	Research Subscriptions	1	Team	£1,000-£20,000
INTEL3	Monitoring & Intelligence	1	Outsource to setup	£1,500 pcm
FEED1	Cross-Department Briefings	2	Team	-
FEED2	Key Performance Indicators	1	Team	-
FEED3	Annual Report	2	Team	-
FEED4	External Review	2	Outsource	£10,000
			Total	circa £150,000

APPENDICES

Comparative Models

The following slides show the various different models that are deployed across the UK:

Edinburgh

Agency	Marketing Edinburgh Limited (www.investinedinburgh.com)
Governance	City of Edinburgh Council's Investor Support Team + Limited Company
Geography	Edinburgh City
Responsibilities	Inward Investment; Investor Development
Approx. Staff	20?
Budget	c.£1.3 million (£1m from Council; £300k/yr from private sector)
Notes	<ul style="list-style-type: none"> Strong standalone limited company Strong branding, multi-channel approach Works seamlessly with council team Slick marketing and professional collateral International events in Germany, France and USA Transparent quarterly reporting of successes Excellent private sector leverage and funding 250+ partners

Glasgow

Agency	Invest Glasgow (www.investglasgow.com)
Governance	Glasgow City Council's inward investment team
Geography	Glasgow City
Responsibilities	Inward Investment
Approx. Staff	6
Budget	£tbc (£750-1m)
Notes	<ul style="list-style-type: none"> Strong consistent branding Excellent sector coverage International activities

Manchester

Agency	MIDAS (www.investinmanchester.com)
Governance	Part of Manchester Growth Company MGC is accountable to GMCA and GMLEP Public & Private sector advisory board
Geography	Greater Manchester Combined Authority/GMLEP
Responsibilities	Inward Investment; Sector Development
Approx. Staff	12
Budget	£2.9 million (all ten councils pay equal amount, 50% from ERDF)
Notes	'Manchester' attack brand Very active internationally, esp USA, China, India Excellent private sector cooperation eg through Mcr-China Forum Works closely with Marketing Manchester on place marketing

Birmingham

Agency	Business Birmingham (http://businessbirmingham.com)
Governance	Part of Marketing Birmingham Limited, public/private board
Geography	Birmingham and Solihull/GBSLEP
Responsibilities	Inward Investment; Sector Development
Approx. Staff	6
Budget	£? million (previous ERDF funding was for £8.5m/3yrs) MB funded by city council, ERDF and 300 local companies. BB element largely funded by ERDF bid.
Notes	Awarded in January 2016, ERDF 'Investing in Greater Birmingham' funding supports a three year strategic project that will attract foreign direct investment (SME focussed). Major international campaigns in US, Asia, Europe via reps.

Liverpool

Agency	Invest Liverpool (www.investliverpool.com)
Governance	Part of Liverpool Vision, city mayor's promotion agency
Geography	City council but now across LEP geography of Merseyside
Responsibilities	Inward Investment, Place Marketing
Approx. Staff	6-8 (just Invest team)
Budget	£3.5 million for LV
Notes	Has target of £3m commercial income for Liverpool Vision in next 3yrs Runs Liverpool in London office

Sheffield

Agency	Creative Sheffield (www.welcometosheffield.co.uk)	SCR Invest (www.scrinvest.com)
Governance	Econ Dev team at City Council	SCRLEP
Geography	Sheffield City Council	South Yorkshire, North Notts, North Derbyshire – LEP area
Responsibilities	Inward Investment; Sector Development	Inward Investment (only lead gen)
Approx. Staff	8 (just on inward investment)	5-6
Budget	£? Million Funded by SCC and ERDF	£? Million Funded from future EZ rate receipts
Notes	Teams are now colocated in same building but no working together	Only source leads, the pass to local partners to deliver Focus on international leads

Derby

Agency	Marketing Derby (www.marketingderby.co.uk/)
Governance	Limited company with private sector board
Geography	Derby City Council area
Responsibilities	Inward Investment; Place Marketing; Tourism
Approx. Staff	9
Budget	£0.5 million (from Bondholders+ city council funding)
Notes	Derby Bondholders scheme – 300+ members, £300k+ income Derby Embassy – roadshow approach to target cities Excellent events – get 400-500 businesspeople Highly focussed targeting (eg retail)

Bristol & Bath

Agency	Invest Bristol & Bath (www.bristolandbath.co.uk)
Governance	WELEP
Geography	LEP (4 UA area Bristol, Bath/NE Somerset, N Somerset, S Glos)
Responsibilities	Inward Investment; Sector development
Approx. Staff	10 (inc UA council staff based in office)
Budget	£1 million (£250k from each council, hosted by city council – 5yr deal) LEP Economic Development Fund (future increased business rates in EA/EZs)
Notes	Excellent seamless partnership working Commissioned 4 private sector industry specialists

Essex

Agency	Invest Essex (www.investessex.com)
Governance	Becoming 'Traded Service' of Essex County Council
Geography	Essex County and Unitary Authority areas
Responsibilities	Inward Investment
Approx. Staff	6 (plan to grow to 10)
Budget	£0.5 million (ECC plus 50% ERDF matchfund bid for 2017-2020)
Notes	2016 review led to structural changes to become more commercial Plan to attract new sources of commercial income Working in partnership on future international lead generation

Kent

Agency	Locate in Kent (www.locateinkent.com)
Governance	Private limited company
Geography	Kent County and UAs
Responsibilities	Inward Investment
Approx. Staff	13
Budget	£1 million (Aug 2016 won 3yr contract) + £100k commercial income
Notes	Consistently high performing agency Until 2013, funded by partnership of county and councils, Kent Developers Group and private members In 2013 had to tender for £3m contract – only bidder. In 2016 same again for next 3 years

Brexit Implications

The historic EU referendum vote of 23 July 2016 has major implications for trade and investment.

The following note was written on 23 January 2017 and is subject to the significant caveat that Brexit is a complex and highly charged issue which is subject to much negotiation and political manoeuvring in the coming weeks and months. Any clear understanding or prediction of the likely impacts of Brexit on inward investment is clearly going to be speculative.

The impact of Brexit on inward investment and its potential impact on Aberdeen is subject of much debate. As an inward investment specialist, Breeze Strategy offers an informed perspective based on daily discussions with potential investors and corporate movers.

There are 620 inward investors in Aberdeen according to Scottish Government figures; and 40% of these are from the EU and 60% are from the rest of the world. It is fair to say that for all of these companies, Brexit is an issue, although unlikely to be the most important one in considering their future location strategies. The oil and gas sector, on which Aberdeen's economy currently depends, is by and large immune from many of the issues related Brexit and is far more susceptible to changes in the oil price.

The Brexit implications for inward investment can be segmented into the following elements:

- Uncertainty

The biggest short-term issue facing any business, large or SME, post-Brexit is that of uncertainty. It is entirely logical and understandable that any decisions to enter the UK may be put on hold. This was certainly the case in the initial weeks after the referendum, but as the timetable for Brexit becomes clearer, so businesses have begun to continue their growth plans. All the evidence points to corporate expansion decisions returning to normal several weeks after the June vote.

The most often cited issue for inward investors is 'uncertainty'. There is a particular phenomenon at the moment, whereby many people yearn for a fictitious and imagined period of 'certainty' in the world. Every few years there is major political upheaval; social unrest and revolution; terrorism and conflict; and economic turbulence. For global business, things are rarely 'certain' and business is very practiced at adapting and carrying on.

It is worth noting that the most significant sectors for inward investment into the UK are related to new technologies, new services and new business models. These companies, whether software, internet or fintech, proudly label themselves as 'disruptive'. These inward investors are typically fleet-of-foot and more embracing of change and uncertainty than traditional multinational corporations.

- Market Conditions

Inward investment flows are tied inextricably to economic growth. GDP rates mirror inward investment figures over time and therefore any fall in growth will lead to a fall in investment.

The resulting market instabilities following the referendum result had the potential to have lasting impact on the UK's competitive position and its ability to attract new investment. The lowering of the UK's credit rating, falling stock markets and a weaker pound do not augur well for the country's competitiveness (although a lower pound is clearly a boon for tourism and exporters); however, these may prove to be temporary fluctuations that will be reversed over time.

The six months since the vote to leave has suggested that the UK economy is set to grow at a steady rate, which has been revised upwards since the initial gloomy forecasts. The UK growth rate across 2016 was 2.2% and falling unemployment, however, the picture in Scotland was far less rosy with growth of just 0.7% and rising jobless numbers.

- Single Market Access

Access to markets is the biggest single factor driving inward investment. So the extent to which Brexit will deter or facilitate market access will have a major impact on future flows.

For many inward investors, the 60 million UK market is their target, and so for these firms, whether from North America, Asia and/or Europe, there is less of an issue. This is true of EU businesses which will be keen to have a presence in a post-Brexit UK. There is more of an issue, with the international businesses, especially those from the US and Asia, who choose to invest in the UK because of the foothold and access that gives them in the European markets. In the event of the UK not having free and unfettered access to the EU single market, then the attractiveness of the UK will be negatively impacted. On 17 January 2017, PM Theresa May said that the UK "cannot possibly" remain within the European single market but that she would push for the "freest possible trade" with European countries.

The success of this negotiating stance will have a bearing on the UK's inward investment proposition. However, it should be noted that the UK has never had a free trade deal with the United States and trade is subject to tariffs and non-tariff barriers; and this has not prevented the US being by far and away the largest inward investor in the UK, with hundreds of US businesses landing each year.

- Immigration

The ability to attract and retain skilled staff is one of the biggest challenges for any firm. Without the free movement of people within the EU, companies will have to depend on existing UK talent or else hope that a new points-based system like Australia or Canada can prioritise skilled workers from around the world and minimise any negative impacts for inward investors. Like UK-owned businesses, current inward investors depend on EU workers to a varying degree, and the assurances given to date that these workers will be able to remain in the UK is welcome news for inward investors.

There is a concern voiced in some quarters that the vote to leave is symptomatic of a growing xenophobia that will change the business environment and quality of life across the UK. Inward investors are keen to be reassured that the UK will remain an open, tolerant and multicultural country. It is fair to say that the Prime Minister has articulated a desire for this to be the case, however, should this not be delivered then some inward investors will seek alternative locations.

- Free Trade Deals

The ability to negotiate bilateral free trade deals could be a major benefit of Brexit. There are already signs that Australia, New Zealand, Canada, USA, Mexico and Korea are all keen to sign early agreements with the UK. As stated above, the lack of a free trade agreement with many important countries has not prevented the successful flow of inward investment into the UK. With our without a free trade deal with the EU, the commitment to a 'Global Britain' augurs well for trade and investment.

- Oil and Gas Industry

Most commentators believe that Brexit, in isolation, is unlikely to have a material effect on the regulation of the UK's oil and gas industry.

Leaving the EU's regulatory framework is unlikely to impact on the UK sector, as most aspects of oil and gas regulation are based on the UK's already world-class standards.

Global law firm Norton Rose Fulbright has concluded in its paper of November 2016:

"It is likely that Brexit will lead to the creating of a more attractive investment climate for oil and gas investors; one that we hope will see the emergence of a sensible and balanced long-term energy strategy for the UK, which: includes an attractive and stable environment for oil and gas investors; offers a secure and cost competitive source of energy for UK businesses; and creates employment opportunities in the UK's oil and gas industry."

If the last few months have taught us anything, it is that trying to predict anything is a dangerous game. In January 2016, RBS advised clients to brace for a "cataclysmic year" and a global deflationary crisis, warning that major stock markets could fall by a fifth and oil may plummet to \$16 a barrel. 12 months later, the FTSE is 24% higher and oil is 83% more expensive.

- EU Funding

There are a number of Aberdeen recipients of EU funding, such as the University of Aberdeen which currently receives more than £6 million. The future of EU funding is unknown, as is the extent to which the UK government will be willing to replace it. Current ERDF funding is guaranteed until 2020 but what happens thereafter is a matter of conjecture.

- *Second Independence Referendum*

There is the possibility that the political fallout of Brexit may lead to pressure for a second Scottish independence referendum. Should this happen, then many of the above elements will be impacted before and after a new vote triggering a second layer of uncertainty in the short-term. Medium and long-term consequences for Aberdeen's inward investment position would depend on the outcome of any vote, subsequent political agreements and the reaction of investors. It should be remembered that in the last independence referendum year, inward investment into Scotland rose 8%, although the reasons and correlations for this are multi-faceted.

- *Trump Effect*

It could be argued that the election of Donald Trump has the potential to be far more dangerous for UK inward investment flows than Brexit. In his inauguration speech, the president reiterated his commitment to "put America first", which is likely to see pressure on US corporates to invest more in the US than overseas. How this policy will develop in practice is uncertain, especially given the free trade majority in Congress. Just as with Brexit, uncertainty is assured.

- *Conclusion*

It is the view of Breeze Strategy that inward investment is unlikely to be impacted in any significant way in the run up to, or following Brexit. There will be nuances within different sectors and industries, both positive and negative, but on the whole as long as the fundamentals of the UK's inward investment success remain intact – a growing domestic market; a low tax and light-touch regulatory framework; a globally-engaged and open market; and a major producer and attractor of talented people – then the UK will continue to be a leading recipient of inward investment. The extent to which Aberdeen benefits will depend far more on the developments within the oil and gas sector, and the city's ability to diversify and promote itself as a modern, successful business location.

Adam Breeze

23 January 2017

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ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	15 th March 2017
DIRECTOR	Bernadette Marjoram
TITLE OF REPORT	International trade and partnership proposals
REPORT NUMBER	CHI/17/047
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

The report proposes priorities for international trade and export and European partnership activities for the Council over the next two years.

2. RECOMMENDATIONS

It is recommended that Council:

- i) Agree the international trade and export priorities contained within this report based on the market analysis provided at Appendix 1
- ii) Agree the proposed budget allocation for international trade and export in 2017-18 and note proposals for 2018-19, recognising that the latter will be subject to the Council's 2018-19 budget setting process
- iii) Note the update on European partnership activities
- iv) Agree the proposed budget allocations for European partnership activities in 2017-18 (Appendix 2)
- v) Authorise the Head of Economic Development to approve the necessary arrangements for international travel identified in this report.
- vi) Receive bulletin reports on international trade and European partnership activities as they fall due with Council meetings

3. FINANCIAL IMPLICATIONS

The 2017-18 travel costs for international trade are estimated to be £29,000 and £21,500 for European partnerships. This results in total travel costs for 2017-18 of £50,500, which delivers the savings proposal agreed by Council of £20,000 across all of the Economic Development Service's outbound overseas activity.

On international trade, every effort will be made to reduce these costs where possible, including by sourcing financial support from partner organisations such as Scottish Enterprise / Scottish Development International or the Department for International Trade.

The total grant funding which has been secured for EU projects as a result of the Council's engagement in the partnerships covered by this report is £7,591,658. Attendance at essential EU project meetings where the Council is a lead or partner organisation is not covered by this report. This will have been approved at the time when the Council's commitment to the project was secured. Costs associated with such project meetings are met from lead service budgets and usually attract a minimum of 50% match funding from the grant source.

There are no State Aid implications.

4. OTHER IMPLICATIONS

Both the International Trade and Investment and Funding and Partnerships teams, within the Economic Development Service, have sufficient staff resources in place to deliver the proposals outlined in this report. In addition to dedicated officers in both teams, the Head of Economic Development and the two service managers also play important roles in leading and delivering on the Council's international ambitions and obligations.

5. BACKGROUND/MAIN ISSUES

5.1 CONTEXT

Aberdeen City Council has a long history of supporting international trade relationships and networks and has built a strong reputation as a broker of these relationships with countries and markets that are key to the growth of the Aberdeen economy.

In addition, the Council has played a significant leadership role in bringing forward and managing European projects through a variety of funding mechanisms, all of which have enhanced the city's reputation as an innovative global hub.

The current volatility of the oil and gas economy has potentially lasting implications for growth and wealth and job creation in Aberdeen. With

this in mind, officers have undertaken a review of international opportunities for trade and investment and bring forward evidence-based proposals in this report that could shape the Council's international work going forward. These priorities are based on evidence from key and emerging markets, national and international studies by companies such as Ernst and Young and KPMG and on feedback from businesses and partnerships such as the North East Scotland Trade Group and World Energy Cities Partnership. They also reflect the anticipated need, within the Service, to refocus some Economic Development resources on to the new inward investment priorities for Aberdeen.

The proposals relating to European partnerships demonstrate the Council's leadership and engagement in pan-European activity and on thematic issues such as hydrogen fuel. Some of these result in specific projects being developed whilst others are more focused on strategic influence. Access to some funding streams may become more restricted following the UK's exit from the European Union. However, for the period covered by the proposals in this report, the funding streams and projects remain accessible and live.

5.2 INTERNATIONAL TRADE AND EXPORT PRIORITIES

In terms of international trade and export, the Economic Development Service classes countries and markets as either: top, medium or emerging priorities. This is based on export and 'ease of doing business' data from a variety of sources including the World Bank, Department for International Trade (DIT) and Scottish Development International (SDI), overlaid with sector specific intelligence for Aberdeen. Historically, these have been reflected in formal agreements that the Council has entered in to, either through twinning arrangements (i.e. Stavanger) or through Memoranda of Understanding (MoUs) that focus on economic outcomes (eg Baranquilla, Colombia).

There are 4 active (within the last 5 years) MoUs that provide a framework for the Council's engagement with the following cities:

- Halifax, Canada (top)
- Baranquilla, Colombia (emerging)
- Mokpo, South Korea (medium)
- Villahermosa/Tabasco, Mexico (medium)

A fifth MoU, with Pemba, Mozambique (emerging) was approved in 2016 and is scheduled to be signed during 2017.

The Council is also a founding member of the World Energy Cities Partnership (WECP), a grouping of 19 cities from across the world that have economies that are heavily influenced by oil and gas (and increasingly, renewables). Going forward, it is proposed that the WECP provides a strong foundation for bilateral and multi-lateral

initiatives between member cities and that these WECP relationships should be a key factor when considering new market development. WECP membership should also negate the need for future MoUs with fellow member cities.

Any requests or proposals for new or refreshed MoUs will be subject to an analysis of the business case and cost-benefit considerations before recommendations to enter into them are put to Members.

Alongside the City Council's existing relationships, the North East of Scotland Trade Group (NESTG) is a forum that enables public and private sector partners to share information about the markets that they are engaged with or are intending to target in the short-medium term. The purpose of this is to actively avoid duplication and maximise partners' investment in international activity for the region. Whilst some markets (principally Norway, USA and Canada) are priorities for all partners, others are not and NESTG works hard to ensure that intelligence and information sharing reduces duplication of effort. For example, the Aberdeen and Grampian Chamber of Commerce (AGCC) is interested in the Arctic Norway market but acknowledges Aberdeen City Council's lead role in developing further activity on the back of the Council's existing relationships in the region.

At its most recent meeting in February 2017, NESTG partners agreed to reposition the forum to ensure that it continues to deliver on the objectives outlined above and that a regional 'Team North East' approach to international trade activity is adopted. AGCC is also in the advanced stages of applying for pilot funding from the Scottish Government to establish a 'Local Export Partnership'. If successful, NESTG would be the vehicle for this pilot activity. The Council will be actively contributing to this work.

In general, it is proposed that a principle is established that would see a maximum of one outbound mission each to a top, medium and emerging priority market per year in addition to the Council's obligations as a World Energy Cities Partnership member (i.e. attendance at Working Group meeting each May in Houston and AGM each autumn, rotating venue). These proposals should not constrain the Council's ability to engage with opportunities that might arise within year, although a separate case would need to be made for these and costs would need to be managed within approved budgets.

Based on discussions with NESTG partners, intelligence from the WECP, Scottish Development International, the Department for International Trade and market reports from Ernst and Young and KPMG, it is suggested that the City Council should focus its outbound international trade efforts in 2017-18 and 2018-19 on the markets outlined in the table below. These are supported by market profiles appended to this report (appendix 1).

Country/market	Rationale	Activity	Timing	Estimated cost
2017-18				
Houston, USA (top) APPROVED BY CH&I, 24th Jan 2017, CHI/16/293	WECP partner; WECP working group meeting; OTC	WECP working group; support OTC trade mission	May 2017	£3,000 [one officer]
Norway (top)	Significant growth market, strong fit with Aberdeen businesses	Trade mission	Summer 2017	£4,000 [Lord Provost or nominated representative, one officer]
Kazakhstan (medium)	WECP partner (Atyrau); Global Expo 2017	Trade mission	Summer 2017	£7,000 [Lord Provost or nominated representative, one officer]
Halifax, Canada (top)	WECP partner; WECP AGM host; MoU refresh	WECP AGM Trade mission	October 2017	£7,000 [Lord Provost or nominated representative, one officer]
Emerging markets*	Funds to enable emerging market development, if applicable. <i>*separate Committee approval for emerging market activity will be sought as appropriate.</i>			£8,000
			Total	£29,000
2018-19				
Houston, USA (top)	WECP partner; WECP working group meeting; OTC	WECP working group; support OTC trade mission	May 2018	£7,000 [Lord Provost or nominated representative, one officer]
Stavanger, Norway (top)	WECP partner; Offshore Northern Seas	Trade mission to ONS	August 2018	£4,000 [Lord Provost or nominated representative, one officer]
<i>Venue TBC</i>	WECP partner, WECP AGM host	WECP AGM Trade mission	October 2018	£7,000 [Lord Provost or nominated representative, one officer]
Pemba, Mozambique (emerging)	MoU in place; significant growth market	Trade mission	Winter 2018-19	£4,000 [Lord Provost or nominated representative, one officer]
Emerging markets*	Funds to enable emerging market development, if applicable. <i>*separate Committee approval for emerging market activity will be sought as appropriate.</i>			£7,000
			Total	£29,000

In terms of inbound trade delegations, the Economic Development Service supports approximately 30 of these each year. 2017 has already seen delegations from Mozambique, Mexico, Japan and China. Further delegations from Iraq, Brazil, the United Arab Emirates, USA and Norway are already scheduled, several of which will be timed to coincide with Offshore Europe in September.

Alongside these trade delegations the Council, with NESTG partners, supports local seminars and information events for companies wishing to enter new export markets. A budget allocation for this, and for the Council's membership contribution to the World Energy Cities Partnership, is included in the 'other costs' table below. These costs will be met from the Economic Development Service budget.

Activity	Rationale	Budget 2017-18
Inward Visits 2017-18	Number of requests for assistance with visits likely to be high (30+ in 2016)	£6,000
Local seminars and workshops on international trade opportunities, in conjunction with North East of Scotland Trade Group	Programme of local seminars and workshops to focus on key target markets	£2,000
World Energy Cities Partnership membership fee	To maintain Aberdeen's position as a founding WECP partner	£6,500 [exchange rate dependent, fee is \$8,000]
		£14,500

These proposals result in forecast expenditure on international trade activity (inbound and outbound) of £43,500 in 2017-18. This compares with a 2016-17 budget of £60,720.

5.3 EUROPEAN PARTNERSHIP ACTIVITY

The Funding and Partnerships team work across the council to help identify and apply for external funding and support to priority projects of the Council.

In order to maximise funding and policy knowledge, the Council is a member of a number of European networks which are listed below. This also contributes to the promotion of Aberdeen and the Council in European and international membership associations. It is particularly important during Brexit so Officers can be fully informed of any funding implications to the Council and meet with EU representatives and politicians to continue to ensure our visibility on an EU and international platform.

Partnership	Purpose of Council engagement	Nature of role	Category
Hydrogen & Electro-Mobility in European Regions (HyER)	Representative body to relevant stakeholders and decision-makers It also allows members to play a key role in the implementation of strategies that aim for the uptake of hydrogen, fuel cells and electric mobility.	Elected Member Chairs, Member	High
Conference of Peripheral Maritime Regions (CPMR)	Brings together some 160 Regions from 25 States from the European Union and beyond.	Member	Medium
North Sea Commission (NSC)	International organisation to facilitate partnerships between regions connected with the North Sea.	Elected Member Chairs Thematic Group 'Sustainable Communities'	High
Energy Cities	European Association of local authorities in energy transition.	Elected Member Chairs, Member	High

The costs associated with meeting the Council's commitments to these partnerships is estimated to be £21,500 in 2017-18 (see appendix 2), compared to £25,500 in 2016-17.

6. BREXIT

At its meeting in December 2016, Council noted that officers were reviewing the approach to overseas trade development in light of the potential change to our trade relations and the approach to external funding in light of changes to EU funding.

At this early stage and given the limited progress towards initiating the Brexit negotiations there is little to report in terms of the implications of Brexit for either international trade or external funding. However, Council will note that international trade activity rarely focuses on EU member states given that the strengths of the Aberdeen economy and global opportunities are focused on sectors that are not predominant in the wider EU economy. Norway's position as a top international trade market will need to be kept under review as Brexit progresses. Norway's membership of the European Economic Area will mean that it cannot negotiate a separate trade agreement with the UK once it has exited the European Union.

Trade relationships are being actively fostered with countries outwith the European Union and Aberdeen City Council has a strong track record in this regard, as is shown in this report and in the Council's existing twinning and economic relationships and proactive engagement with the World Energy Cities Partnership. Clearly as the Scottish and UK Governments' post-Brexit trade priorities become clearer they will be an important factor in the Council's future consideration of trade activity.

In terms of EU funded activity, again there is little to update on since the report to Council in December. The UK and Scottish Governments have committed to underwriting projects that were approved ahead of the UK Chancellor's Autumn Statement in November 2016. Funds will be made available for these projects even if they continue beyond the date that the UK exits the EU. Funding for trans-national projects is covered by such an underwriting commitment.

Officers will continue to monitor and review developments as the process of Brexit progresses and will bring updates to Council and relevant Committees when further clarity about the implications of Brexit for trade and funding priorities becomes available.

7. IMPACT

Corporate - The contents of the report demonstrate the Council's support for the Regional Economic Strategy for the North East of Scotland and in particular, the priorities for internationalisation, anchoring the oil and gas sector and diversifying the economy – within the energy sector itself; and into other key sectors. The contents of the report also relate to delivering some economic development aspects of the Council's Smarter Aberdeen vision.

Public - This report does not require an Equality and Human Rights Impact Assessment, or a Privacy Impact Assessment.

Improving Customer Experience

The Council's international trade and partnership activity supports the customer (the Aberdeen business community) experience by:

- Paving the way for Aberdeen companies to win new export business by facilitating direct business to business links
- Maintaining and building on the profile of Aberdeen as a global energy capital and world centre of excellence for oil and gas, marine, subsea and renewable technologies

Improving Staff Experience

Experiencing international trade missions, developing networks and supporting international delegations in Aberdeen are significant learning and development opportunities for staff within the Economic Development Service. Much of the Council's international trade and

partnerships activity also has a civic element and is therefore helpful in terms of providing working opportunities for staff to engage with Elected Members.

Improving our use of Resources

By working in partnership with North East Scotland Trade Group partners on the delivery of coordinated trade development activities, the Council is able in some cases to share the workload and take lead or supporting roles where appropriate, without compromising the level of service delivered to Aberdeen businesses.

Externally funded projects, and European projects in particular, are centred on new innovative ideas and technologies. It is essential that the Council keeps up to date with current strategies, locally, nationally and transnationally and also looks forward to ensure that Aberdeen is at the forefront on delivering within the strategies. Officers within the Economic Development Service ensure that projects are focused around the current priorities within the Council so that public funding can be maximised to provide the best service possible.

8. MANAGEMENT OF RISK

Health and Safety: The health and safety implications of all overseas journeys are taken into account during planning. Officers regularly review the travel advice provided by the Foreign and Commonwealth Office and are in contact with counterparts in-country to ensure information is accurate and up-to-date. This informs personalised risk assessments which are carried out for each overseas journey. When participating in overseas journeys, Council officers and Elected Members are covered by the Council's insurance policy.

9. BACKGROUND PAPERS

- Scottish Government Economic Strategy
- Regional Economic Strategy
- *International travel proposals to May 2017*; report CHI/16/293; approved by CH&I Committee 24-01-2017
- *Leaving the European Union*; report OCE/16/044; approved by Council 14-12-2016
- *International trade and investment plan*; report CHI/15/300; approved by CH&I Committee 20-01-2016

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Atlantic Canada Market Overview

Description

Atlantic Canada is the region of Canada comprising of four provinces located on the Atlantic coast: the three Maritime Provinces of New Brunswick, Prince Edward Island, and Nova Scotia and the easternmost province of Newfoundland and Labrador. The population of Atlantic Canada in 2016 was about 2.3million. Atlantic Canada is well connected to major North American markets by road, sea, air and rail.

Economic Overview

The Canadian economy has grown solidly since the turn of the century and is the 12th largest exporter in the world. The level and increases in GDP per capita have been similar to rates for the median of the most affluent OECD countries; labour productivity, however, remains lower in Canada .Canada also recovered more strongly from the global financial crisis than most other OECD countries, helped by the impressive rise in commodity prices that was sustained until mid-2014.

Canada is America's largest supplier of energy. That includes oil, gas, uranium and electric power. Canada has benefited greatly with the discovery of oil sands in Alberta. That gave Canada the third largest oil reserves in the world (173.1 billion barrels).It ranks ninth in the world in recoverable shale oil. It's fifth in shale gas, according to the U.S. Energy Information Administration. Canada is now the fifth largest oil exporter. It ships 1.576 million barrels a day.

The Atlantic economy is very much in transition. Traditional resource-based manufacturing, while still an important component of the region's industrial structure, is giving way to a more diverse, knowledge-based economy.

The main industries of Atlantic Canada are:

- Aerospace and defence
- Agriculture and agri-food
- Aquaculture
- Biotechnology
- Construction
- E-Business
- Energy
- Environmental technologies
- Information and Communications Technology
- Ocean Technologies
- Seafood

Province or Territory	GDP (million CAD\$ 2015)	Population (2015)
New Brunswick	33,052	754,309
Prince Edward Island	6,186	146,736
Nova Scotia	40,225	943,373

Newfoundland and Labrador	30,100	528,676
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Halifax

Halifax is the capital city of the province of Nova Scotia and it is the primary economic engine for Atlantic Canada, contributing 20% of the region's GDP. Halifax has a diverse economy powered by growing industry sectors such as financial services, transportation and logistics and ocean technology. The city's manufacturing sector has also been thriving ever since Irving Shipbuilding started work on the \$3.5 billion contract under the National Shipbuilding Procurement Strategy to build combat ships for the Royal Canadian Navy.

Key Opportunities

Key opportunities for Aberdeen companies in Atlantic Canada are in the oil and gas sector. Newfoundland has 30% of Canada's remaining conventional oil reserves. There have been 17 discoveries on the 'Grand Banks', currently 4 producing. Additionally there are a number of future developments planned to come online:

- Hebron (Exxon Mobil) - up to 1bn recoverable barrels (producing by 2017)
- Bay du Nord (Statoil) - up to 600m recoverable barrels
- Mizzen (Statoil) - up to 200m recoverable barrels
- Harpoon (Statoil) - up to 200m recoverable barrels

There are opportunities within this market as the local market has a lack of supply chain experience and capacity and relatively high costs for offshore production. Therefore efficiencies used offshore in the UKCS could be transferred to the Canadian market.

Existing Contact

Aberdeen City Council currently has a Memoranda of Understanding with Halifax which was signed in 2013 and is due to be renewed in 2017. Calgary, Halifax and St John's are all fellow members of the World Energy Cities Partnership, a multinational partnership, comprised of 19 of the world's leading energy capitals. The Annual General meeting of the WECP shall be held in Halifax in October this year. This shall involve an outward visit to Halifax by the Lord Provost and an Aberdeen City Council Officer.

Recent inward visits include a visit from the Mayor of Halifax in April 2016, Mike Savage and a delegation from the Halifax Partnership UK in November 2015. The most recent outward visit to Halifax was in June 2014 by the Depute Lord Provost, John Reynolds on a trade mission led by Scottish Development International.

Resources

<http://www.rbc.com/newsroom/news/2016/20160311-factsheet.html>

<http://www.acoa-apeca.gc.ca/eng/ImLookingFor/Pages/AboutAtlanticCanada.aspx>

<http://www.international.gc.ca/investors-investisseurs/cities-villes/halifax.aspx?lang=eng>

<http://www.oecd.org/eco/surveys/Canada-overview-OECD-economic-survey-2016.pdf>

<http://canadabusiness.ca/business-planning/market-research-and-statistics/canadian-economy/>

Houston, USA Market Overview

Description

Founded in 1836, the City of Houston had a population of nearly 2.3 million as of July 1, 2015, making it the fourth most populous U.S. city. Houston has been Texas' most populous city since 1930. The state of Texas has the second largest concentration of Fortune 500 companies in the US after New York with 54 companies. The key industry in Texas is Oil and the state oversees all parts of the production process being home to mining and crude oil companies, equipment companies, pipeline companies and petroleum companies. The activities for this industry are focused in Houston, the U.S. energy headquarters and a world centre for virtually every segment of the oil and gas industry including exploration, production, transmission, marketing, supply and technology.

Economic Overview

Houston's economy has a broad industrial base in energy, manufacturing, aeronautics, and transportation. Leading in health care sectors and building oilfield equipment, only New York City is home to more Fortune 500 headquarters within its city limits. The Port of Houston ranks first in the United States in international waterborne tonnage handled and second in total cargo tonnage handled.

Over the last five years Houston has enjoyed 5 years of unprecedented growth, despite the recent downward trends in oil prices. Growth has occurred across all sectors of the economy, with energy, advanced manufacturing, and construction leading the way. This has resulted in Houston's GDP growing more than \$125 billion since 2010.

Key Opportunities

Oil and Gas-U.S. crude oil production averaged an estimated 8.9 million barrels per day (bbl/d) in '16 and is forecast to average 9.0 million bbl/d in '17 and 9.5 million bbl/d in '18, according to the STEO. The expected boost in production reflects increases in federal offshore Gulf of Mexico production. Rising tight oil production, which results from increases in drilling activity, rig efficiency, and well-level productivity, also contributes to forecast U.S. production growth (Great Houston Partnership)

Renewables- Ernst & Young ranked Texas No. 3 in the nation in its U.S. Renewables Attractiveness Indices in August 2013. A variety of factors are used to determine a state's ranking, and in Texas' case, relied primarily on wind and solar resources, followed by biomass and lastly geothermal resources. Texas ranks No. 1 in the nation for wind energy capacity and biodiesel production. If Texas were a country, it would be ranked no.6 globally for installed wind energy capacity (Texas wide open for business, 2014).

Other opportunities lie in the following sectors:

- Biotechnology & Life Sciences
- Information and Computer Technology
- Petroleum Refining & Chemical Products
- Financial Services

Existing Contact

As fellow founding members of the World Energy Cities Partnership, Aberdeen and Houston have strong links and are very active in organising a two-way programme of inward and outward visits. When considering inward visits, each year as part of the Aberdeen Houston Gateway the Council supports the hosting of a delegation from Houston and the most recent outward visit was a trade development visit to Houston, Atlanta and Louisiana. Karen Bell, Consul General for Houston recently visited Aberdeen City Council in December 2016. The visit included hosting a local company business seminar detailing opportunities in the Southern State of the USA, meetings with both the University of Aberdeen and Robert Gordon University and a dinner held by the Lord Provost.

Resources

[The Economy at a Glance Houston, February 2017, Greater Houston Partnership](#)

[Houston Metro Export Plan, Global Cities Initiative Produces,2016 by the Greater Houston Partnership](#)

[The Texas Renewable Energy Industry, 2014, Texas Wide Open for Business](#)

[Overview Of the Texas Economy: Current State Economic and Demographic Trends, 2014, Texas Wide Open for Business](#)

Kazakhstan Market Overview

Description

Kazakhstan is a Central Asian country and former Soviet republic which extends from the Caspian Sea in the west to the Altai Mountains at its eastern border with China and Russia.

Kazakhstan has a land area equal to that of Western Europe but one of the lowest population densities globally. Strategically, it links the large and fast-growing markets of China and South Asia and those of Russia and Western Europe by road, rail, and a port on the Caspian Sea. The population of Kazakhstan is around 17.7 million (2015) with a GDP of \$120bn.

Aberdeen City Council has developed a longstanding relationship with Kazakhstan, the ambition on both sides being to maintain an open dialogue for exploring how businesses can be supported in developing trade opportunities.

Economic Overview

The country's proven oil reserves are the ninth largest in the world, and hydrocarbon output was the equivalent of nearly 18% of GDP and about 60% of exports in 2015. Kazakhstan has transitioned from lower-middle-income to upper-middle-income status in less than two decades. The country moved to the upper-middle-income group in 2006.

Kazakhstan has been seriously affected by external shocks, including lower oil prices. GDP growth slowed from 4.1% in 2014 to 1.2% in 2015 and 0.1% during the first half of 2016. Falling oil prices led to a large terms-of-trade shock, while China's growth slowed further and Russia's recession continued, weakening both external and domestic demand.

Key Opportunities

The opportunity in Kazakhstan for Aberdeen companies is primarily in the energy sector. Kazakhstan will be hosting Expo 2017 and promotion opportunities for UK companies are expected in relation to its theme, 'Energy of the Future'.

New technology solutions are required as the 13 billion barrel Kashagan field is 15,000 feet below the sea bed, with reservoir pressure exceeding 10,000 pounds per square inch and lethal levels of hydrogen sulphide. Thus, traditional fixed or floating drilling platform designs are not suitable and therefore there are significant opportunities for innovative subsea technology companies of which Aberdeen has a high concentration.

Benefits for UK businesses exporting to Kazakhstan include:

- Gateway to the markets of the Eurasian Economic Union
- Wide range of opportunities as economy diversifies
- Gateway to central Asian markets

Strengths of Kazakhstan's market include:

- Stable economy
- Easy to start a business
- Strong regulatory environment for companies
- Developing a transparent and effective business culture
- Tax and other preferences for investors

Existing Contact

Aberdeen nominated and supported the successful application of Atyrau as a new member of the World Energy Cities Partnership (WECP) in 2008.

The city has strong working relationships with the regional governments, with personnel of the Department for International Trade in Kazakhstan and with the Kazakhstan Embassy in London which all serve to support and facilitate the entry of UK /Scottish /Aberdeen companies into this market.

In recent years there has also been a busy programme of inward and outward visits including the visit of the Deputy Prime Minister to Aberdeen in 2013 and most recently the Ambassador of the Republic of Kazakhstan to the United Kingdom, His Excellency Erzhan Kazykhanov who met with the Lord Provost and local businesses in October 2015. The most recent outward visit took place in April 2016 where the Depute Provost participated in the Global Oil & Gas Atyrau Conference where he spoke at the Plenary Session and met with Mr Nurlybek Ozhayev, Akim of Atyrau City.

Resources

<https://www.gov.uk/government/publications/exporting-to-kazakhstan/exporting-to-kazakhstan>

<http://www.worldbank.org/en/country/kazakhstan/overview>

<https://www.gov.uk/government/world-location-news/uk-companies-meet-key-decision-makers-in-kazakhstan>

<http://www.focus-economics.com/countries/kazakhstan>

Pemba, Mozambique Market Overview

Description

Pemba is a port city in Mozambique. It is the capital of the province of Cabo Delgado and lies on a peninsula in Pemba Bay. The Town was founded by the Niassa Company and has a population of over just over 140,000.

Economic Overview

Over recent years Mozambique has been ranked among the world's fastest growing economies and bilateral trade with the UK is growing rapidly with trade in visible goods increasing by 14% in 2013 to over £150 million. UK export of goods was worth £45 million and UK foreign direct investment totalled USD 1.2 billion. DIT has designated Mozambique as a High Value Opportunity market, meaning they target resources towards developing trade activity between the UK and Mozambique. Mozambique has raised substantial interest and expectations in the global oil and gas industry due to recent major offshore discoveries and the country hopes to harness its vast natural gas reserves to potentially become the world's third largest LNG exporter, behind Qatar and Australia.

With some of the largest gas fields in the world, no supply chain and an immediate, significant demand for skilled workers, there are vast areas of opportunity for oil and gas companies in the energy supply chain to export their products, services and expertise.

Strengths in the economy :

- High GDP growth rate, low inflation and relatively stable currency
- Extensive mineral and hydrocarbon deposits, significant foreign direct investment
- Geographically well positioned to export to Asian markets
- UK-Mozambique High-Level Prosperity Partnership focuses on extractives, agriculture, financial services and the business environment

Mozambique's energy potential is one of the highest in Africa , with installed generation capacity of around 2,475mw and substantial energy resources , ranging from fossil fuels (natural gas and coal) to renewables (solar, hydro, wind , geothermal and tidal sources of power) since 2000, annual energy production has increased by approximately 6%. This expansion is largely driven by developments in the natural gas and electricity markets.

Key Opportunities

Particular areas of opportunity include:

- Subsea engineering, procurement, installation and commissioning
- Original equipment manufacturers of drilling and subsea systems
- Offshore support
- Manpower services

FDI and government spending in major infrastructure projects are the main causes for growth in the country. According to the World Bank, in 2013 Mozambique was the second highest recipient of FDI in Africa. The most dynamic economic sectors are: extractives, financial services, construction, transport and communication.

- Eni an operator in Area 4 and Anadarko an operator in area 1 of the Rovuma basin –have stated they are strongly committed to their \$15 Billion LNG project but like Eni with its floating LNG export terminal they are still weighing their final investment decision. If these projects proceed then both Pemba and Palma could turn into large LNG hubs with many investment opportunities presented by new operators entering the country such as ExxonMobil.
- There are many opportunities for UK companies in the oil and gas sector in Mozambique including: subsea engineering, procurement, installation and commissioning (epic), original equipment manufacturers (OEM) of drilling and subsea systems, offshore support and man power services.

Existing Contact

In recent years there has been significant activity between Aberdeen and Mozambique to build links and lay the foundations for UK companies to enter this market. A high profile visit to Aberdeen from the President of Mozambique in 2013 was followed by a visit by the Energy Minister in February 2017. There have been further outward visits leading to the development of a proposed MOU between Aberdeen and Pemba to give a more formal framework to the cooperation which proposed to be signed by the end of March with the date still to be confirmed. If delivered by committed partner organisations in both cities, an MOU can provide focus and credibility to trade development activity.

Resources

[African Economic Outlook 2016, OECD, 2016](#)

[Scottish Development International: Business Opportunities in Mozambique \(2016\)](#)

[Department of International Trade: Doing Business in Mozambique: Mozambique Trade and Export Guide](#)

Northern Norway and Stavanger Market Overview

Description

Norway is the largest oil producer and exporter in Western Europe. The population of Norway is 5.2million with GDP \$524 billion (2015) and an average growth rate of 1.6%.

Around 55% of the oil and gas resources on the Norwegian continental shelf are yet to be produced, and of that 40% lie in the Barents Sea, according to an estimate by the country's petroleum directorate.

The sudden drop in the oil price mid-2014 along with increased cost levels resulted in decreased activity on the Norwegian continental shelf. As a result, increased access to the major resource areas of Northern Norway has become increasingly important with global contractors following the oil and gas industry and establishing offices in the north. The far North is viewed as an international opportunity and Aberdeen companies are well positioned to establish a presence in the region.

Northern Norway

Arctic Europe, including Northern Norway and the Murmansk region (Russia), is a growing frontier region for Oil & Gas exploration and production. An estimated 25% of the world's undiscovered petroleum resources are attributed to being in the Arctic.

Stavanger

Stavanger is a city and municipality in south-west Norway. The oil industry is a key industry in the Stavanger region and the city is widely referred to as the Oil Capital of Norway. Similar to Aberdeen, Stavanger is the 'onshore hub' for the Norwegian oil industry with the majority of companies working offshore Norway based in this city.

Economic Overview

The Norwegian economy is a prosperous mixed economy, with a vibrant private sector, a large state sector, and an extensive social safety net. The government controls key areas, such as the vital petroleum sector, through extensive regulation and large-scale state-majority-owned enterprises.

The country is rich in natural resources - petroleum, hydropower, fish, forests, and minerals - and is highly dependent on the petroleum sector, which accounts for the largest portion of export revenue and about 30% of government revenue. Norway is the world's third-largest natural gas exporter; and seventh largest oil exporter, making one of its largest offshore oil finds in 2011.

Key Opportunities

With its considerable mineral resources, the Norwegian mining industry has excellent opportunities for growth. At the present, the industry has a few relatively large companies, primarily dealing in the extraction of iron ore, certain industrial minerals and coal.

Mineral exploration in particular has increased dramatically in the recent years. In addition, the Government of Norway is determined to be an attractive country for mining and political goodwill towards the activity exists. The similar geophysical traits shared by Scotland and Norway presents a host of opportunities for Scottish oil and gas companies with key opportunities including:

- Offshore field life extension technologies

- Enhanced/improved oil recovery (IOR/EOR) technologies
- Renewable technologies
- Energy efficiency and smart meters
- Quality consumer goods
- Security including civil and defence technologies, cyber security and physical security
- Medical and healthcare services and research

Existing Contact

The similarities between Aberdeen and Stavanger mean that strong links have been developed between the cities. Stavanger and Aberdeen are both members of the World Energy Cities Partnership (WECP) and are both also on the Economic Development Committee for the WECP. In addition to meeting at WECP events, the cities also often meet at regular Oil and Gas events such as Offshore Europe, Offshore Northern Seas and those organised by the Aberdeen Norway Gateway. Northern Norway and Stavanger are key markets for Aberdeen companies and therefore have developed a strong relationship over a number of years.

During an inward visit in November 2016, meetings took place between representatives of Aberdeen, Stavanger and Northern Norway to discuss how we can increase cooperation throughout 2017. This will be done through seminars to share market information, through inward government and business delegations and also a trade mission from Aberdeen to Norway in 2017.

Resources

<https://www.gov.uk/government/publications/exporting-to-norway/exporting-to-norway>
<https://www.gov.uk/government/world-location-news/opportunities-for-uk-mining-companies-in-the-arctic-region#Norway>
<https://energycities.org/>

Appendix 2: European Partnerships Travel Plan 2017-18

Country	Event	Dates	Justification	Officer Involvement	Member Involvement	Budget
Belgium	HyER Board Meeting	x1 per month	HyER Board meetings and associated meeting with HyER and the various Director Generals. ACC holds Presidency.	One Officer	Yes	£5,500
Belgium	Energy Cities Board Meeting	x5 per year	ACC is a Board Member it is therefore compulsory that Board meetings are attended.	One Officer	Yes	£3,500
Europe	Conference of Peripheral Maritime Regions General Assembly	Oct/Nov 17	ACC Membership	One Officer	Yes	£2,500
Europe	North Sea Commission General Assembly	June 17	ACC Membership	Two Officers	Yes	£2,500
Europe	North Sea Commission Economic Development Group	x4 per year	ACC holds chair	One Officer	Yes	£3,000
Czech Republic	World Hydrogen Technology Convention	July 2017	HyER/ACC lead	One Officer	Yes	£1,500
Various Venues	Project development and funding	Max 6 per year	To attend project development workshops throughout the year as necessary to develop future applications	One Officer	No	£3,000
					Total	£21,500

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ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	15 March 2017
DIRECTOR	Richard Ellis (Depute Chief Executive and Interim Director of Corporate Governance) Bernadette Marjoram (Interim Director of Communities, Housing & Infrastructure)
TITLE OF REPORT	Feasibility Study - 2,000 Homes
REPORT NUMBER	CHI/17/051
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

The purpose of this report is to fulfil the decision taken at Communities, Housing and Infrastructure Committee on 1 November 2016 to bring forward a report on the feasibility of building 2,000 new homes by 2022.

2. RECOMMENDATION(S)

It is recommended that the Council:

- a. Note the content of the report;
- b. Note any increase in debt levels may impact on the Council's credit rating;
- c. Instruct the Head of Finance to discuss with Moody's the likely impact of the Council's credit rating if the Council were to raise debt levels;
- d. Instruct the Head of Legal and Democratic Services to commission a QC's opinion to ratify the use of the Councils Common Good land holdings for Council house build both in terms of the legal position and best value criteria;
- e. Instructs the Head of Land & Property Assets to carry out a Land Assembly Programme and determine the quantity of land required and the most suitable land holdings available to the Council for the purpose of Council housing;
- f. Instructs the Head of Land & Property Assets to provide a detailed development process and methodology for delivery.

3. FINANCIAL IMPLICATIONS

The main areas of income and expenditure involved in building 2,000 houses will be debt charges, management costs, repairs and maintenance, capital replacement programme and income from rental of the properties.

4. OTHER IMPLICATIONS

The Housing Revenue Account guidance issued by the Scottish Government in 2014 states that “In addition, where affordable and sustainable for the HRA, the provision of a new supply of council houses for rent where there is an identified need is also a desirable outcome. Investment priorities for affordable housing should be set out in a local authority’s Strategic Housing Investment Plan, informed by its Local Housing Strategy. Where affordable housing proposals will deliver new council houses for current or future council tenants, then the HRA should pay for the provision of the houses.”

5. BACKGROUND/MAIN ISSUES

There is a demand for Council Housing despite the reduction in rent for private rental properties this can be seen through the priorities identified in the LHS these are detailed below.

5.1 Local Housing Strategy

5.1.1 The current Local Housing Strategy was developed in partnership with a wide range of stakeholders with an interest in housing and was approved by the Housing & Environment Committee in 2012. A new LHS will be developed during 2017.

5.1.2 The housing priorities identified in the LHS:

- To encourage the delivery of the housing supply requirement, a total of 1,250 units per annum for the next ten years.
- This total includes the need for 415 affordable houses per annum for the next ten years to meet identified housing needs.
- Preference for affordable housing to be social rented and 1 and 2 bedroom size, based on projections from the Housing Needs and Demand assessment.
- Ensure developer contribution to affordable housing through the Council’s Affordable Housing Policy.
- Development of a Council new build housing programme especially to support regeneration areas.
- Delivery of affordable housing by RSLs through Section 75 Agreements and their own new build programme.
- Meet the housing needs of those with particular needs including older people, people with physical and/or learning disabilities and where applicable those needs of key workers.

- Improve the condition of housing in the City by achieving the Scottish Housing Quality Standard for public sector housing by 2015 and through the Scheme of Assistance for the private housing sector.
- Tackle fuel poverty and improve the energy efficiency of houses across all tenures in the City.

5.2 Strategic Housing Investment Plan

5.2.1 The Strategic Housing Investment Plan (SHIP) 2017/18 – 2021/22 sets out the approach by Aberdeen City Council to the investment in and delivery of affordable housing in the City. The SHIP is informed by and is in accordance with the strategic outcomes contained within the Local Housing Strategy.

5.2.2 The SHIP is submitted to the Scottish Government every two years, with the most recent submission in November 2016 following Committee approval. Any suitable sites identified for the delivery of affordable housing by the Council will require to be included in the SHIP going forward.

5.2.3 The SHIP:

- Sets out investment priorities for affordable housing
- Demonstrates how these will be delivered
- Identifies the resources required to deliver these priorities
- Enables the involvement of key partners

5.3 Housing Need and Demand Assessment (HNDA)

5.3.1 The Aberdeen housing market area housing needs have been identified through the HNDA 2011. The HNDA was developed through collaboration by Aberdeen City Council, Aberdeenshire Council and the Aberdeen City & Shire Strategic Development Planning Authority with the involvement of a range of stakeholders.

5.3.2 At a strategic level the HNDA informed the Strategic Development Plan, the Local Development Plan (LDP) including the Affordable Housing Supplementary Guidance and the Local Housing Strategy.

5.3.3 A new HNDA is currently under development and should soon be submitted to the Centre for Housing Market Analysis. Utilising the new HNDA model the emerging position indicates that the level of need for affordable housing remains significant under every scenario modelled. The levels identified remain well beyond the scope of the planning system to be able to facilitate through planning policy.

5.3.4 The SHIP, LHS and delivery partners aim to maximise the provision of new affordable housing across all delivery mechanisms. This requires RSLs, Council, developers and other affordable housing providers to

individually and collectively maximise their delivery of affordable housing in a sustainable and financially prudent manner. Through this approach it is likely that the greatest number of affordable houses can be delivered.

5.4 Financial feasibility study

5.4.1 Following Communities, Housing & Infrastructure Committee decision on 1 November 2016 to bring forward a report on the feasibility of building 2,000 new council homes by 2022 Arneil Johnston were commissioned to deliver a feasibility study as the demand is illustrated in the LHS.

5.4.2 The study focuses on the financial ability of the Housing Revenue Account (HRA) to support the funding of a future Council house build programme on the basis of annual rental increases of RPI plus 1% which will have to be updated each year to reflect the actual rental increase. In addition the study also examines and assesses the potential to access alternative funding streams or delivery mechanisms to help support the new build programme.

5.4.3 In summary the Arneil Johnston feasibility study indicates the following:

The ACC current 30 year finance plan model is fundable on the basis of the rents increasing at inflation plus 1% per annum (current rental policy) and the debt affordability rates sit comfortably under the maximum prudential borrowing limit of 35% (prudential threshold) throughout the plan. (The model will require to be re-run to reflect the Council's decision on rent setting for 2017/18 as the modelling parameters have changed).

5.4.4 If the Council were to increase their borrowing capacity to just below 35% the HRA business plan could sustain additional investment of up to £150M (in years 3-6 of the plan). This takes some account of risk (current Scottish average debt affordability is 25%) however does not detail the potential impact on the Council's credit rating.

5.5 Credit Rating

5.5.1 Elected Members will be aware that the Council obtained a credit rating that will be required to be maintained during the term of the bond that was issued in 2016. In order to maintain the rating, the appointed credit rating agency will be required to conduct reviews at least once every twelve months.

5.5.2 This review will assess the Council's ability to meet its debt repayment commitments and is assessed by understanding the factors that generate and restrict the future cash flow of the Council. Officers will be required to monitor this analysis regularly and will form part of the new financial statements to committee going forward.

5.5.3 The Council, in obtaining its credit rating supplied the following information in relation to its underlying borrowing requirement and Council must adhere to the level advised to ensure no impact on its credit rating. Should the Council wish to deviate from this position it is essential that the credit rating agency is notified to have a reassessment of the rating. Any increase in this position would put the credit assessment at risk of being downgraded.

Represented by and Funded through:	2017/18	2018/19	2019/20	2020/21	2021/22
	£000	£000	£000	£000	£000
Underlying Financing Requirement B/F	125,316	(24,544)	111,204	59,692	32,645
Bond	(370,000)	0	0	0	0
Alternative Funding (PWLB etc)	0	0	(111,204)	(59,692)	(32,645)
Net Position Funded Annually	(244,684)	(24,544)	0	0	0

5.5.4 The Council will be expected to continue to strengthen its financial management arrangements and position as they are an important feature of the annual credit reassessment. In addition, the Council will also need to present some of its existing financial information in different ways in light of the new interest from the credit rating agency (Moody's) and the bond investors. This annual budget report represents the start of a different presentation and emphasis on financial information.

5.5.5 One of the key aspects of the credit rating is the Council's level of debt and ability to meet future interest payments as they fall due. The level of debt is directly linked to the Council's capital investment programme which is reflected through the Balance Sheet and future interest payments are directly linked to the revenue account. Our legal framework requires that the repayment of interest payments has the first call on the revenue income of the Council before all other expenditure.

5.5.6 The material difference with this project is that the construction and letting of housing will generate a revenue stream which would allow the financing of any debt raised to acquire and build affordable housing.

5.5.7 As such, the first stage in taking the project further will be to open discussions with the credit rating agency to determine the likely impact on the credit rating.

5.6 Financial Modelling – Summary

5.6.1 A number of scenarios have been tested with the most advantageous model being £105k per unit build costs, £0k land value and £30k subsidy and £5m from the Housing Infrastructure Fund and a 25% new

build rental premium. This results in debt affordability levels well below the Councils 35% limit. However there are a number of assumptions which would be deemed as high risk - the most notable being the ability for the Council to deliver the provision of land at nil value.

5.6.2 One of the key findings of the financial model is that the debt affordability and whole life cycle costs are critical to setting an affordable rent.

5.6.3 As such, the next stage of the process will be to seek alternative funding sources to attempt to reduce the overall construction cost and on conclusion of the construction model provide a detailed financial assessment and phasing of any building programme.

5.7 Land options

5.7.1 The Council has identified that none of the available land held on the HRA is sufficiently large to be considered for inclusion in the proposal to construct 2,000 houses.

5.7.2 On that basis the HRA will require to purchase development sites to support the proposed new build programme, therefore incurring a land value which will add to the total costs of development. The options for purchasing land include open market purchase, transfer of land from the General Fund or Common Good Fund. As a result it is recommended that the Head of Land & Property Assets carries out a land assembly programme and determines the quantity of land required and the most suitable land holdings available to the Council for the purpose of Council Housing.

5.7.3 The acquisition of land assets from the Common Good to the HRA are likely to be at best consideration/full market value unless there is a legal acceptance of a business case to permit disposal at below best consideration/market value under the Land Disposal Regulations. It is therefore recommended that the Head of Legal & Democratic Services commissions a QC's opinion to ratify the use of the Councils Common Good Land holdings for Council house build both in terms of the legal position and best value criteria.

5.7.4 In conclusion as recommended further detailed work is required on the development process and methodology for the delivery of 2,000 new council homes.

6. IMPACT

Improving Customer Experience –

Accurate budget monitoring and forecasting assists the Council to plan and design our services around current and future customer needs as much as possible. Ensure the Housing Revenue Account delivers affordable rents to the tenants.

Improving Staff Experience –

Good financial information improves good financial management and helps to track how successful management initiatives, such as service redesign, have been.

Improving our use of Resources –

As a public sector organisation, the Council has a legal duty to be open, transparent and accountable for spending public funds.

Corporate –

The report relates to the Single Outcome Agreement and the Council vision of Aberdeen – the Smarter City, in particular the strategic priority ‘Smarter living (Quality of Life)’ where we will provide quality services to our council tenants to enable them to have a dry, warm home in a safe and enjoyable environment.

The community plan sets out our vision for the future of the City – an Even better place to live and work, where people can expect high Quality services to meet their needs.

This report meets the following objectives:

- Homes challenge – improve the quality of Housing and Environment for individuals and the community.
- Adopt and implement strategies to support independent living for people with special needs.

It also meets the objectives in the policy document “Aberdeen – the Smarter City”:

- Smarter living – we will enhance the physical and emotional wellbeing of all our citizens by offering support and activities which promote independence, resilience, confidence and self-esteem.

Public –

The Council has a duty to ensure that best value is considered in all of its operations and this report helps to inform that process, and as such this report will be of interest to all current and potential council tenants.

7. MANAGEMENT OF RISK

A number of risks are identified within the feasibility study and these are highlighted in Appendix 1 within this report.

8. BACKGROUND PAPERS

Feasibility Study completed by Arneil Johnston in February 2017
30 year Housing Revenue Account Finance Plan

9. REPORT AUTHOR DETAILS

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Description	Details	Mitigation/Action Required
Scottish Government Subsidy	The current subsidy grants from the Scottish Government is £57,000 for Council new build. In order to be considered for the grants the project will need to be included with the Strategic Housing Investment Plan (SHIP), currently no proposals to fund ACC new build programme within the 2017/18 -20121/22 SHIP.	Include the projects within an updated SHIP once projects have been identified.
Rental premium on new build	Potential to charge 25% premium on new build, currently this is not charged on ACC stock. Previously implementation resulted in high arrears.	Test the feasibility of implementing rent levels 25% above ACC levels and ensure within LHS.
Building 2,000 houses by 2022	Building 2,000 houses by 2022 is an ambitious target this can be seen by reviewing other local authority targets.	Review the timeline for the potential build.
Land value	Land value indicated in the feasibility study of £15k per unit may not be achievable current land value for RSL new builds is currently c£25k per unit.	Review land held by the Council for potential new build.
Credit rating	Additional borrowing by the HRA could impact on the credit rating of ACC.	Discussion with Moody's on the likely impact of additional borrowing on the credit rating.
Reducing build cost	Feasibility study indicates reducing overall build costs will ensure affordability however recent new builds undertaken by ACC have resulted in considerably higher unit costs.	Market test to establish if lower build costs are achievable within the Aberdeen City area.

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COMMITTEE	Council
DATE	15 March 2017
INTERIM DIRECTOR	Bernadette Marjoram
TITLE OF REPORT	Equalities Outcome and Mainstreaming Report
REPORT NUMBER	CHI/ 17/054
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

This report provides members with an update on progress achieved at the end of Year 2 of Aberdeen City Council's Equality Outcomes for 2015-2017 and sets out new draft Equality Outcomes for 2017-21.

2. RECOMMENDATION(S)

The Council is asked to:

- a. Approve the draft 'Equality Outcomes and Mainstreaming Progress Report for 2017-21', recognising that work will continue to make this draft document ready for publication on 30 April 2017;
- b. Note the progress since publication of the Equality Outcomes and Mainstreaming report of 2015;
- c. Agree new and revised draft Equality Outcomes for 2017-21 proposed within the draft 'Equality Outcomes and Mainstreaming Progress Report' (p.14-17). These are also summarised in Appendix 1 of the 'Equality Outcomes and Mainstreaming Progress Report'.
- d. Approve Aberdeen City Council's Human Resources Employee Information for publication (Appendix 4).
- e. Approve the contributions from Education and Children's Services (Appendix 5).
- f. Note that a business case will follow to realign service budgets so that the essential work required to mainstream equality is resourced at no additional cost for the council.

3. FINANCIAL IMPLICATIONS

Directors and Heads of Services are setting and delivering actions to meet the identified outcomes and will, therefore, identify resources to deliver on their actions within their Business Plans.

Following completion of individual Equality and Human Rights Impact Assessments (EHRIAs) there may be actions which will require resources to mitigate any potential negative impact on equalities.

4. OTHER IMPLICATIONS

Given that there will be a new council administration in May 2017, the draft Equality Outcomes and Mainstreaming Progress Report will be presented to the first council meeting of the new session for ratification.

This approach has been agreed by the Scottish Government and the Scottish Equality and Human Rights Commission.

Directors and Heads of Services need to have clearly identifiable actions and indicators within their business plans to evidence how they are contributing to the Council's Equality Outcomes to make reporting straightforward for 2017-2021.

There is an increase in workload for the Equality Team with the implementation of the new Race Equality Framework (December 2016) and the obligations to produce a BSL Action Plan (October 2018). The Service has been and is still under-resourced with the increased demands of checking and publishing Equality and Human Rights Impact Assessments (EHRIAs) to meet our statutory duty to have these published as evidence that the council has paid due regard to equality.

To ensure that the council complies with all equalities legislation and to enable the Equality Team to be fully and appropriately resourced, a business case will follow so that any savings from the review of the InterTrans service (Finance Policy and Resources Committee – 9th March 2017) be realigned to a review of the current structure of the Equality Team with no new cost implications for the service.

A refocusing of the Equality Team with additional resources would help improve the provision of equalities advice and services and in particular be customer focused, with a rebranded and refreshed approach to the mainstreaming of equality throughout the organisation; using more web-based and social media opportunities. This would also aid retention by offering career paths and development opportunities by growing our own talent, with a "Team

Equalities” approach to facilitate Leadership and teamwork at all levels and allow work to be allocated to the most appropriate level.

By enabling the Equality Team to be fully and appropriately resourced and thus more versatile, it will support a more prompt and efficient service, and be in a position to provide guidance on policies, procedures and impact assessments and advise and assist Council staff and new Elected Members from the new council administration coming into place from 4th May.

The experience and knowledge of InterTrans staff from their contacts and relationships with Interpreters and Translators of ethnic minority backgrounds would also assist in developing new and additional ways to engage with the “Seldom Listened To” groups to identify priority needs.

5. BACKGROUND/MAIN ISSUES

- The public sector equality duty, which is set out in sections 149-157 and schedules 18 and 19 of the Equality Act, came into force on the 5th April 2011.
- It replaces the previous public sector equality duties, the Race Equality Duty (2002), the Disability Equality Duty (2006) and the Gender Equality Duty(2007).
- The specific duties were created by secondary legislation in the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012. The specific duties came into force on 27th May 2012.
- The duties were implemented from 2013 and the first reports required under the legislation – on Equality Outcomes, Mainstreaming and Equal Pay were published on 30 April 2013.
- Aberdeen City Council, like all listed authorities, developed and produced a set of Equality Outcomes in 2013, and reviewed them in 2015 to enable us to better perform the general equality duty. At this juncture we are therefore reporting on progress from 2015-17 and reviewing our Equality Outcomes for 2017-21.
- Similarly, the Education Authority has reviewed its Equality Outcomes (2013-15) and contributed with updates on progress (Appendix 5). The Licensing Board is to follow later as it is following a different time line. The establishment of Health and Social Care Partnerships in April 2016 means that activity to mainstream equality through Adult Social Care Services will be reported separately and to different timelines.

- This report advises on progress on actions which will help meet our requirements under the Specific duties and contains the employee information the council is required to publish at Appendix 4.

Specific Duties:

- report on mainstreaming equality;
 - publish equality outcomes and report on progress;
 - assess and review policies and practices;
 - gather and use employee information;
 - publish gender pay gap information;
 - publish statements on equal pay;
 - consider award criteria and conditions in relation to public procurement;
 - publish in a manner that is accessible.
- We have engaged with services to produce the table at Appendix 2 which shows their contribution to the Equality Outcomes from 2015.
 - Appendix 3 demonstrates the engagement of communities in reviewing progress. To develop the proposed Equality Outcomes, for 2017-21, a comprehensive evidence review was undertaken that presented a baseline selection of the key facts and figures we know about groups that meet one or more of the protected characteristics.
 - We used a variety of community engagement mechanisms in developing the Equality Outcomes. Similarly we have at the end of each year of the Equality Outcomes from 2013, involved the different community of interest forums and equality groups in reviewing our progress, and have carried out surveys and focus group discussions.
 - Although we have had positive feedback with people telling us that they have seen progress, key issues which are important to them still remain. So in reviewing our Equality Outcomes 2015-17 we have mainstreamed the majority of these into principles of operation, our approach, so that these are not lost or diluted. We then produced our Equality Outcomes for 2017-21, which includes two outcomes carried over from 2015-17. This new set of Equality Outcomes will give a clearer steer to all stakeholders and a sharper focus on our key equality priorities. The new and revised Equality Outcomes for 2017-21 can be reviewed on pages 14 – 17 of the

draft 'Equality Outcomes and Mainstreaming Progress Report' and are also summarised as Appendix 1.

6. IMPACT

Improving Customer Experience:

The Equality Outcomes aim to Improve customer service which advances equality and addresses people's different needs and provide an environment which takes into account the different needs of different communities. Communities should be more engaged, informed and safe in an accessible, welcoming city.

Improving Staff Experience:

All employees will enjoy a working environment where equality and diversity are celebrated and where we build and embed a better human rights culture across the organisation. Staff working across the council to help the council deliver its Equality Outcomes will receive relevant awareness raising, training and support. Being aware and informed will enable staff to be confident and committed to providing a service which will meet people's different needs.

Improving our use of Resources:

Whilst acknowledging that there is a need for hard copy print for those who are excluded from digital technology, we will wherever possible increase the use of social media and web presence to improve public awareness of services and use digital communication with internal and external partners and customers. We will continue to enhance the provision of an Interpreting and Translation service for those whose first language is not English.

Corporate:

The Equalities Outcomes are aligned to fit with and support the Outcomes identified within the Local Outcome Improvement Plan, which has the following driver:

PEOPLE ARE RESILIENT, INCLUDED AND SUPPORTED WHEN IN NEED

All people in Aberdeen are entitled to live within our community in a manner in which they feel safe and protected from harm, supported when necessary and fully included in the life of the city. All citizens are equally entitled to enjoy these aspirations, and it is recognised that people may, at times become vulnerable. People sometimes need others to support their achievement of a full, active, safe citizenship.

Ensuring that Aberdeen is a place where everyone feels safe, supported and included is important to the wellbeing of people and communities, as well as the overall reputation of the city.

The Equality Outcomes align with Aberdeen City Council's strategic priorities since these:

- Seek to develop a sense of community in Aberdeen based on principles of openness, fairness, reciprocity and responsibility;
- Encourage and support citizens to participate in the development, design and decision making of services to promote civic pride, active citizenship and resilience;
- Aim to maximise digital connectivity to ensure equality of opportunity to services for all people;
- Focus on improving services and access to services for the citizens of Aberdeen, offer positive opportunities for joint working with partner organisations on projects/activities.

Public:

- This report is highly relevant to ensuring that the council meets the General Equality Duty;
- An Equality and Human Right Impact Assessment has been carried out and is attached to this report;
- The Impact Assessment indicates that the progress on the Equality Outcomes will contribute positively to all three parts of the General Duty, to:
 1. Eliminate discrimination;
 2. Advance equality of opportunity, and;
 3. Foster good relations.

7. MANAGEMENT OF RISK

Delivering on the published Equalities Outcomes will help public authorities comply with their legal duties under:

- Section 149 of the Equality Act 2010 (the public sector equality duty), and;
- The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012

Failure to mainstream equality, or comply with the law risks enforcement action, legal challenges, loss of reputation and damage to the legitimacy of the Council.

8. BACKGROUND PAPERS

- The Equality and Human Right Impact Assessment (EHRIA);
- The Equality Outcomes and Mainstreaming Progress Report 2015-2017;
- Appendix 1 – Progress on Equality Outcomes;
- Appendix 2 – Issues raised at engagement events;
- Appendix 3 – The new and revised Equality Outcomes;
- Appendix 4 – Employee information;
- Appendix 5 – Education Equality Outcomes and Mainstreaming Report;
- The Equality Outcomes and Mainstreaming Report 2013-2017

9. REPORT AUTHOR DETAILS

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ABERDEEN
CITY COUNCIL

Equality Outcomes and Mainstreaming Report 2017- 2021

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Equality Outcomes and Mainstreaming Report 2017- 2021

Introduction

Equality Outcomes

A key legal requirement under the Equality Act 2010 is for local authorities to publicise and deliver equality outcomes. An equality outcome must further one or more of the aims of the public sector general equality duty:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010;
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not;
- Foster good relations between people who share a protected characteristic and those who do not.

Equality outcomes are strategic and are what the local authority, often in partnership, will try to achieve to improve local people's lives. In *'Equality Outcomes and the Public Sector Equality Duty: A Guide for Public Authorities in Scotland'* (2016), the Equality and Human Rights Commission (EHRC) has provided a guide on preparing and publishing equality outcomes. It states that outcomes should be relevant and realistic. Aberdeen City Council set their equality outcomes for the period 2013 – 2017 with a review of progress on these outcomes in 2015. The outcomes were subsequently updated for 2015-2017 and the feedback from this community engagement and exercise suggested the continued inclusion or update of some of the previous outcomes.

The public sector equality duty covers all of the protected characteristics, which includes: **age, race, religion or belief, gender, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, and sexual orientation.**

Many of the specific equality duties require information to be reported upon and published on a reporting cycle of either two or four years. As part of the specific duty to report on mainstreaming the equality duty, the local authority is required to publish a report on the progress it has made to make the general equality duty integral to the exercise of its functions, so as to better perform that duty. These should be published at intervals of not more than two years.

These reports must include (if not published previously); an annual breakdown of the information the authority has gathered under its duty to gather and use employee information and details of the progress that it has made in using that information to enable the authority to better perform the general equality duty.

The local authority must publish a fresh set of equality outcomes within four years of publishing its previous set.

In preparing a set of equality outcomes, the authority must take reasonable steps to involve people who share a relevant protected characteristic and anyone who appears to

the authority to represent the interests of those people.

The authority must also consider relevant evidence relating to people who share a relevant protected characteristic. If an authority's set of outcomes does not further the needs of the general equality duty in relation to every relevant protected characteristic, it must publish the reasons for this.

Review of the Equality Outcomes 2015 - 2017

Engagement and Consultation

1. Grampian Regional Equality Council (GREC)

Grampian Regional Equality Council (GREC) undertook community engagement activities on equality outcomes from July- December 2016 as part of work done to support the Equalities agenda of Aberdeen City Council. The project named, 'Creating a Fairer and More Equal Aberdeen', used surveys and community engagement discussions in order to gain the views of local residents in Aberdeen.

The aim of the project was to provide evidence and recommendations for Aberdeen City Council to help them set their equality outcomes for 2017 – 2021 and review their progress too. In preparing equality outcomes, local authorities must consider evidence relating to equality groups and communities and should take steps to include them in the equality outcomes.

GREC and the Equalities Team of Aberdeen City Council worked on the development of the 'Creating a Fairer and More Equal Aberdeen' survey, which was circulated on paper at community engagement events, through the various community forums, through social media such as the GREC, Aberdeen City Council, Police Scotland and Multi-cultural Aberdeen Facebook pages. A web-link to the survey was also included in the Equalities Team's Fortnightly News Collective 'Information for All'. The survey was also produced in an Easy-Read plain English version.

As community engagement is a process of involving people in decisions that affect them; groups and organisations which represent a whole range of interests in Aberdeen, as well as individual respondents, were targeted. These include: faith-based groups, local resident's groups, local community groups and virtual groups (active on Facebook/social media), ensuring that as far as possible, the engagement activities reflected the diversity of Aberdeen's population. These included:

- **North East Scotland Equalities Network (NESEN)** (All protected characteristics)
- **Generations Working Together (GWT)** (age)
- **Tea and Talk** (age)
- **Multi Faith Forum** (religion or belief)
- **Thai Buddhist Centre** (religion or belief and race/ethnicity)
- **Ethnic Minority Forum (EMF)** (race/ethnicity)
- **Disability Equity Partnership (DEP)** (disability)
- **Learning Disability Group Aberdeen and Aberdeenshire** (disability)
- **LGBT + Network event** (sexual orientation, gender reassignment)
- **Aberdeen Women's Alliance** (sex)
- **Violence Against Women Partnership (VAWP)** (sex)

A literature review was conducted to identify national evidence on equalities to set the findings from the community engagement activities in a wider context.

The Summary Report appears at Appendix 3. However key issues of importance to highlight here include:

- Although good work is being done, and much has already been done to promote understanding, fairness and respect for diversity in Aberdeen, there were views that we still have discrimination and harmful attitudes. **(Ethnic Minority Forum).**
- Participants described a wide range of discriminatory and exclusionary experiences in the workplace. Many of these experiences are illegal under current legislation, while others point to a general lack of awareness of the needs and issues faced by LGBT+ people. Participants spoke of the positive effects of staff networks and how they could be used to foster awareness and to promote rights. **(LGBT + Network).**
- There are still considerable challenges around schools and discrimination – there are negative attitudes and bullying of children of different ethnicities. One example was given from a member who said that children had said: ‘You brought Ebola’. Although good work is being done on this – launch of the Prejudice & Discrimination Incident Reporting Form (PDIRF), there are still issues around bullying and racism that need to be tackled. **(Ethnic Minority Forum).** There is also the need to build the confidence of young people.
- One Disability Equity Partnership (DEP) member stated we are unfortunately living in a more hateful and intolerant time, and people often witness racial abuse and keep quiet (other passengers on buses) as they may be afraid to respond. There are particular issues around prejudice raised by members of the Jewish and Baha’i communities, with individuals sharing examples of hate crimes they had directly witnessed or experienced. **(Multi Faith Forum).** The issue of feeling unsafe was reported by different groups of people with protected characteristics.
- It is very clear that there is a great amount of support for events both by the council and community groups which bring people of different protected characteristics together, and for these to be well publicised. These should not be about “putting on a show”, rather being focused on raising awareness, breaking down cultural barriers and embedding respect for difference and the benefits of having diverse communities and workplaces, as we build positive relationships.
- There is recognition of the very good work by the council with partners regarding Syrian refugees – they have been welcomed in Aberdeen with local people volunteering to help.
- Similarly, there are good opportunities for people of all ages to participate in public life, however transport and the **cost of public transport is an issue and potential barrier** (buses in Aberdeen). It can be a challenge to get

accessible taxis for people with disabilities. Another barrier is lack of affordable childcare. Scotland has the 2nd highest cost of Childcare in UK (DEP).

- For disabled and older people, as well as families with buggies there are issues around accessibility of buildings and the environment and having sufficient accessible toilets in the city. There are challenges for groups, organisations and churches looking for meeting space in the city and the significant number of young people who attended the LGBT + Network event point to the fact that here is a clear need for spaces/ events that aren't adult themed. (LGBT+ Network meeting).

These themes have been reflected in the recommendations made in the GREC Summary Report at Appendix 3.

2. City Voice

From responses to a City Voice (citizens' panel questionnaire, published Autumn 2016); although there are small numbers who are reporting discrimination when accessing council services, it is noted that the respondents were disappointed with the council response. The new Prejudice and Discrimination Incident Reporting Form is far more user friendly so that we encourage reporting of incidents and provide a more timely and effective response. The form can be found on the council's website in the "Report It" section: <http://tinyurl.com/gvjbn2l>.

It is also noted that respondents with a disability were significantly less positive than others about attitudes towards equality groups in Aberdeen. Aberdeen City Council established the Disability Equity Partnership (DEP), a new forum for people with disabilities in the city, in September 2016. Chaired by Dame Anne Begg, this group aims to improve life in the city for those with disabilities. More information on DEP is available online at: http://www.aberdeencity.gov.uk/council_government/equality_and_diversity/eqd_disability.asp

Additionally the City Council created a new post of Disability Access Officer and Kelly Johnstone started in this role in August 2016. Kelly's remit includes working with the DEP and other individuals and groups with disabilities to make improvements to information, services, buildings, streets and green spaces in Aberdeen.

It is concerning that the majority (66%) of respondents do not feel informed, consulted and engaged in decisions that affect equality groups, and, that only around a third of respondents are aware of the Council's work in improving quality of life for equality groups. The Equalities Team organises and supports community groups with high profile events to mark: Holocaust Memorial Day (January), LGBT+ History Month (February), International Women's Day (March), Aberdeen Mela (September) and has also established, as well as the new disability partnership, a new Multi-Faith Forum for the city (October 2016).

The Equalities Team also produces a fortnightly news collective ('Information for All') promoting its work in this area to show how we are making a difference, as well as sharing information about local/ regional projects and events. We continue our work with colleagues in Corporate Communications to ensure our key messages are being presented in a range of formats.

The valuable feedback from City Voice particularly around issues of disability and age help set the priorities of the Council's new Equality Outcomes and serves as a timely reminder that council services should not rely solely on web based information and advice as many older people are not comfortable using the internet to access services. Lack of awareness of services is a significant barrier, particularly for those aged 50-60 or 60-70 who may not have had any previous need for services.

Proposed Equality Outcomes Survey

To validate the draft Equality Outcomes, which we have developed from the research and consultation, a 'SurveyMonkey' questionnaire is running until 31st March 2017.

Respondents are being asked to what extent they agree with the importance of the proposed Equality Outcomes for Aberdeen Communities.

The analysis of the responses to date show:

- The Equality Outcomes with the highest % of "Strongly Agree" and "Agree" answers were:
E.O 3: Physical and social barriers are removed for those with a disability to access services and public realms **(65.33%)**
E.O 9: We have a human rights based culture within Aberdeen City Council **(70.49%)**
- **There is therefore a strong community mandate to have these included as priorities.**
- The Equality Outcomes with the highest % of "Disagree" answers were:
E.O 4: Aberdeen is a "City of Compassion/ Sanctuary" **(14.22%)**
E.O 6: Older people have an empowered, actively involved community voice **(14.29%)**
- **This may be misunderstanding the question and be a reference point to how people see things at present, rather than disagreement with these as desired outcomes to be achieved over the next 4 year period.**
- The Equality Outcomes with the highest % of "I don't know" answers were:
E.O 2: There is education provision and accommodation in place to meet the needs of Gypsy/ Traveller families **(47.32%)**
E.O 5: Aberdeen is an LGBT+ friendly city with a strong community voice **(34.48%)**
- **Again perhaps this could be misinterpreting the question as being about the current situation for members of the Gypsy/ Traveller or LGBT+ communities in the city, or respondents genuinely unsure if those should be priorities, or not perceiving these or being reluctant to rank these as priorities. Interestingly Gypsy/ Travellers and LGBT+ communities are among the most discriminated against groups and issues around meeting the needs of Gypsy/ Travellers have proved contentious and divisive in the past.**
- Overall the answers given are:
Strongly Agree and Agree **(53.63%)**, Disagree and Strongly Disagree **(12.63%)**, I don't know: **(28.4%)**

The totals do not necessarily add up to 100% because of respondents choosing to 'skip' certain questions.

- **From the analysis to date we can determine that almost 54% of respondents agree with the importance of the proposed Equality Outcomes.**
- Given that "I don't know" was a commonly selected answer, this indicates that there should have been a "Neither agree or disagree" option available. However perhaps respondents genuinely do not know whether the Equality Outcome is important, do not understand the question/ context, or they feel it is not part of their role as a citizen to take forward.
One respondent commented that they felt they do not receive information on Equality issues generally. This highlights the need for the Equalities Team to improve publicity and information about the service, and raise the profile of the work being done in Aberdeen.

Service Updates

Appendix 2 outlines within a landscape table, service updates from 2015-17. We will continue to populate this to meet with updates for the financial year for period 2015-17 to meet the publication date of 30th April 2017.

Our key achievements in this period include:

A stronger community voice for the equalities groups through the launch of new forums - Disability Equality Partnership, the Multi Faith Forum, a refreshed LGBT+ Network and an Ethnic Minority Forum.

Increased support to groups and individuals with disabilities through the new post of Disability Access Officer. This was in response to the community requests for a single point of access in the council.

Fortnightly Equality News Collective.

Work with Partners

The (Specific Duties) Scotland Regulations of the Equality Act 2010 were amended in 2015 to bring new public bodies such as the Aberdeen Health and Social Care Partnership (H&SCP) within its scope. One of the requirements of the Regulations is that public bodies such as the new Aberdeen HSCP must produce and publish an Equality Outcomes Report setting out the objectives we wish to achieve in the field of equality and diversity. These were published in the HSCP Equality Outcomes Report for the period April 2016 to March 2018 at <http://www.aberdeencityhscp.scot/en/progress/news/achscp-mainstreaming-equality-and-diversity-report/>

Aberdeen's Community Planning Partnership, Community Planning Aberdeen, is committed to developing where appropriate city wide Equality Outcomes and indicators to

reflect the collaborative and partnership approach taken to developing joined up solutions to the inextricably linked issues of inequality, poverty, health and well-being.

The Draft Equality Outcome 4 from North East Scotland College (NESCo) Draft Equality Outcomes 2017-21 is “The College and its Regional partners will work together to reduce inequality and remove barriers to attainment and employment across all protected characteristics to meet the aspirations of community planning regionally.”

The promotion of equalities is reflected in our Local Outcome Improvement Plan.

Research - the City and Globally

[Behind the Granite - Aberdeen City Key Facts 2016](#)

From this overview of statistics from local sources and information about the population and topics such as housing, education and safety, in June 2014, Aberdeen City had an estimated population of 228,990 with 113,474 men and 115,516 women. Between June 2013 and June 2014, Aberdeen City’s population increased by 1, 860 and most of that change was accounted for by migration.

- According to the National Records of Scotland as outlined in ‘Behind the Granite,’ Aberdeen’s population is projected to rise to 300,000 by 2037, with the older age population in Aberdeen City to grow by 55% from 33,166 to 51,531. The local ageing population is important to consider when creating equality outcomes for the future.
- Incidents of domestic abuse recorded by the police in Aberdeen City have increased by 24% from 2013/14 to 2014/15.
- According to the 2011 Census, around 16% of people in Aberdeen City have a long-term illness, health problem or disability that limits their daily activities or the work they can do.
- The 2011 census recoded a total of 68 languages used in Aberdeen. Following English, the most common language used at home was Polish. The most common languages (other than English, Polish or other UK languages) were: French, Chinese, Russian, Spanish, German and Arabic. However, by 2014-15 the most common languages requested by InterTrans (our in-house service that provides translation, interpreting and communication support to users and providers of Aberdeen City Council services) were Polish, Russian and Lithuanian.

[Briefing Paper 2016/04 Migration Report, Aberdeen](#)

The Research and Information Team at Aberdeen City Council produced a briefing paper, which is based on official data from the National Records of Scotland (NRS). Between 2014 and 2015, the population in Aberdeen rose from 228, 820 to 230, 250 and most of this growth was due to migration (96%). Most of the migrants to and from Aberdeen are in the 16 – 30 year old age group. In 2014/15 the percentage of National Insurance number

registrations in Aberdeen were; Polish (23%), Romanian (9.2%), Nigerian (5.7%) and Indian (4.5%).

[Local Data: Gypsy/Travellers](#)

Between June - July 2015, 24 Gypsy/ Travellers in Aberdeen and Aberdeenshire, from 12 different groups of Gypsy/ Travellers took part in a consultation exercise to assess the accommodation needs of the Travelling community. Results showed that **all participants thought there should be an increase in site provision in both Aberdeen and Aberdeenshire**. There was no clear preference on whether they are developed and managed privately or by the local authorities

[SSAMIS Social Support and Migration in Scotland second Interim Report November 2016](#)

Living and Working in Scotland:
Employment, Housing, Family and Community

Research involved over 200 migrants as well as approximately 60 representatives of local authorities, service providers and migrant associations. Report focuses on key themes of employment, housing and family issues which emerged from the interviews with migrants and “expert” interviews with other stakeholders.

In some cases workers spoke of feeling insecure in their employment due to being a migrant, or “not Scottish” and indicated differences in treatment from their employers in comparison to local workers. Although there were many positive experiences of employers, the power of employers was highlighted, as was the “acceptance of deskilling” the compromise they had to accept to work in an unskilled job. People also being “trapped” in particular jobs due to the difficulty in improving their language.

Vulnerabilities were heightened for migrants due to a lack of knowledge and different information relating to employment, for example, not having a written contract. Many of the people involved in the research talked about the stress of trying to find (suitable/acceptable accommodation), especially in the first period after arrival in Scotland. A significant number of people had decided to move on the advice of family members already in Scotland. Migration and settlement in Scotland requires a renegotiation of relationships with family who have remained in the country of origin. Concern was expressed about older relatives in migrants’ country of origin. Women mentioned the difficulties in managing childcare alongside their employment and the cost of childcare. Ensuring financial security for the family in Scotland was seen as very important as was children’s education. Parents wanted them to achieve but often struggled with the language issues and time to support children in their learning.

[Scottish Government Equality Evidence Finder – 2015](#)

There are statistically higher rates of overcrowding for some ethnic minority communities with minority ethnic people disproportionately renting accommodation from private landlords: the private rental sector is generally more expensive, sometimes of a poorer quality, and although subject to legal obligations, in many ways less stringently controlled than social housing. Issues around immigration status may cause additional difficulties for some individuals and families.

Race hate crimes continue to make up the largest proportion of hate crimes in Scotland.

[Zero Tolerance](#) [Research 2017](#)

A study by violence against women charity Zero Tolerance has shown high levels of sexism and harassment are being experienced in Scotland's public sector workplaces. Almost two-thirds of respondents to a survey said they had suffered or witnessed sexual harassment or innuendo at work, and one in 10 females polled had been subjected to physical or mental violence in the workplace, including serious attacks. Half had also experienced sexual objectification. The charity said the findings expose a forthcoming "mental health time bomb", as many women reported being stressed, agitated and depressed.

[The Impact of Brexit Referendum and U.S.A. Election](#)

The period following the Brexit Referendum vote and the more recent USA elections has highlighted an increasingly negative and hostile environment around equalities and human rights, exacerbated by social media, which has fuelled tensions and confirmed or created polarised and entrenched positions. There is, nevertheless, a raised awareness of the risks of reinforcing stereotypes and myths and in discriminating against others who are "different".

There is at national and local government level a renewed commitment to social justice and equality, and this report makes it clear that equality and human rights are central to the success and wellbeing of our local communities.

[New duties for local government](#)

The Race Equality Framework for Scotland sets out how the Scottish Government aims to advance race equality, tackle racism and address the barriers that prevent people from ethnic minorities from realising their potential over a 15 year period from 2016 to 2030.

The passing of the BSL(Scotland) Act 2015 will lead to the creation of the first BSL National Plan in October 2017, and local authorities following with their own action plans by October 2018. This will improve access to information and services for our citizens whose first or preferred language is BSL.

A Fairer Scotland for Disabled People, the Scottish Government Delivery Plan for the United Nations Convention on the Rights of Persons with Disabilities, was published in December 2016. The Plan is built around five key ambitions:

1. Support services that promote independent living, meet needs and work together to enable a life of choices, opportunities and participation
2. Decent incomes and fairer working lives
3. Places that are accessible to everyone
4. Protected rights
5. Active participation

The new Equality Outcomes will take account of this up to date and solid evidence base of research and consultation and of the emerging new requirements of the Race Equality Framework and the BSL action plans.

Human Resources Equality Outcomes

The specific equality duty requires the organisation to gather annual information on the composition of employees as well as annual information on recruitment, development and retention of employees with respect to the number and relevant protected characteristics of employees. The information must be used to better perform the general equality duty.

The mainstreaming report must include an annual breakdown of the information gathered and must also include details of the progress that the organisation has made in gathering and using the information to enable it to better perform the general equality duty.

It is intended to seek to continue to develop the employee information in line with the Equality and Human Rights Commission guidance to cover other areas.

The employee information in this 2017 mainstreaming report comprises the following by protected characteristic:-

- Composition of employees (as at January 2016 (for year 2015) and as at January 2017 (for year 2016))
- Recruitment information, namely applicants and successful applicants for calendar years 2015 and 2016
- Development information, namely employees who undertook corporate training in calendar years 2015 and 2016 and also employees involved in discipline and grievance cases in calendar years 2015 and 2016
- Retention information, namely employees who left the organisation in calendar years 2015 and 2016

In accordance with the requirements stated in the guidance, the above has been produced for the organisation as a whole and also in relation to the Education Authority (which comprises teachers and other employees in the Education Service).

This substantial volume of information follows at Appendix 4.

The Equality Outcomes for Human Resources is:

- Aberdeen City Council - a fair employer

The two actions that sit below this equality outcome are:

1. We will maintain a diverse workforce and a culture that is free from unlawful discrimination and
2. Achieve and maintain pay equality within the workforce.

Education Authority Equality Outcomes

The progress on the Education Authority Equality Outcomes 2015-17 and their proposed outcomes for 2017-21 appear at **Appendix 5**. This is so that we can evidence the production of a stand -alone document to meet legislative requirements.

A summary of the Equality Outcomes for the Education Authority are:

- **Equality Outcome 1:**
Children and young people with a disability and their families are supported and included enabling them to achieve their full potential

- **Equality Outcome 2:**
Pre-birth children (unborn babies) at risk due to issues that parents are dealing with such as; mental health, substance use and domestic violence are identified at an earlier stage
Vulnerable pregnant women are identified and supported at an early stage

- **Equality Outcome 3:**
LGBT+ pupils feel safe, respected and included in school

- **Equality Outcome 4:**
All children and young people in Aberdeen have an understanding of their rights and develop the ethos and culture to improve well-being and develop every child's talents and abilities to their full potential.

- **Equality Outcome 5:**
External cultural organisations who receive investment from Aberdeen City Council actively promote and engage with those with protected characteristics in designing, planning and delivering activity.

Aberdeen City Licensing Board Equality Outcomes

Aberdeen City Licensing Board is required to prepare and monitor the progress towards achieving Equality Outcomes in terms of Regulation 4 of the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012. The Board published their Equality outcomes in April 2013. In April 2015 the Board published a report, in accordance with its legal duties, on the progress towards achieving those outcomes.

In terms of the required reporting cycle the Board requires to publish a further report on its Equality outcomes by 30 April 2017.

In terms of the Licensing (Scotland) Act 2005, Section 5, there is to be a Licensing Board for the area of each Council under Section 46(1) of the Local Government (Scotland) Act 1994. The members of the Licensing Board are to be elected by the relevant Council from among their members. The Licensing Board although comprised of councillors is a separate legal body from the Council. The Council must, at its first meeting after each ordinary election of the Council, hold an election of members to the Licensing Board for their area.

Scottish Council Elections are due to be held on 4 May 2017. Therefore a new Aberdeen City Council will elect a new Aberdeen City Licensing Board at the first Council meeting to be held after 4 May 2017.

It is therefore proposed that the new Aberdeen City Licensing Board, as elected by Aberdeen City Council, after the election on 4 May 2017, should review, consider and approve the required report on its Equality Outcomes.

The new Aberdeen City Licensing Board will also publish their new Statement of Licensing Policy by November 2018 which will include a statement as to their duties under the Equality Act 2010 as well as their Equality Outcomes. As part of preparing their new Statement of Licensing Policy the new Board will complete an Equality and Human Rights Impact Assessment.

Aberdeen City Council - Proposed New Equality Outcomes (2017-21)

So that the Equality outcomes from 2015-17 do not get lost or diluted as we set our proposed new Equality Outcomes, these have been mainstreamed into the “way we work around here”. These will become our Best Practice principles. To help mainstream this approach and to promote these principles, we propose a network of Equality Ambassadors across the organisation.

Mainstreamed Equality Principles:

- 1. An engaged community**
Community Empowerment (Scotland) Act (2010) giving community bodies new rights and public sector authorities new duties to boost community empowerment and engagement, Support to all Community Forums.
- 2. An informed community**
An Interpreting and Translation service – Support to all whose first language is not English
- 3. An accessible City**
Support to Disability Equity Partnership - 10 Point Accessible Communications guidelines
- 4. A safe community**
Prejudice and Discrimination Reporting Form (PDIRF) –Support to Violence against Women Partnership
- 6. Equality and Diversity welcomed and celebrated**
The different events we deliver and/or support including: Holocaust Memorial Day, International Women’s Day #weareberdeen campaign
- 7. Services understand and take into consideration Protected Characteristics specifications – Trained staff and robust EHRIAs**

Proposed New Equalities Outcomes (2017-21)

We suggest that two Equality Outcomes from 2015-17 are retained in recognition that there needs to be a continued focus on these.

- a) Engaged and committed leaders;**
- b) Human Rights based culture within our organisation.**

“Engaged and committed leaders” since we will have a new council of elected members in May 2017 and there will be a period of change, of awareness raising and training and

development as new elected members are given the opportunity to learn more about their new responsibilities to deliver on the equalities agenda.

The council has an important leadership role to highlight civic rights and protect its people and Community Planning Aberdeen is keen to develop Equality Outcomes and indicators for across the city to promote equality.

“A Human Rights based culture” as it is recognised that further work is needed here in awareness raising and challenging myths in an increasingly hostile environment where sometimes there is little understanding of the meaning of and origin of Human Rights.

The proposed priority outcomes for the protected characteristics set out below take account of the key issues which have emerged in 2016-17.

Race

Key issues emerging:

- Aberdeen – a welcoming place for all e.g. “City of Sanctuary/ City of Compassion”;
- Reduced discrimination;
- Increased proportion of ethnic minority people and ethnic minority women in work;
- Meeting space for ethnic minority groups and/or communities;
- Integrated communities and reduced community tensions;
- Supported and welcomed Syrian refugees who are making their home in Aberdeen;
- A high quality interpreting and translation service which meets the needs of all our communities;
- Learning and accommodation needs of Gypsy/ Traveller families met;
- Raised awareness and understanding of council’s statutory duties.

Proposed Priority Outcome:

1: Good community relations in Aberdeen;

2: There is learning provision and accommodation in place to meet the needs of Gypsy/ Traveller families.

Disability

Key issues emerging:

- Raised awareness and understanding of council’s statutory duties;
- A thriving and vibrant new community forum, Disability Equity Partnership, in place and with other representative groups evidence of their impact on council planning and decision making;
- All council plans, policies and procedures have been equality impact assessed with evidence of community input;

- Interconnectedness (evidence of golden thread) of corporate, local and regional plans and decisions.

Proposed Priority Outcome:

- 3: Physical and social barriers are removed for those with a disability to access services and public realms.**
- 4. We have in place support for BSL users to access services, information on services and to be involved in making improvements for the deaf and deaf/blind communities.**

Religion and Belief (faith)

Key issues emerging:

- Quiet, contemplation room in place within Marischal College for use of employees, elected members and visitors;
- A thriving and vibrant community forum, the Aberdeen Multi Faith Forum, in place and evidence of their impact with that of other representative groups on council planning and decision making.

Proposed Priority Outcome:

- 5: Aberdeen is a “City of Compassion/ Sanctuary”.**

LGBT+

These are the issues:

- A thriving and vibrant community forum, the LGBT+ Network, in place and with other representative groups’ evidence of their impact on council planning and decision making.
- Greater awareness and understanding of issues around Transgender.

Proposed Priority Outcome:

- 6: Aberdeen is an LGBT+ friendly city with a strong community voice.**

Age

Key issues emerging:

- An empowered, actively involved, community voice for older people;
- Reduced loneliness and social isolation for older people;
- An empowered, actively involved, community voice for younger people.

Proposed Priority Outcome:

7: Older people have an empowered, actively involved community voice.

Gender

Key issues emerging:

- Good affordable flexible childcare;
- Gender pay gap and occupational segregation reduced;
- Increase in positive imagery and coverage of women in the media;
- Increased confidence of young women to challenge.

Proposed Generic Equalities Outcomes:

Proposed Priority Outcome:

8: In Aberdeen there is a culture in which women's lives, opportunities and confidence are improved.

9: We have engaged and committed leaders, with the council and partners working together to reduce inequality, remove barriers and promote a culture of respect.

10: We have a human rights based culture within Aberdeen City Council.

Proposed Equality Outcomes 2017-21

- E.O 1: There are good community relations in Aberdeen;
- E.O 2: There is learning provision and accommodation in place to meet the needs of Gypsy/ Traveller families.
- E.O 3: Physical and social barriers are removed for those with a disability to access services and public realms.
- E.O 4: We have in place support for BSL users to access services, information on services and to be involved in making improvements for the deaf and deaf/blind communities.
- E.O 5: Aberdeen is a “City of Compassion/ Sanctuary”.
- E.O 6: Aberdeen is an LGBT+ friendly city with a strong community voice.
- E.O 7: Older people have an empowered, actively involved community voice.
- E.O 8: In Aberdeen there is a culture in which women’s lives, opportunities and confidence are improved.
- E.O 9: We have engaged and committed leaders, with the council and partners working together to reduce inequality, remove barriers and promote a culture of respect.
- E.O 10: We have a human rights based culture within Aberdeen City Council.

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Appendix 2.

Equality Outcomes 2015-17 Progress Report

Equality Outcome 1		General duty met:	Protected characteristic met:
<p>General Duties: GD1. Eliminating discrimination, harassment and victimisation. GD2. Advancing equality of opportunity between persons who share a protected characteristic and those who do not share it. GD3. Fostering good relations between persons who share a protected characteristic and those who do not share it.</p> <p>Protected characteristic supported through equality outcome: A: Age, D: Disability, GR: Gender reassignment, M: Pregnancy and maternity, R: Race, RB: Religion and belief, S: Sex, SO: Sexual Orientation</p>			
Equality Outcome	An engaged community: 1. improved opportunities for people with protected characteristics to participate in public life	GD1 GD2 GD3	ALL
Evidence	<p>Launch of a new Multi Faith Forum for the city – October 2015 A new Disability Equity Partnership (DEP) as a working group of Communities Housing and Infrastructure committee established September 2015 A revised and refreshed North East LGBT+ Equality Network and Ethnic Minority Forum (EMF) November 2015 Gypsy/ Traveller involvement in planning and delivering event for Gypsy/ Traveller History Month June 16 and now working on June 2017 The City Centre Masterplan (CCMP) team has set up a schools group to improve engagement with youngsters. Nine schools are involved: a special school; three secondaries; five primaries. The CCMP team has also worked with the Children’s Parliament in reaching youngsters and giving them a voice and the Ideas Hub, and innovative digital platform aimed at identifying challenges and crowd-sourcing solutions within schools. The team has also held meetings with the local Health and Social Care Partnership to explore ways of capturing the views of those in receipt of services and support when progressing plans and projects. Other stakeholders engaged with directly on CCMP projects include the groups representing the disabled: the Disability Equity Partnership (DEP) and Bon Accord Access Panel. When conducting surveys, copies are sent to sheltered housing complexes and family centres. Meetings are planned in the weeks ahead with representatives of the Chinese and Bangladeshi communities to discuss greater engagement with</p>		

Appendix 2.

	<p>members. Through our joint funding of an Ethnic Minority Housing Outreach worker post, ethnic minority communities are consulted and involved where appropriate and better able to articulate their housing needs</p>
Outputs	<p>Multi-faith Forum 2 meetings with active enthusiasm and participation. Involvement in the Holocaust Commemoration event led by the council – January 2017 DEP – now has 2 subgroups on Accessibility and Wellbeing & Opportunities, working with planning and design team on Marischal Square development, Art Gallery and Union Terrace Gardens LGBT + event as Part of Anti- bullying week November 2016 , more than 80 participants and many young people EMF themed meetings at venues away from the council with different partner hosts</p>
	<p>The schools group has been involved in making a film about the city centre and the importance of youngsters having their transformation. Pupils across a number of schools have taken part in surveys on CCMP projects – the redevelopment of UTG (UTG) and the creation of a Hall of Heroes for a new visitor attraction. Feedback from school pupils is to be highlighted in on UTG. The “City Centre” is one of three strands being promoted on the Ideas Hub along with “School” and “Community work with DEP (and hopefully local students) in creating an audio representation of the city centre.</p>
	<p>Issues arising through Ethnic Minority Housing worker’s casework being tackled with partners</p>
Measurement	<p>Equalities monitoring Levels of participation Changes influenced through involvement in servicer design, impact assessment etc. 11% of those taking part in a major survey on options for the design of new public realm space in Aberdeen – a CCMP project – were aged over 65. Increase in the uptake of housing advice: applications to social housing: reduction in homelessness for ethnic minority communities</p>

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Equality Outcome 2		General duty met:	Protected characteristic met:
<p>General Duties: GD1. Eliminating discrimination, harassment and victimisation. GD2. Advancing equality of opportunity between persons who share a protected characteristic and those who do not share it. GD3. Fostering good relations between persons who share a protected characteristic and those who do not share it.</p> <p>Protected characteristic supported through equality outcome: A: Age, D: Disability, GR: Gender reassignment, M: Pregnancy and maternity, R: Race, RB: Religion and belief, S: Sex, SO: Sexual Orientation</p>			
Equality Outcome	<p>An Informed Community All services to implement the communications guidelines Clear, fast, reliable and accessible procedure to contact people and deal with complaints</p>	GD1 GD2 GD3	ALL
Evidence	Equality News Collective published fortnightly Improved website presence Greater use of social media to promote events Reader friendly information Promotion of InterTrans in house Interpreting/ Translation service within council Through our joint funding of an Ethnic Minority Housing Outreach worker post , ethnic minority communities are better informed of their housing rights, their housing options and how to access them		
Outputs	Regular news bulletins An enhanced website and Zone presence Use of electronic news boards within reception Promotional Posters Up to date mailing / contact lists Increase in the uptake		

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Measurement	<p>No of hits, no of tweets</p> <p>No of requests for InterTrans</p> <p>No of participants at our equality events</p> <p>Increase in the uptake of housing advice: applications to social housing: reduction in homelessness for ethnic minority communities</p>
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Equality Outcome 3			
<p>General Duties:</p> <p>GD1. Eliminating discrimination, harassment and victimisation.</p> <p>GD2. Advancing equality of opportunity between persons who share a protected characteristic and those who do not share it.</p> <p>GD3. Fostering good relations between persons who share a protected characteristic and those who do not share it.</p>		General duty met:	Protected characteristic met:
<p>Protected characteristic supported through equality outcome:</p> <p>A: Age, D: Disability, GR: Gender reassignment, M: Pregnancy and maternity, R: Race, RB: Religion and belief, S: Sex, SO: Sexual Orientation</p>			
Equality Outcome	<p>An Accessible City</p> <p>People with protected characteristics making better use of cultural and sporting facilities</p> <p>The city environment and green spaces are cleaner, better maintained and more family friendly , taking account of physical accessibility and the needs of older people</p>	GD1 GD2 GD3	ALL

Appendix 2.

Evidence	<p>Acknowledgement by Communities Housing and Infrastructure of Bon Accord Access Panel - August 2015</p> <p>Café Culture Working Group to assess trial in Belmont Street area August – October 2015</p> <p>Renewal of contract with Disabled Go website providing accessibility audits – December 2015</p> <p>New post of Disability Access Officer in the council – August 2016</p> <p>Establishment of new Disability Equity Partnership (DEP) – September 2016</p>
Outputs	<p>Audit by Café Culture Working Group and subsequent report on trial by planners</p> <p>Presentation by Disabled Go to disability contacts – June 2016</p> <p>Input from DEP on planning proposals</p>
Measurement	<p>Changes influenced through involvement in servicer design, impact assessment etc.</p> <p>No. of audits carried out by Bon Accord Access Panel</p> <p>Report from Scottish Council on Disability Equality Forums</p> <p>No. of consultations responded to by Disability Equity Partnership.</p>

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Equality Outcome 4		
<p>General Duties:</p> <p>GD1. Eliminating discrimination, harassment and victimisation.</p> <p>GD2. Advancing equality of opportunity between persons who share a protected characteristic and those who do not share it.</p> <p>GD3. Fostering good relations between persons who share a protected characteristic and those who do not share it.</p>	General duty met:	Protected characteristic met:
<p>Protected characteristic supported through equality outcome:</p> <p>A: Age, D: Disability, GR: Gender reassignment, M: Pregnancy and maternity, R: Race, RB: Religion and belief, S: Sex, SO: Sexual Orientation</p>		

Appendix 2.

Equality Outcome	Aberdeen City Council - a fair employer We will maintain a diverse workforce and a culture that is free from unlawful discrimination Achieve and maintain pay equality within the workforce	GD1 GD2 GD3	ALL
Evidence	Please see HR Appendix (4).		
Outputs			
Measurement			

Appendix 2.

Equality Outcome 5		General duty met:	Protected characteristic met:
<p>General Duties: GD1. Eliminating discrimination, harassment and victimisation. GD2. Advancing equality of opportunity between persons who share a protected characteristic and those who do not share it. GD3. Fostering good relations between persons who share a protected characteristic and those who do not share it.</p> <p>Protected characteristic supported through equality outcome: A: Age, D: Disability, GR: Gender reassignment, M: Pregnancy and maternity, R: Race, RB: Religion and belief, S: Sex, SO: Sexual Orientation</p>			
Equality Outcome	<p>Improved customer service provision which advances equality and addresses people's different needs Continually researching , monitoring and identifying issues of communities with protected characteristics and taking these issues into account in service provision</p>	GD1 GD2 GD3	ALL
Evidence	<p>Research carried out on council's behalf by Grampian Regional Equality Council. Please see Appendix 3 – A summary of GREC's "Creating a Fairer and more Equal Aberdeen" report. City Voice questionnaire - please see section within Equalities Mainstreaming and Progress Report 2017-2. Review of InterTrans service. Work with Customer Services and Facilities Team to make council buildings and council information more accessible e.g. promotion of InterTrans, BSL training</p>		
Outputs	<p>Completion of InterTrans review with report and recommendations to committee February 2017</p>		
Measurement	<p>Unit costs to meet Interpreting/ Translation request % satisfaction levels from client and from requesting InterTrans service % of customers of Communities, Housing & Infrastructure services reporting they have been treated fairly.</p>		

Appendix 2.

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Equality Outcome 6		General duty met:	Protected characteristic met:
<p>General Duties: GD1. Eliminating discrimination, harassment and victimisation. GD2. Advancing equality of opportunity between persons who share a protected characteristic and those who do not share it. GD3. Fostering good relations between persons who share a protected characteristic and those who do not share it.</p> <p>Protected characteristic supported through equality outcome: A: Age, D: Disability, GR: Gender reassignment, M: Pregnancy and maternity, R: Race, RB: Religion and belief, S: Sex, SO: Sexual Orientation</p>			
Equality Outcome	<p>Housing and Infrastructure which takes into account the different needs of different communities Pavements and footpaths that are safer and easier to use for pedestrians Accommodation that meets the needs, culture and lifestyle of Gypsy/ Travellers normally resident in and visiting Aberdeen</p>	GD1 GD2 GD3	ALL
Evidence	<p>Reduction in the number of unauthorised Gypsy/ Traveller encampments, particularly in high profile unsuitable places resulting in less complaints from the settled community and businesses High occupancy rate at Clinterty Traveller Site, the council's official site Increased customer satisfaction levels with Clinterty Participation in activities at Clinterty site- families accessing literacy , ICT etc Improvements to facilities and programme of activities on site Less negative media coverage of unauthorised sites 2016-17 % of Gypsy/ Traveller families or unauthorised sites meeting the Good Neighbour Code. Also cross- reference to Ethnic Minority Housing Outreach Worker info. on Eq Outcomes 1 and 2.</p>		

Appendix 2.

Outputs	No of tenants on the official site and no of families on unauthorised sites Patterns of stoppage on unauthorised sites
Measurement	Percentages – occupancy and satisfaction rates with Clinterty No of complaints to council re unauthorised sites. % of Gypsy/ Traveller families or unauthorised sites meeting the Good Neighbour Code.

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Equality Outcome 7

General Duties:

GD1. Eliminating discrimination, harassment and victimisation.

GD2. Advancing equality of opportunity between persons who share a protected characteristic and those who do not share it.

GD3. Fostering good relations between persons who share a protected characteristic and those who do not share it.

Protected characteristic supported through equality outcome:

A: Age, D: Disability, GR: Gender reassignment, M: Pregnancy and maternity, R: Race, RB: Religion and belief, S: Sex, SO: Sexual Orientation

General duty met:

Protected characteristic met:

Equality Outcome

A Safe Community

People who feel safe in their homes and in a city that is family friendly by night.

Promote Prejudice Incident Reporting Form.

Reduced violence against women.

GD1
GD2

ALL

Evidence

New User friendly Prejudice Incident Reporting Form launched November 2016. Promoted as part of Anti Bullying week and now much easier to report on line. Council website has a Report It function.

Appendix 2.

Outputs	Promotion of forms
Measurement	No of Prejudice and Discrimination Reporting Forms received N.B. Increase (raised awareness and confidence in reporting) and then reduction in forms completed.

Equality Outcome 8

Appendix 2.

<p>General Duties: GD1. Eliminating discrimination, harassment and victimisation. GD2. Advancing equality of opportunity between persons who share a protected characteristic and those who do not share it. GD3. Fostering good relations between persons who share a protected characteristic and those who do not share it.</p>		General duty met:	Protected characteristic met:
<p>Protected characteristic supported through equality outcome: A: Age, D: Disability, GR: Gender reassignment, M: Pregnancy and maternity, R: Race, RB: Religion and belief, S: Sex, SO: Sexual Orientation</p>			
Equality Outcome	<p>A fair and diverse social care service. People with protected characteristics have their Social Care needs met.</p>	GD1 GD2	ALL
Evidence	Aberdeen Health and Social Care Partnership now has its own Equality Outcomes – April 2016.		
Outputs			
Measurement			

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<p>Equality Outcome 9</p>			
<p>General Duties: GD1. Eliminating discrimination, harassment and victimisation. GD2. Advancing equality of opportunity between persons who share a protected characteristic and those who do not share it. GD3. Fostering good relations between persons who share a protected characteristic and those who do not share it.</p>		General d	Protected characteri

Appendix 2.

Protected characteristic supported through equality outcome: A: Age, D: Disability, GR: Gender reassignment, M: Pregnancy and maternity, R: Race, RB: Religion and belief, S: Sex, SO: Sexual Orientation			
Equality Outcome	Equality and Diversity welcomed and celebrated. Effective customer service that is aware of the differences and requirement of different groups. Promote equality and good relations between communities.	GD1 GD2 GD3	ALL
Evidence	Annual Events organised by the Equalities Team and others where we support the community to plan and deliver Holocaust Memorial Day – Jan. LGBT+ History month events in February International Mother Language Day 25 February International Women’s Day 8 March International Day against Racism – 21 March International Day against Homophobia and Transphobia 17 May Gypsy/ Traveller History Month – June Aberdeen Mela – organised by Aberdeen Multi-Cultural Centre with funding and support from council September 2016 International Day against Violence against Women – 25 November Review of Service Level Agreements with third sector groups who are helping the council deliver its Equality Outcomes Welcome by Aberdeen and level of goodwill towards Syrian refugee families		
Outputs	Level of engagement and participation from communities Media coverage Funding awarded to groups through SLAs or grants		
Measurement	Equalities monitoring % of events which have attracted people who share more than one protected characteristic SLAs in place which provide Best Value to the equality target groups, to the council and to its taxpayers		

Appendix 2.

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Appendix 2.

Equality Outcome 10		General duty met:	Protected characteristic met:
<p>General Duties: GD1. Eliminating discrimination, harassment and victimisation. GD2. Advancing equality of opportunity between persons who share a protected characteristic and those who do not share it. GD3. Fostering good relations between persons who share a protected characteristic and those who do not share it.</p> <p>Protected characteristic supported through equality outcome: A: Age, D: Disability, GR: Gender reassignment, M: Pregnancy and maternity, R: Race, RB: Religion and belief, S: Sex, SO: Sexual Orientation</p>			
Equality Outcome	<p>Engaged and committed leaders. Strong and effective leadership that demonstrates an ethos of public service and treating everyone with respect. Equality-driven Community Planning Partnership.</p>	GD1 GD2	ALL
Evidence	<p>Lord Provost – high visibility and commitment to equality community events. Other equality leaders/ champions include Cllr Ross Thomson (LGBT+) 5 councillors on DEP, councillor representation on Boards such as Shopmobility and Grampian Regional Equality Council Enthusiasm from Community Planning Aberdeen to have some shared Equality Outcomes and to consider sharing of Equalities training, Impact Assessment procedures etc</p>		
Outputs	<p>Participation by leaders at events Accessibility of leaders to the community groups and their representatives Community Planning Aberdeen to set some Joined up Equality Outcomes</p>		
Measurement	<p>% of CMT and % of elected members at events for city wide equality groups/ communities of interest</p>		

Appendix 2.

Equality Outcome 11		General duty met:	Protected characteristic met:
<p>General Duties: GD1. Eliminating discrimination, harassment and victimisation. GD2. Advancing equality of opportunity between persons who share a protected characteristic and those who do not share it. GD3. Fostering good relations between persons who share a protected characteristic and those who do not share it.</p> <p>Protected characteristic supported through equality outcome: A: Age, D: Disability, GR: Gender reassignment, M: Pregnancy and maternity, R: Race, RB: Religion and belief, S: Sex, SO: Sexual Orientation</p>			
Equality Outcome	A Human Rights based culture within our organisation. Building a better human rights culture.	GD1 GD2 GD3	ALL
Evidence	Whilst the council uses an integrated Equality and Human Rights Impact Assessment Form, it is recognised that more work is needed in this area. Hence this Equality outcome has been carried forward for 2017-21.		
Outputs			
Measurement			

Appendix 2.

Licensing Board and Equality Outcomes

Equality Outcome 13		General duty met:	Protected characteristic met:
<p>General Duties: GD1. Eliminating discrimination, harassment and victimisation. GD2. Advancing equality of opportunity between persons who share a protected characteristic and those who do not share it. GD3. Fostering good relations between persons who share a protected characteristic and those who do not share it.</p> <p>Protected characteristic supported through equality outcome: A: Age, D: Disability, GR: Gender reassignment, M: Pregnancy and maternity, R: Race, RB: Religion and belief, S: Sex, SO: Sexual Orientation</p>			
Equality Outcome	An equality-driven licensing board.	GD1 GD2 GD3	ALL
Evidence	The Licensing Board is to report post May 2017 local government elections.		
Outputs			
Measurement			

Creating a Fairer and More Equal Aberdeen



Photo credit: Ethnic Minority Forum 30/11/16 – Liz Howarth

Grampian Regional Equality Council (GREC)



Summary: Final Report

January 2017

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With assistance from Hadiza Ida-Michaels and Jack Reid (GREC volunteers) and Dave Black (General Manager GREC)

1. Executive Summary

1.1. The Project

GREC undertook community engagement activities on equality outcomes as part of work done to support the Equalities agenda of Aberdeen City Council. **The Equality and Human Rights (EHRC) define an equality outcome as a change achieved as the result of planned work.** Building on GREC's long standing relationships with community groups and forums to identify opportunities, an Equality Development Worker from GREC focused specifically on undertaking the community engagement activities from July – December 2016. The project named, '*Creating a Fairer and More Equal Aberdeen*', utilised surveys and community engagement discussions in order to gain the views of local residents in Aberdeen.

The aim of the project was to provide evidence and recommendations for Aberdeen City Council to help them set their equality outcomes for 2017 – 2021 and review their progress too. In preparing equality outcomes, local authorities must consider evidence relating to equality groups and communities and should take steps to include them in the equality outcomes.

1.2 Surveys and Community Engagement

The '*Creating a Fairer and More Equal Aberdeen*' survey was circulated for a period of eight weeks. On the **9th of September 2016**, the survey went live online and it was closed on the **9th of November 2016**. During this period, **225 people filled in the survey**. The majority of these surveys were completed on paper at community engagement events. The link to the survey was disseminated through various forums including the North East Scotland Equalities Network (NESEN), the Ethnic Minority Forum, the Disability Equity Partnership, and through social media such as the GREC, Aberdeen City Council, Police Scotland and Multi-cultural Aberdeen Facebook page.

Community engagement is a process of involving people in decisions that affect them. It is important that any engagement undertaken have benefits for local people as well as local authorities and organisations. Many groups, organisations and individuals represent a whole range of interests in Aberdeen. These include faith-based groups, local residents groups, local community groups and virtual groups (active on Facebook/social media). GREC staff and volunteers were involved in the community engagement activities. We sought as far as possible to make sure that the engagement activities reflected the diversity of Aberdeen's population. From the **15th of August until the 25th of November**, ten community engagement activities/sessions were undertaken:

- **Generations Working Together (GWT)** (age)
- **Multi Faith Forum** (religion or belief)
- **Ethnic Minority Forum (EMF)** (race/ethnicity)
- **Thai Buddhist Centre** (religion or belief and race/ethnicity)
- **Disability Equity Partnership (DEP)** (disability)
- **Violence Against Women Partnership (VAWP)** (sex)

- **North East Scotland Equalities Network (NESEN)** (*disability*)
- **Learning Disability Group Aberdeen and Aberdeenshire** (*disability*)
- **LGBT + Network event** (*sexual orientation, gender reassignment*)
- **Tea and Talk** (*age*)

1.3 Recommendations/Key Priorities

It is clear from the analysis of the community engagement activities, survey data and literature review, that there are a number of opportunities for Aberdeen City Council moving forward to help make Aberdeen a fairer and more equal place. Over the past four years, progress has been made concerning equality and fairness but there are always improvements which can be made. There are a number of recommendations and key priorities for the new equality outcomes, which reflect these findings. These are:

Recommendation 1 (R1) – Work in partnership to organise a regular/annual ‘Doors Open Day’ for equalities groups (across all protected characteristics groups)– aim to break down barriers with equality groups promoting their work and activities so that more people are aware of how equality is being advanced in the city..

Recommendation 2 (R2) – Support city-wide inclusive events such as Aberdeen Pride for the LGBT + community – promote awareness and visibility.

Recommendation 3 (R3) – More training for front line council workers to increase awareness of disabilities, particularly around hidden disabilities. Introduce an equalities ‘mystery shopper’ to find out how it may be for disabled people using services.

Recommendation 4 (R4) – Improve the accessibility of Aberdeen City Council’s website in terms of layout, information etc.

Recommendation 5 (R5) – Create and disseminate an up to date list of available meeting spaces/rooms for community groups in Aberdeen – share resources across groups.

Recommendation 6 (R6) – Increase opportunities for different religious and belief groups to come together and share information through forums and activities. Continue to support the work of the Multi-faith forum.

Recommendation 7 (R7) – A joint up approach to education, in its widest sense, around equality and related issues.

Recommendation 8 (R8) – Develop and support projects to get young people engaged and to feel part of the wider community so that more young people feel part of their local community – particular need for more sports and activities for girls – address negative media portrayal. .

Recommendation 9 (R9) – Continue to keep a focus on developing suitable accommodation that meets the needs of Gypsy/Travellers resident in Aberdeen, as

well as challenging the deeply held prejudices that continue to be held towards Gypsy/Traveller communities.

Recommendation 10 (R10) – Aberdeen to become a “Compassionate City”, using this theme to promote respect between ethnic minority communities, as well as providing a basis for more education and awareness raising. Increase knowledge of the Prejudice and Discrimination reporting system so that ethnic minorities, and other targeted groups, are aware that they can take action if they are being discriminated against. Send clear message that the city and local authority cares about everyone in Aberdeen as human beings who are welcomed. Continue to build on the good practice shown by Aberdeen City Council working with Syrian refugees in the city.

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Aberdeen City Council Employee Information
(2015/16)

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Introduction

Duty to gather and use employee information.

The duty requires the organisation to gather annual information on the composition of employees as well as annual information on recruitment, development and retention of employees with respect to the number and relevant protected characteristics of employees. The information must be used to better perform the general equality duty.

The mainstreaming report must include an annual breakdown of the information gathered and must also include details of the progress that the organisation has made in gathering and using the information to enable it to better perform the general equality duty.

It is intended to seek to continue to develop the employee information in line with the Equality and Human Rights Commission guidance to cover other areas.

The employee information in this 2017 mainstreaming report comprises the following by protected characteristic:-

- Composition of employees (as at January 2016 (for year 2015) and as at January 2017 (for year 2016))
- Recruitment information, namely applicants and successful applicants for calendar years 2015 and 2016
- Development information, namely employees who undertook corporate training in calendar years 2015 and 2016 and also employees involved in discipline and grievance cases in calendar years 2015 and 2016
- Retention information, namely employees who left the organisation in calendar years 2015 and 2016

In accordance with the requirements stated in the guidance, the above has been produced for the organisation as a whole and also in relation to the Education Authority (which comprises teachers and other employees in the Education Service).

There are therefore 12 tables of figures in this report each with a sheet of analysis.

The data was gathered from three sources, the Council's HR/Payroll database (Pse), which produced the majority of the information, the recruitment system (Talentlink), which produced the specific recruitment information and the casework register. Relevant queries were run from the systems to produce reports, with the information then put into the tables.

It should be noted that where there were minimal numbers of employees in a category, the actual figure has been removed from the table and replaced with the words 'Under 5'. This is to help ensure that no individual employees can be identified so that confidentiality in relation to sensitive personal data can be maintained.

With regard to how the information has been used (or will be used going forward), the following has been (or is to be) undertaken:-

There are six equality groups in Human Resources (Race, Gender, Religion and Belief, LGBT+, Age and Disability) which are involved in pursuing action plans in relation to employment equality, with all nine protected characteristics covered over the six groups. The six action plans are linked to meeting the employment related equality outcome and the two actions which sit below it, as follows:

Equality outcome is:- Aberdeen City Council a fair employer

The two actions that sit below this equality outcome are:

1. We will maintain a diverse workforce and a culture that is free from unlawful discrimination.
2. Achieve and maintain pay equality within the workforce.

The groups have been provided with the employee information contained in this report in order to use it in relation to the action plans. For instance, the employee information has been compared by the groups to the relevant Scottish Census 2011 information to confirm what the differences are between the two sets of figures, so that there is an understanding of how the profile of the workforce compares to the profile of the working age population in Aberdeen. This is helping to provide information as to where resources should be targeted to address any under-representation in a protected characteristic group and to justify measures being pursued under the equality action plans to address this.

Examples of actions the equality groups have been involved in are:

Race

Undertook a focus group for Ethnic Minority employees to find out about their employment experience with the Council with the information being used to inform the action plan for the Race equality group.

Gender

Undertook an interview with Chief Executive of the Council in order to gather information from a gender perspective on her career path in reaching a senior position with the details then posted on the Intranet for employees to view.

Religion and Belief

Set up multi faith room in the Council's headquarters building for employees to use for prayer and contemplation.

LGBT+

Undertook a series of events in relation to Anti-Bullying Week including ones specific to the protected characteristics of sexual orientation and transgender.

Age

Compiled a Young People's Employment Strategy containing various objectives with a set of actions against each.

Disability

Guidance put in place on working with and managing employees who are on the autistic spectrum.

The aim of these initiatives is related to the recruitment and/or retention of people in these protected characteristic groups, with the workforce figures indicating some under-representation.

Also, the recruitment figures are to be examined to identify whether there are any significant differences between applicants and successful applicants in relation to protected characteristic groups (also comparing these to the workforce profile data) and if so to consider how these could be further explored to identify whether there are any issues in relation to the application of the Council's recruitment and selection procedure. Likewise, the leavers information will also be examined to identify whether there is a disproportionate amount of employees leaving the organisation from under-represented protected characteristic groups compared to the workforce profile data and if so what the reason(s) for this might be and how it/they could be addressed.

A data validation exercise to confirm employees' equality and diversity details is undertaken by the Council every few years with the next one planned for later in 2017. Efforts will be made to encourage as large a response as possible from employees to help ensure that the data held by the Council is as comprehensive and up-to-date as it can be, with employees carefully informed of the purpose of gathering the information and reassured that it will be held confidentially and used only for equality and diversity related purposes.

ACC Workforce Composition Data & Analysis

Data:

Council Workforce - composition of employees (at January 2016 (for calendar year 2015) and at January 2017 (for calendar year 2016))

Employees in Post by Gender

Gender	2015		2016	
	Numbers	%	Numbers	%
Female	5719	68.8	5724	68.8
Male	2594	31.2	2594	31.2
Total	-	100	-	100

Employees in Post by Age

AGE	2015		2016	
	Numbers	%	Numbers	%
Under 20	37	0.4	32	0.4
20-29	1191	14.3	1159	13.9
30-39	1774	21.3	1777	21.4
40-49	1942	23.4	1936	23.3
50-59	2352	28.4	2350	28.2
60+	1017	12.2	1064	12.8
Total	-	100	-	100

Employees in Post by Marital Status

Marital Status	2015		2016	
	Numbers	%	Numbers	%
Divorced	288	3.5	289	3.5
Separated	132	1.6	131	1.6
Living with Partner	563	6.8	564	6.8
Married/Civil Partnership	3435	41.3	3463	41.6
Single	1388	16.7	1385	16.6
Divorced/Separated	58	0.7	58	0.7
Widowed	108	1.3	108	1.3
Not Completed	2023	24.3	1999	24.0
Prefer Not to Answer	318	3.8	321	3.9
Total	-	100	-	100

Employees in Post by Disability

Disability	2015		2016	
	Numbers	%	Numbers	%
Yes	242	2.9	245	2.9
No	5367	64.6	5424	65.3
Not Completed	1979	23.8	1931	23.2
Prefer Not to Answer	725	8.7	718	8.6
Total	-	100	-	100

Employees in Post by Ethnicity

Ethnicity	2015		2016	
	Numbers	%	Numbers	%
African	13	0.16	14	0.17
African - Other	24	0.29	22	0.26
Other - Arab	15	0.18	17	0.20
Asian - Bangladeshi	7	0.08	7	0.08
Asian - Chinese	14	0.17	16	0.19
Asian - Indian	33	0.40	33	0.40
Asian - Other	25	0.30	25	0.30
Asian - Pakistani	6	0.07	6	0.07
Black	'Under 5'	0.01	'Under 5'	0.01
Caribbean	'Under 5'	0.02	'Under 5'	0.02
Other Caribbean or Black	5	0.06	5	0.06
Mixed or Multiple	35	0.42	35	0.42
Other	1010	12.15	1003	12.06
White - Polish	32	0.38	34	0.41
White - Eastern European	50	0.60	50	0.60
White - Gypsy/Traveller	'Under 5'	0.01	'Under 5'	0.01
White - Irish	90	1.08	92	1.11
White -Other white ethnic group	98	1.18	101	1.21
White - Other British	454	5.46	461	5.54
White - Scottish	4558	54.84	4601	55.32

Appendix 4.

Not Completed	1228	14.78	1190	14.32
Prefer Not to Answer	612	7.36	602	7.24
Total	-	100	-	100

Employees in Post by Nationality

Nationality	2015		2016	
	Numbers	%	Numbers	%
British	1133	13.7	1146	13.8
English	146	1.8	145	1.7
Northern Irish	42	0.5	44	0.5
Other	366	4.4	371	4.5
Scottish	4203	50.7	4239	51.0
Welsh	22	0.3	22	0.3
Not Completed	2314	27.8	2282	27.4
Prefer Not to Answer	70	0.8	69	0.8
Total	-	100	-	100

Employees in Post by Religion

Religion	2015		2016	
	Numbers	%	Numbers	%
Buddhist	21	0.25	21	0.25
Other Christian	992	11.93	998	12.00
Church of Scotland	1353	16.28	1354	16.28
Roman Catholic	429	5.16	432	5.19
Hindu	21	0.25	21	0.25
Humanist	43	0.52	45	0.54
Jewish	'Under 5'	0.05	'Under 5'	0.05
Muslim	46	0.55	46	0.55
None	2663	32.03	2702	32.49
Other Religion or Belief	64	0.77	64	0.77
Pagan	33	0.40	32	0.38
Sikh	'Under 5'	0.04	'Under 5'	0.04
Not Completed	1972	23.72	1927	23.17
Prefer Not to Answer	669	8.05	669	8.04
Total	-	100	-	100

Employees in Post by Sexual Orientation

Sexual Orientation	2015		2016	
	Numbers	%	Numbers	%
Bisexual	20	0.2	20	0.2
Gay	52	0.6	52	0.6
Heterosexual/Straight	5022	60.4	5080	61.1
Lesbian	23	0.3	23	0.3
Other	'Under 5'	0.0	0	0.0
Not Completed	2632	31.7	2578	31.0
Prefer Not to Answer	562	6.8	565	6.8
Total	-	100	-	100

Employees in Post by Gender Identity

Gender Identity*	2015		2016	
	Numbers	%	Numbers	%
Yes	8	0.1	8	0.1
No	5525	66.5	5582	67.1
Not Completed	2620	31.5	2570	30.9
Prefer Not to Answer	160	1.9	158	1.9
Total	-	100	-	100

* identifying as a transgender person or trans person

Analysis:

Aberdeen City Council – Composition of employees (at January 2016, for year 2015 and at January 2017, for year 2016)

Employees in post by Gender

In 2015, the majority of employees in the Council are female (68.8%) with the minority male (31.2%). This compares with 69.0% female and 31.0% male reported in the last Mainstreaming Report indicating similar figures. The Census 2011 figures for the Aberdeen City population aged between 16 and 64 were 50.5% male and 49.5% female indicating a difference in the gender make-up of the local working age population compared to the Council's workforce.

In 2016, the majority of employees in the Council are female (68.8%) with the minority male (31.2%). This compares with 69.0% female and 31.0% male reported in the last Mainstreaming Report indicating similar figures. The Census 2011 figures for the Aberdeen City population aged between 16 and 64 were 50.5% male and 49.5% female indicating a difference in the gender make-up of the local working age population compared to the Council's workforce.

Employees in post by Age

In 2015 the largest proportion of employees are in the 50-59 age band (28.4%) followed by the 40-49 (23.4%). The smallest proportion of employees is in the under 20 age band (0.4%) followed by the 60+ age band (12.2%). This indicates that the majority of the Council's employees are aged 40 or over.

In 2016, the largest proportion of employees are in the 50-59 age band (28.2%) followed by the 40-49 (23.3%). The smallest proportion of employees is in the under 20 age band (0.4%) followed by the 60+ (12.8%). This indicates that the majority of the Council's employees are aged 40 or over.

Employees in post by Marital Status

In 2015, the largest proportion of employees who declared their marital status are in the Married/Civil Partnership category (41.3%) followed by Single (16.7%). The smallest proportion of employees is in the Divorced/Separated category (0.7%). It should be noted that 28.1% of employees either did not complete the form or indicated that they preferred not to answer the question.

In 2016, the largest proportion of employees who declared their marital status are in the Married/Civil Partnership category (41.6%) followed by Single (16.6%). The smallest proportion of employees is in the Divorced/Separated category (0.7%). It should be noted that 27.9% of employees either did not complete the form or indicated that they preferred not to answer the question.

Employees in post by Disability

In 2015, a minority of employees declared that they have a disability (2.9%) whilst the majority declared that they were non-disabled (64.6%). This compares with 2.9% disabled and 59.7% non-disabled reported in the 2015 Mainstreaming Report, indicating no change in the percentage of disabled employees. It should be noted that 32.5% of employees either did not complete the form or indicated that they preferred not to answer the question. The Census 2011 figures for the Aberdeen City population aged between 16 and 64 shows that 4.6% had a long term health problem or disability that limited them a lot in day-to-day activities, indicating a difference compared to the percentage of disabled employees in the Council's workforce.

In 2016, a minority of employees declared that they have a disability (2.9%) whilst the majority declared that they were non-disabled (65.3%). This compares with 2.9% disabled and 59.7% non-disabled reported in the 2015 Mainstreaming Report, indicating no change in disabled employees. It should be noted that 31.8% of employees either did not complete the form or indicated that they preferred not to answer the question. The Census 2011 figures for the Aberdeen City population aged between 16 and 64 shows that 4.6% had a long term health problem or disability that limited them a lot in day-to-day activities, indicating a difference compared to the percentage of disabled employees in the Council's workforce.

Employees in post by Ethnicity

In 2015, a minority of employees declared that they are from an ethnic minority (2.2%) (i.e. non-white). This compares with 1.3% reported in the 2015 Mainstreaming Report, indicating an increase in ethnic minority employees. It should be noted that 22.1% of employees either did not complete the form or indicated that they preferred not to answer the question. The Census 2011 figures for the Aberdeen City population aged between 16 and 64 shows that 8.5% were from an ethnic minority (i.e. non-white), indicating a difference compared to the percentage of ethnic minority employees (i.e. non-white) in the Council's workforce.

In 2016, a minority of employees declared that they are from an ethnic minority (2.2%) (i.e. non-white). This compares with 1.3% reported in the 2015 Mainstreaming Report, indicating an increase in ethnic minority employees. It should be noted that 21.6% of employees either did not complete the form or indicated that they preferred not to answer the question. The Census 2011 figures for the Aberdeen City population aged between 16 and 64 shows that 8.5% were from an ethnic minority (i.e. non-white), indicating a difference compared to the percentage of ethnic minority employees (i.e. non-white) in the Council's workforce.

Employees in post by Nationality

In 2015, the largest proportion of employees who declared their nationality are Scottish (50.7%) followed by British (13.7%) and then Other (4.4%). The smallest proportion are

Welsh (0.3%) followed by Northern Irish (0.5%). It should be noted that 28.6% of employees either did not complete the form or indicated that they preferred not to answer the question.

In 2016, the largest proportion of employees who declared their nationality are Scottish (51.0%) followed by British (13.8%) and then Other (4.5%). The smallest proportion are Welsh (0.3%) followed by Northern Irish (0.5%). It should be noted that 28.2% of employees either did not complete the form or indicated that they preferred not to answer the question.

Employees in post by Religion

In 2015, the largest proportion of employees who declared their religion indicated this as None (32.0%) followed by Church of Scotland (16.3%) and then Christian Other (11.9%). The various other religions declared had relatively small proportions of employees under each category. It should be noted that 31.8% of employees either did not complete the form or indicated that they preferred not to answer the question.

In 2016, the largest proportion of employees who declared their religion indicated this as None (32.5%) followed by Church of Scotland (16.3%) and then Christian Other (12.0%). The various other religions declared had relatively small proportions of employees under each category. It should be noted that 31.2% of employees either did not complete the form or indicated that they preferred not to answer the question.

Employees in post by Sexual Orientation

In 2015, a minority of employees declared as Bi sexual, Gay or Lesbian (total of 1.1%) with a majority of employees declaring as Heterosexual/Straight (60.4%). It should be noted that 38.5% of employees either did not complete the form or indicated that they preferred not to answer the question.

In 2016, a minority of employees declared as Bi sexual, Gay or Lesbian (total of 1.1%) with a majority of employees declaring as Heterosexual/Straight (61.1%). It should be noted that 37.8% of employees either did not complete the form or indicated that they preferred not to answer the question.

Employees in post by Gender Identity (identifying as a transgender person or trans person)

In 2015, a minority of employees declared as a transgender or trans person (0.1%) with the majority (66.5%) answering 'no' to this question. It should be noted that 33.4% of employees either did not complete the form or indicated that they preferred not to answer the question.

In 2016, a minority of employees declared as a transgender or trans person (0.1%) with the majority (67.1%) answering 'no' to this question. It should be noted that 32.8% of

employees either did not complete the form or indicated that they preferred not to answer the question.

Maternity cases

The number of maternity cases in the Council that commenced in calendar year 2015 was 162, of which 130 (80.2%) returned to work and 32 (19.8%) left. The number of maternity cases that commenced in calendar year 2016 was 156. It is too early to identify returners and leavers for that year with many still on maternity leave.

Recruitment Data & Analysis

Data:

Recruitment information for the Council as a whole for period 2015 (01/01/15-31/12/15) and 2016 (01/01/16-31/12/16)

Gender	2015				2016			
	Applicants for Employment		Successful Applicants		Applicants for Employment		Successful Applicants	
	Numbers	%	Numbers	%	Numbers	%	Numbers	%
Female	11977	66.7	716	69.3	23826	65.2	1010	68.8
Male	5620	31.3	285	27.6	12277	33.6	432	29.4
Prefer Not to Answer	360	2.0	32	3.1	438	1.2	26	1.8
Total	-	100	-	100	-	100	-	100

Age	2015				2016			
	Applicants for Employment		Successful Applicants		Applicants for Employment		Successful Applicants	
	Numbers	%	Numbers	%	Numbers	%	Numbers	%
Under 20	462	2.6	25	2.4	1044	2.9	26	1.8
20-29	7358	41.0	407	39.5	13167	36.0	452	30.8
30-39	4834	26.9	259	25.1	10305	28.2	408	27.8
40-49	2919	16.2	192	18.6	6394	17.5	310	21.1
50-59	1621	9.0	112	10.8	4123	11.3	200	13.6
60+	226	1.3	19	1.8	847	2.3	41	2.8
Not Completed	537	3.0	19	1.8	661	1.8	31	2.1
Total	-	100	-	100	-	100	-	100

Marital Status	2015				2016			
	Applicants for Employment		Successful Applicants		Applicants for Employment		Successful Applicants	
	Numbers	%	Numbers	%	Numbers	%	Numbers	%
Divorced	671	3.7	29	2.8	1622	4.4	63	4.3
Separated	303	1.7	15	1.5	755	2.1	28	1.9
Living with Partner	2786	15.5	163	15.8	5858	16.0	238	16.2
Married/Civil Partnership	5831	32.5	343	33.2	11956	32.7	561	38.2
Single	7726	43.0	430	41.6	15336	42.0	531	36.2
Widowed	67	0.4	10	1.0	197	0.5	8	0.5
Not Completed	279	1.6	27	2.6	312	0.9	19	1.3
Prefer Not to Answer	294	1.6	16	1.5	505	1.4	20	1.4
Total	-	100	-	100	-	100	-	100

Disability	2015				2016			
	Applicants for Employment		Successful Applicants		Applicants for Employment		Successful Applicants	
	Numbers	%	Numbers	%	Numbers	%	Numbers	%
Yes	838	4.7	36	3.5	1612	4.4	52	3.5
No	16612	92.5	958	92.6	34229	93.7	1380	94.0
Not Completed	269	1.5	28	2.7	310	0.8	20	1.4
Prefer Not to Answer	238	1.3	11	1.2	390	1.1	16	1.1
Total	-	100	-	100	-	100	-	100

Ethnicity	2015				2016			
	Applicants for Employment		Successful Applicants		Applicants for Employment		Successful Applicants	
	Number s	%	Number s	%	Number s	%	Number s	%
African	293	1.63	'Under 5'	0.19	345	0.94	10	0.68
African - Other	542	3.02	9	0.87	746	2.04	9	0.61
Other - Arab	46	0.26	'Under 5'	0.19	100	0.27	'Under 5'	0.20
Asian - Bangladeshi	75	0.42	'Under 5'	0.29	93	0.25	'Under 5'	0.20
Asian - Chinese	86	0.48	'Under 5'	0.29	181	0.50	6	0.41
Asian - Indian	498	2.77	'Under 5'	0.29	861	2.36	7	0.48
Asian - Other	181	1.01	5	0.48	379	1.04	9	0.61
Asian - Pakistani	130	0.72	'Under 5'	0.39	275	0.75	'Under 5'	0.07
Black	131	0.73	'Under 5'	0.10	250	0.68	'Under 5'	0.14
Caribbean	56	0.31	0	0.00	65	0.18	0	0.00
Other Caribbean or Black	46	0.26	'Under 5'	0.10	81	0.22	'Under 5'	0.14
Mixed or Multiple	194	1.08	15	1.45	405	1.11	17	1.16
Other	0	0.00	0	0.00	0	0.00	0	0.00
White - Polish	677	3.77	18	1.74	1252	3.43	38	2.59
White - Eastern European	559	3.11	8	0.77	846	2.32	14	0.95
White - Gypsy/Travelle r	'Under 5'	0.02	0	0.00	12	0.03	0	0.00

Appendix 4.

White - Irish	218	1.21	34	3.29	364	1.00	26	1.77
White -Other white ethnic group	1227	6.83	29	2.81	2330	6.38	62	4.22
White - Other British	1504	8.38	115	11.13	2887	7.90	151	10.29
White - Scottish	10665	59.39	732	70.87	23824	65.19	1067	72.68
Not Completed	522	2.91	39	3.78	786	2.15	28	1.91
Prefer Not to Answer	303	1.69	10	0.97	459	1.26	13	0.89
Total	-	100	-	100	-	100	-	100

Nationality	2015				2016			
	Applicants for Employment		Successful Applicants		Applicants for Employment		Successful Applicants	
	Numbers	%	Numbers	%	Numbers	%	Numbers	%
British	3635	20.2	234	22.6	7487	20.5	330	22.5
English	402	2.2	25	2.4	757	2.1	30	2.0
Northern Irish	95	0.5	17	1.6	164	0.4	12	0.8
Other	6	0.0	0	0	0	0.0	0	0.0
Scottish	9127	50.9	604	58.6	20404	55.9	889	60.6
Welsh	29	0.2	'Under 5'	0.3	84	0.2	5	0.3
Not Completed	4388	24.5	141	13.6	7058	19.3	185	12.6
Prefer Not to Answer	275	1.5	9	0.9	587	1.6	17	1.2

Appendix 4.

Total	-	100	-	100	-	100	-	100
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Religion	2015				2016			
	Applicants for Employment		Successful Applicants		Applicants for Employment		Successful Applicants	
	Number s	%	Number s	%	Number s	%	Number s	%
Buddhist	78	0.43	'Under 5'	0.19	111	0.30	'Under 5'	0.20
Other Christian	2120	11.81	91	8.81	4034	11.04	134	9.13
Church of Scotland	2310	12.86	186	18.01	4888	13.38	256	17.44
Roman Catholic	1872	10.42	92	8.91	3328	9.11	120	8.17
Hindu	317	1.77	'Under 5'	0.19	575	1.57	0	0.00
Humanist	78	0.43	'Under 5'	0.39	553	1.51	18	1.23
Jewish	21	0.12	0	0.00	38	0.10	5	0.34
Muslim	321	1.79	14	1.36	669	1.83	11	0.75
None	8379	46.67	507	49.08	18653	51.05	758	51.62
Other Religion or Belief	274	1.53	8	0.77	372	1.02	12	0.82
Pagan	24	0.13	0	0.00	62	0.17	'Under 5'	0.14
Sikh	27	0.15	0	0.00	25	0.07	'Under 5'	0.07
Not Completed	782	4.35	55	5.32	1126	3.08	50	3.41
Prefer Not to Answer	1354	7.54	72	6.97	2107	5.77	98	6.68

Appendix 4.

Total	-	100	-	100	-	100	-	100
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Sexual Orientation	2015				2016			
	Applicants for Employment		Successful Applicants		Applicants for Employment		Successful Applicants	
	Numbers	%	Numbers	%	Numbers	%	Numbers	%
Bisexual	220	1.2	'Under 5'	0.4	446	1.2	10	0.7
Gay	223	1.2	12	1.2	581	1.6	26	1.8
Heterosexual/Straight	16080	89.6	926	89.6	33222	91.0	1339	91.1
Lesbian	149	0.8	9	0.9	189	0.5	7	0.5
Other	56	0.3	0	0	147	0.4	'Under 5'	0.2
Not Completed	408	2.3	33	3.2	517	1.4	23	1.6
Prefer Not to Answer	821	4.6	49	4.7	1439	3.9	60	4.1
Total	-	100	-	100	-	100	-	100

Gender Identity *	2015				2016			
	Applicants for Employment		Successful Applicants		Applicants for Employment		Successful Applicants	
	Numbers	%	Numbers	%	Numbers	%	Numbers	%
Yes	48	0.3	'Under 5'	0.0	84	0.2	'Under 5'	0.1
No	17401	96.9	991	95.9	35813	98.0	1432	97.5
Not Completed	304	1.7	30	2.9	329	0.9	18	1.2

Prefer Not to Answer	204	1.1	11	1.2	315	0.9	17	1.2
Total	-	100	-	100	-	100	-	100

* identifying as a transgender person or trans person

Analysis:

Aberdeen City Council – Recruitment 2015 and 2016

Gender

In 2015, the majority of both applicants for employment and successful applicants were female (66.7% and 69.3% respectively), with the minority male (31.3% and 27.6% respectively).

In 2016, the majority of both applicants for employment and successful applicants were female (65.2% and 68.8% respectively), with the minority male (33.6% and 29.4% respectively). The proportions of female to male applicants for employment and the proportions of successful applicants in 2016 are both similar to the proportions of female and male employees in the workforce (the proportions in the workforce being 68.8% to 31.2% female to male).

Age

In 2015, the largest proportion of applicants for employment and successful applicants were under the category of 20-29 (41.0% and 39.5% respectively), followed by 30-39 (26.9% and 25.1% respectively) and then 40-49 (16.2% and 18.6% respectively).

In 2016, the largest proportion of applicants for employment and successful applicants were under the category of 20-29 (36.0% and 30.8% respectively), followed by 30-39 (28.2% and 27.8% respectively) and then 40-49 (17.5% and 21.1% respectively). In relation to the workforce profile, the largest proportion of employees are in the 50-59 age band (28.2%), followed by the 40-49 band (23.3%) and then the 30-39 band (21.4%), indicating a difference compared to the age profile of applicants and successful applicants in 2016.

Marital Status

In 2015, of those who declared their marital status, the largest proportion of applicants for employment and successful applicants were under the category of Single (43.0% and 41.6% respectively), followed by Married/Civil Partnership (32.5% and 33.2% respectively) and then Living with Partner (15.5% and 15.8% respectively).

In 2016, of those who declared their marital status, the largest proportion of applicants for employment were under the category of Single (42.0%), followed by Married/Civil Partnership (32.7%) and then Living with Partner (16.0%). The largest proportion of successful applicants were under the category of Married/Civil Partnership (38.2%), followed by Single (36.2) and then Living with Partner (16.2%).

Disability

In 2015, of those who declared whether they have a disability, a minority of applicants for employment and also successful applicants declared as disabled (4.7% and 3.5% respectively).

In 2016, of those who declared whether they had a disability, a minority of applicants for employment and also successful applicants declared as disabled (4.4% and 3.5% respectively). Both these 2016 proportions are higher than the proportion of disabled employees in the workforce (which is 2.9%).

Ethnicity

In 2015, of those who declared their ethnicity, a minority of applicants for employment and also successful applicants declared as being from an ethnic minority (12.7% and 4.6% respectively) (i.e. non-white).

In 2016, of those who declared their ethnicity, a minority of applicants for employment and also successful applicants declared as being from an ethnic minority (10.3% and 4.7% respectively) (i.e. non-white). Both these 2016 proportions are higher than the proportions of employees who declared as being from an ethnic minority (which is 2.2%).

Nationality

In 2015, of those who declared their nationality, the largest proportion of applicants for employment and also successful applicants were under the category of Scottish (50.9% and 58.6% respectively), followed by British (20.2% and 22.6% respectively) and then English (2.2% and 2.4% respectively).

In 2016, of those who declared their nationality, the largest proportion of applicants for employment and successful applicants were under the category of Scottish (55.9% and 60.6% respectively), followed by British (20.5% and 22.5% respectively) and then English (2.1% and 2.0% respectively).

Religion

In 2015, of those who declared their religion, the largest proportion of applicants for employment and also successful applicants were under the category of None (46.7% and 49.1% respectively), followed by Church of Scotland (12.9% and 18.0% respectively) and then Christian Other (for applicants only 11.8%) with Roman Catholic having the next highest percentage for successful applicants (at 8.9%).

In 2016, of those who declared their religion, the largest proportion of applicants for employment and also successful applicants were under the category of None (51.1% and 51.6% respectively), followed by Church of Scotland (13.4% and 17.4% respectively) and then Christian Other (11.0% and 9.1% respectively).

Sexual Orientation

In 2015, of those who declared their sexual orientation, a minority of applicants for employment and also successful applicants were Bi-sexual, Gay or Lesbian (3.2% and 2.5% respectively, in total).

In 2016, of those who declared their sexual orientation, a minority of applicants for employment and also successful applicants were Bi-sexual, Gay or Lesbian (3.3% and 3.0% respectively, in total). Both these 2016 proportions are higher than the proportion of employees declaring their sexual orientation under these categories (which is 1.1% in total).

Gender Identity (identifying as a transgender person or trans person)

In 2015, of those who declared their gender identity as a transgender person or trans person, a very small proportion of applicants for employment (0.3%) and successful applicants (small percentage) were under this category.

In 2016, of those who declared their gender identity as a transgender person or trans person, a very small proportion of applicants for employment (0.2%) and successful applicants were under this category.

ACC Training Data & Analysis**Data:****Training Information for the Council as a whole for period 2015 (01/01/15 – 31/12/15) and 2016 (01/01/16 – 31/12/16)**

Gender	2015		2016	
	Numbers	%	Numbers	%
Female	3007	74.2	4030	73.5
Male	1048	25.8	1453	26.5
Total	-	100	-	100

AGE	2015		2016	
	Numbers	%	Numbers	%
Under 20	9	0.2	9	0.2
20-29	553	13.6	780	14.2
30-39	897	22.1	1186	21.6
40-49	1026	25.3	1408	25.7
50-59	1179	29.2	1544	28.2
60+	391	9.6	556	10.1
Total	-	100	-	100

Appendix 4.

Marital Status	2015		2016	
	Numbers	%	Numbers	%
Divorced	154	3.8	242	4.4
Separated	73	1.8	128	2.3
Living with Partner	343	8.5	456	8.3
Married/Civil Partnership	1837	45.3	2254	41.2
Single	737	18.2	973	17.7
Divorced/Separated	41	1.0	50	0.9
Widowed	51	1.2	62	1.1
Not Completed	657	16.2	1088	19.9
Prefer Not to Answer	162	4.0	230	4.2
Total	-	100	-	100

Disability	2015		2016	
	Numbers	%	Numbers	%
Yes	121	3.0	173	3.2
No	2636	65.0	3824	69.7
Not Completed	902	22.2	1095	20.0
Prefer Not to Answer	396	9.8	391	7.1
Total	-	100	-	100

Appendix 4.

Ethnicity	2015		2016	
	Numbers	%	Numbers	%
African	5	0.12	16	0.29
African - Other	19	0.47	18	0.33
Other - Arab	6	0.15	12	0.22
Asian -Bangladeshi	11	0.27	15	0.27
Asian - Chinese	10	0.25	17	0.31
Asian - Indian	25	0.62	19	0.35
Asian - Other	9	0.22	13	0.24
Asian - Pakistani	'Under 5'	0.07	'Under 5'	0.05
Black	'Under 5'	0.02	'Under 5'	0.02
Caribbean	'Under 5'	0.02	'Under 5'	0.04
Other Caribbean or Black	'Under 5'	0.02	'Under 5'	0.05
Mixed or Multiple	28	0.69	33	0.60
Other	465	11.48	625	11.40
White - Polish	8	0.20	23	0.42
White - Eastern European	22	0.54	47	0.86
White - Gypsy/Traveller	'Under 5'	0.02	'Under 5'	0.02
White - Irish	37	0.91	55	1.00
White -Other white ethnic group	54	1.33	83	1.51
White - Other British	254	6.26	348	6.35
White - Scottish	2278	56.19	3177	57.94
Not Completed	580	14.31	692	12.62
Prefer Not to Answer	237	5.84	280	5.11
Total	-	100	-	100

Nationality	2015		2016	
	Numbers	%	Numbers	%
British	645	15.9	890	16.2
English	68	1.7	88	1.6
Northern Irish	24	0.6	31	0.6
Other	174	4.3	264	4.8
Scottish	2088	51.5	2853	52.1
Welsh	12	0.3	19	0.3
Not Completed	1009	24.9	1301	23.7
Prefer Not to Answer	35	0.8	37	0.7
Total	-	100	-	100

Religion	2015		2016	
	Numbers	%	Numbers	%
Buddhist	11	0.27	19	0.35
Other Christian	541	13.34	665	12.13
Church of Scotland	666	16.42	838	15.28
Roman Catholic	177	4.36	292	5.33
Hindu	16	0.39	9	0.16
Humanist	22	0.54	39	0.71

Appendix 4.

Jewish	'Under 5'	0.05	'Under 5'	0.07
Muslim	41	1.01	38	0.69
None	1292	31.87	1931	35.23
Other Religion or Belief	27	0.67	32	0.58
Pagan	15	0.37	22	0.40
Sikh	'Under 5'	0.05	'Under 5'	0.04
Not Completed	874	21.56	1093	19.93
Prefer Not to Answer	369	9.10	499	9.10
Total	-	100	-	100

Sexual Orientation	2015		2016	
	Numbers	%	Numbers	%
Bisexual	10	0.2	16	0.3
Gay	37	0.9	57	1.0
Heterosexual/Straight	2444	60.3	3541	64.6
Lesbian	15	0.4	19	0.3
Other	0	0.0	0	0.00
Not Completed	1225	30.2	1435	26.2
Prefer Not to Answer	324	8.0	415	7.6
Total	-	100	-	100

Appendix 4.

Gender Identity*	2015		2016	
	Numbers	%	Numbers	%
Yes	'Under 5'	0.1	'Under 5'	0.0
No	2771	68.3	3851	70.3
Not Completed	1183	29.2	1532	27.9
Prefer Not to Answer	99	2.4	98	1.8
Total	-	100	-	100

* identifying as a transgender person or trans person.

Analysis:

Aberdeen City Council – Training 2015 and 2016 (employees who undertook a corporate training course)

Gender

In 2015, the majority who undertook training were female (74.2%) with the minority male (25.8%).

In 2016, the majority who undertook training were female (73.5%) with the minority male (26.5%). These 2016 proportions are similar to the proportions of female and male employees in the workforce (which are 68.8% and 31.2% respectively).

Age

In 2015, the largest proportion who undertook training were under the category 50-59 (29.2%), followed by 40-49 (25.3%) and then 30-39 (22.1%).

In 2016, the largest proportion who undertook training were under the category 50-59 (28.2%), followed by 40-49 (25.7%) and then 30-39 (21.6%). In relation to the workforce profile, the largest proportion of employees are in the 50-59 age band (28.2%), followed by the 40-49 band (23.3%) and then the 30-39 band (21.4%), which are similar to the 2016 proportions who undertook training.

Marital Status

In 2015, of those who declared their marital status, the largest proportion who underwent training were under the category of Married/Civil Partnership (45.3%), followed by Single (18.2%) and then Living with Partner (8.5%).

In 2016, of those who declared their marital status, the largest proportion who underwent training were under the category of Married/Civil Partnership (41.2%), followed by Single (17.7%) and then Living with Partner (8.3%).

Disability

In 2015, of those who declared whether they have a disability, a minority of those who undertook training were disabled (3.0%), whilst the majority were non-disabled (65.0%).

In 2016, of those who declared whether they had a disability, a minority of those who undertook training were disabled (3.2%), whilst the majority were non-disabled (69.7%). These 2016 proportions are both similar to the proportions who declared as disabled and non-disabled employees (which are 2.9% and 65.3% respectively).

Ethnicity

In 2015, of those who declared their ethnicity, a minority of those who undertook training were from an ethnic minority (2.9%) (i.e. non-white).

In 2016, of those who declared their ethnicity, a minority of those who undertook training were from an ethnic minority (2.8%) (i.e. non-white). This 2016 figure is a slightly higher figure compared to the proportion of employees who declared as being from an ethnic minority in the workforce (which is 2.2%).

Nationality

In 2015, of those who declared their nationality, the largest proportion of those who undertook training were under the category of Scottish (51.5%), followed by British (15.9%) and then Other (4.3%).

In 2016, of those who declared their nationality, the largest proportion of those who undertook training were under the category of Scottish (52.1%), followed by British (16.2%) and then Other (4.8%).

Religion

In 2015, of those who declared their religion, the largest proportion of those who undertook training were under the category of None (31.9%), followed by Church of Scotland (16.4%) and then Christian Other (13.3%).

In 2016, of those who declared their religion, the largest proportion of those who undertook training were under the category of None (35.2%), followed by Church of Scotland (15.3%) and then Christian Other (12.1%).

Sexual Orientation

In 2015, of those who declared their sexual orientation, a minority of those who undertook training were Bi-sexual, Gay or Lesbian (1.5% in total).

In 2016, of those who declared their sexual orientation, a minority of those who undertook training were Bi-sexual, Gay or Lesbian (1.6% in total). This 2016 figure is slightly above the proportion of those declaring their sexual orientation under these categories in the workforce (which is 1.1%).

Gender Identity (identifying as a transgender person or trans person)

In 2015, of those who declared their gender identity as a transgender person or trans person, a very small percentage undertook training.

In 2016, of those who declared their gender identity as a transgender person or trans person, a very small number undertook training.

ACC Leavers Data & Analysis**Data:****Leavers Information for the Council as a whole for period 2015 (01/01/15 – 31/12/15) and 2016 (01/01/16 – 31/12/16)**

	2015		2016	
Gender	Numbers	%	Numbers	%
Female	735	68.9	744	70.3
Male	332	31.1	314	29.7
Total	-	100	-	100

	2015		2016	
AGE	Numbers	%	Numbers	%
Under 20	7	0.6	14	1.3
20-29	244	22.9	263	24.8
30-39	253	23.7	236	22.3
40-49	176	16.5	149	14.1
50-59	163	15.3	189	17.9
60+	224	21.0	207	19.6
Total	-	100	-	100

	2015		2016	
Marital Status	Numbers	%	Numbers	%
Divorced	26	2.4	38	3.6
Separated	7	0.7	12	1.1
Living with Partner	68	6.4	60	5.7

Appendix 4.

Married/Civil Partnership	374	35.1	338	31.9
Single	172	16.1	170	16.1
Divorced/Separated	9	0.8	11	1.0
Widowed	16	1.5	13	1.2
Not Completed	355	33.3	393	37.2
Prefer Not to Answer	40	3.7	23	2.2
Total	-	100	-	100

Disability	2015		2016	
	Numbers	%	Numbers	%
Yes	32	3.0	28	2.6
No	481	45.1	567	53.7
Not Completed	427	40.0	356	33.6
Prefer Not to Answer	127	11.9	107	10.1
Total	-	100	-	100

Ethnicity	2015		2016	
	Numbers	%	Numbers	%
African	'Under 5'	0.19	'Under 5'	0.19
African - Other	'Under 5'	0.09	'Under 5'	0.19
Other - Arab	0	0.00	'Under 5'	0.38

Appendix 4.

Asian - Bangladeshi	0	0.00	0	0.00
Asian - Chinese	'Under 5'	0.19	'Under 5'	0.09
Asian - Indian	'Under 5'	0.19	6	0.57
Asian - Other	'Under 5'	0.19	'Under 5'	0.19
Asian - Pakistani	0	0.00	0	0.00
Black	0	0.00	0	0.00
Caribbean	0	0.00	0	0.00
Other Caribbean or Black	0	0.00	0	0.00
Mixed or Multiple	'Under 5'	0.19	5	0.47
Other	125	11.72	109	10.30
White - Polish	'Under 5'	0.19	6	0.57
White - Eastern European	10	0.94	7	0.66
White - Gypsy/Traveller	0	0.00	0	0.00
White - Irish	7	0.66	18	1.70
White -Other white ethnic group	10	0.94	19	1.80
White - Other British	58	5.44	65	6.14
White - Scottish	450	42.16	475	44.90
Not Completed	374	35.04	274	25.90
Prefer Not to Answer	20	1.87	63	5.95
Total	-	100	-	100

	2015		2016	
Nationality	Numbers	%	Numbers	%
British	113	10.6	131	12.4
English	25	2.3	22	2.1
Northern Irish	8	0.7	6	0.6
Other	40	3.8	68	6.4
Scottish	437	41.0	430	40.6
Welsh	'Under 5'	0.1	'Under 5'	0.3
Not Completed	440	41.2	392	37.0
Prefer Not to Answer	3	0.3	6	0.6
Total	-	100	-	100

	2015		2016	
Religion	Numbers	%	Numbers	%
Buddhist	'Under 5'	0.19	'Under 5'	0.38
Other Christian	107	10.03	115	10.87
Church of Scotland	139	13.03	138	13.04
Roman Catholic	52	4.87	54	5.10
Hindu	'Under 5'	0.19	5	0.47
Humanist	'Under 5'	0.28	6	0.57

Appendix 4.

Jewish	0	0.00	'Under 5'	0.09
Muslim	'Under 5'	0.19	'Under 5'	0.09
None	270	25.30	279	26.38
Other Religion or Belief	11	1.03	11	1.04
Pagan	'Under 5'	0.19	'Under 5'	0.19
Sikh	0	0.00	0	0.00
Not Completed	408	38.23	348	32.90
Prefer Not to Answer	69	6.47	94	8.88
Total	-	100	-	100

Sexual Orientation	2015		2016	
	Numbers	%	Numbers	%
Bisexual	'Under 5'	0.3	'Under 5'	0.2
Gay	'Under 5'	0.4	'Under 5'	0.4
Heterosexual/Straight	458	42.9	528	49.9
Lesbian	0	0.0	0	0.0
Other	0	0.0	0	0.0
Not Completed	540	50.6	446	42.1
Prefer Not to Answer	62	5.8	78	7.4
Total	-	100	-	100

Appendix 4.

Gender Identity*	2015		2016	
	Numbers	%	Numbers	%
Yes	0	0.0	0	0.0
No	583	54.6	621	58.7
Not Completed	462	43.3	417	39.4
Prefer Not to Answer	22	2.1	20	1.9
Total	-	100	-	100

* identifying as a transgender person or trans person

Analysis:

Aberdeen City Council – Leavers 2015 and 2016

Gender

In 2015, the majority of leavers were female (68.9%) with the minority male (31.1%).

In 2016, the majority of leavers were female (70.3%) with the minority male (29.7%). Compared to the composition of the workforce which is a 68.8% to 31.2% female to male split, these 2016 figures indicate similar proportions of leavers by gender.

Age

In 2015, the largest proportion of leavers was under the category 30-39 (23.7%), followed by 20-29 (22.9%) and then 40-49 (16.5%).

In 2016, the largest proportion of leavers was under the category 20-29 (24.8%), followed by 30-39 (22.3%) and then 60+ (19.6%). In relation to the workforce profile, the largest proportion of employees are in the 50-59 age band (28.2%), followed by the 40-49 band (23.3%) and then the 30-39 band (21.4%), indicating a difference compared to the 2016 leavers age profile.

Marital Status

In 2015, of those who declared their marital status, the largest proportion of leavers were under the category of Married/Civil Partnership (35.1%), followed by Single (16.1%) and then Living with Partner (6.4%).

In 2016, of those who declared their marital status, the largest proportion of leavers were under the category of Married/Civil Partnership (31.9%), followed by Single (16.1%) and then Living with Partner (5.7%).

Disability

In 2015, of those who declared whether they have a disability, a minority of leavers (3.0%) were disabled whilst the majority were non-disabled (45.1%).

In 2016, of those who declared whether they have a disability, a minority of leavers (2.6%) were disabled whilst the majority were non-disabled (53.7%). The proportion of disabled leavers in 2016 is therefore slightly lower compared to the proportion to those declaring as disabled in the workforce (i.e. 2.9%), with the proportion of non-disabled leavers in 2016 being lower to the proportion of those declaring as non-disabled in the workforce (the figure being 65.3%).

Ethnicity

In 2015, of those who declared their ethnicity, a minority of leavers (1.0%) were from an ethnic minority (i.e. non-white).

Appendix 4.

In 2016, of those who declared their ethnicity, a minority of leavers (2.1%) were from an ethnic minority (i.e. non-white). This 2016 figure is a lower proportion compared to the proportion of ethnic minority employees in the workforce (which is 2.2%).

Nationality

In 2015, of those who declared their nationality, the largest proportion of leavers were Scottish (41.0%) followed by British (10.6%) and then 'Other' (3.8%).

In 2016, of those who declared their nationality, the largest proportion of leavers were Scottish (40.6%) followed by British (12.4%) and then 'Other' (6.4%).

Religion

In 2015, of those who declared their religion, the largest proportion of leavers was under the category of 'None' (25.3%), followed by Church of Scotland (13.0%) and then Christian Other(10.0%).

In 2016, of those who declared their religion, the largest proportion of leavers was under the category of 'None' (26.4%), followed by Church of Scotland (13.0%) and then Christian Other (10.9%).

Sexual Orientation

In 2015, of those who declared their sexual orientation, a minority of leavers were from the categories of Bi-sexual, Gay or Lesbian (total of 0.7%).

In 2016, of those who declared their sexual orientation, a minority of leavers were from the categories of Bi-sexual, Gay or Lesbian (total of 0.6%). This 2016 figure is a lower proportion compared to those declaring their sexual orientation under these categories in the workforce (which is 1.1%).

Gender Identity (identifying as a transgender person or trans person)

In 2015, there were no leavers who identified as a transgender or trans person.

In 2016, there were no leavers who identified as a transgender or trans person.

ACC Discipline Data & Analysis

Disciplinary information for the Council as a whole for period 2015 (01/01/15-31/12/15) and 2016 (01/01/16-31/12/16)

Gender	2015		2016	
	No	(%)	No	(%)
Female	28	22.6	44	29.7
Male	96	77.4	104	70.3
Total	-	100	-	100

Age	2015		2016	
	No	(%)	No	(%)
Under 20	0	0.0	5	3.4
20-29	14	11.3	23	15.5
30-39	23	18.5	33	22.3
40-49	21	16.9	38	25.7
50-59	42	33.9	36	24.3
60+	24	19.4	13	8.8
Total	-	100	-	100

Marital Status	2015		2016	
	No	(%)	No	(%)
Divorced/Separated	11	8.9	7	4.7
Living with Partner	7	5.6	'Under 5'	1.3
Married/Civil Partnership	40	32.3	45	30.4
Single	22	17.7	26	17.6
Widowed	'Under 5'	0.8	0	0.0

Appendix 4.

Not Completed	35	28.2	59	39.9
Prefer Not to Answer	8	6.5	9	6.1
Total	-	100	-	100.0

Disability	2015		2016	
	No	(%)	No	(%)
Yes	10	8.1	14	9.5
No	67	54.0	69	46.6
Not Completed	35	28.2	46	31.1
Prefer Not to Answer	12	9.7	19	12.8
Total	-	100	-	100

Ethnicity	2015		2016	
	No	(%)	No	(%)
Arab	0	0.0	0	0.0
African	0	0.0	0	0.0
African- Other	0	0.0	'Under 5'	0.7
Arab- Other	0	0.0	'Under 5'	0.7
Asian- Bangladeshi	0	0.0	0	0.0
Asian- Chinese	0	0.0	0	0.0
Asian- Indian	0	0.0	'Under 5'	0.7
Asian- Other	0	0.0	0	0.0
Asian- Pakistani	0	0.0	0	0.0
Black	0	0.0	0	0.0
Caribbean	0	0.0	0	0.0
Other Caribbean or Black	0	0.0	0	0.0
Mixed or Multiple	0	0.0	0	0.0

Appendix 4.

Other	23	18.5	16	10.8
White- Eastern European	5	4.0	0	0.0
White- Gypsy/Traveller	0	0.0	0	0.0
White- Irish	0	0.0	0	0.0
White- Other white ethnic group	0	0.0	'Under 5'	2.0
White- Other British	'Under 5'	3.2	8	5.4
White- Scottish	56	45.2	75	50.7
Not Completed	25	20.2	16	10.8
Prefer Not to Answer	11	8.9	27	18.2
Total	-	100	-	100

National Identity	2015		2016	
	No	(%)	No	(%)
British	17	13.7	8	5.4
English	0	0.0	6	4.0
Northern Irish	0	0.0	0	0.0
Other	6	4.8	9	6.1
Scottish	47	37.9	76	51.4
Welsh	0	0.0	0	0.0
Not Completed	51	41.2	48	32.4
Prefer Not to Answer	3	2.4	1	0.7
Total	-	100	-	100

Religion	2015		2016	
	No	(%)	No	(%)
Buddhist	0	0.0	0	0.0
Christian Other	6	4.8	8	5.4
Church of Scotland	20	16.1	10	6.8
Roman Catholic	6	4.8	'Under 5'	2.7
Hindu	0	0.0	'Under 5'	0.7
Humanist	0	0.0	'Under 5'	0.7
Jewish	0	0.0	0	0.0
Muslim	'Under 5'	0.8	'Under 5'	0.7
None	37	29.9	52	35.1
Other	6	4.8	'Under 5'	1.4
Pagan	0	0.0	'Under 5'	0.7
Sikh	0	0.0	0	0.0
Not Completed	35	28.3	49	33.1
Prefer Not to Answer	13	10.5	19	12.8
Total	-	100	-	100

Sexual Orientation	2015		2016	
	No	(%)	No	(%)
Bi Sexual	0	0.0	'Under 5'	0.7
Gay	'Under 5'	0.8	'Under 5'	0.7
Heterosexual/Straight	68	54.8	77	52.0
Lesbian	0	0.0	0	0.0
Not Completed	44	35.5	57	38.5
Prefer Not to Answer	11	8.9	12	8.1
Total	-	100	-	100

Appendix 4.

Gender Identity *	2015		2016	
	No	(%)	No	(%)
Yes	'Under 5'	1.6	0	0.0
No	65	52.5	93	62.8
Not Completed	53	42.7	53	35.8
Prefer Not to Answer	4	3.2	2	1.4
Total	-	100	-	100

Analysis:

Aberdeen City Council – Discipline cases 2015 and 2016

Gender

In 2015, the majority of discipline cases involved male employees (77.4%) with the minority involving female employees (22.6%).

In 2016, the majority of discipline cases involved male employees (70.3%) with the minority involving female employees (29.7%). These 2016 figures differ to the proportions of male and female employees in the workforce (which are 31.2% and 68.8% respectively).

Age

In 2015, the largest proportion of discipline cases involved employees under the category 50-59 (33.9%), followed by 60+ (19.4%) and then 30-39 (18.5%).

In 2016, the largest proportion of discipline cases involved employees under the category 40-49 (25.7%), followed by the 50-59 (24.3%) and then 30-39 (22.3%). In relation to the workforce profile, the largest proportion of employees are in the 50-59 age band (28.2%), followed by the 40-49 band (23.3%) and then the 30-39 band (21.4%), indicating a difference compared to the 2016 age profile of those involved in discipline cases.

Marital Status

In 2015, of those who declared their marital status, the largest proportion of discipline cases involved employees under the category of Married/Civil Partnership (32.3%), followed by Single (17.7%) and then Divorced/Separated (8.9%).

In 2016, of those who declared their marital status, the largest proportion of discipline cases involved employees under the category of Married/Civil Partnership (30.4%), followed by Single (17.6%) and then Divorced/Separated (4.7%).

Disability

In 2015, of those who declared whether they have a disability, a minority of employees involved in discipline cases were disabled (8.1%) whilst the majority were non-disabled (54.0%).

In 2016, of those who declared whether they have a disability, a minority of employees involved in discipline cases were disabled (9.5%) whilst the majority were non-disabled (46.6%). The 2016 figures disabled figure differs to the proportions of disabled employees in the workforce (which is 2.9%) with the figure for non-disabled also being lower compared to the proportion of non-disabled in the workforce.

Ethnicity

In 2015, of those who declared their ethnicity, there were no employees involved in discipline cases were from an ethnic minority (i.e. non-white).

In 2016, of those who declared their ethnicity, a minority of employees involved in discipline cases were from an ethnic minority (2.1%) (i.e. non-white). This 2016 figure is similar to the proportion of ethnic minority employees in the workforce (which is 2.2%).

Nationality

In 2015, of those who declared their nationality, the largest proportion of discipline cases involved employees under the category of Scottish (37.9%), followed by British (13.7%) and then Other (4.8%).

In 2016, of those who declared their nationality, the largest proportion of discipline cases involved employees under the category of Scottish (51.4%), followed by Other (6.1%) then British (5.4%).

Religion

In 2015, of those who declared their religion, the largest proportion of discipline cases involved employees under the category of None (29.9%), followed by Church of Scotland (16.1%) and then Christian Other, Roman Catholic and Other which each had the same proportion(i.e.4.8%).

In 2016, of those who declared their religion, the largest proportion of discipline cases involved employees under the category of None (35.1%), followed by Church of Scotland (6.8%) and then Christian Other (5.4%).

Sexual Orientation

In 2015, of those who declared their sexual orientation, a minority of employees involved in discipline cases were Bisexual, Gay or Lesbian (0.8% in total).

In 2016, of those who declared their sexual orientation, a minority of employees involved in discipline cases were Bi-sexual, Gay or Lesbian (1.4% in total). This 2016 figure is a similar proportion to the proportion of Bi-sexual, Gay or Lesbian employees in the workforce (which is 1.1%).

Gender Identity

In 2015, of those who declared as a trans gender or trans person, there were a very small proportion of employees involved in discipline cases were under these categories.

In 2016, of those who declared as a trans gender or trans person, no employees involved in discipline cases were under these categories.

ACC Grievance Data & Analysis

Data:

Grievance information for the Council as a whole for period 2015 (01/01/15-31/12/15) and 2016 (01/01/16-31/12/16)

Gender	2015		2016	
	No	(%)	No	(%)
Female	9	64.3	9	45.0
Male	5	35.7	11	55.0
Total	-	100	-	100

Age	2015		2016	
	No	(%)	No	(%)
Under 20	0	0.0	0	0.0
20-29	0	0.0	0	0.0
30-39	'Under 5'	21.4	5	25.0
40-49	6	42.9	'Under 5'	5.0
50-59	'Under 5'	21.4	13	65.0
60+	'Under 5'	14.3	'Under 5'	5.0
Total	-	100	-	100

Marital Status	2015		2016	
	No	(%)	No	(%)
Divorced/Separated	0	0.0	8	40.0
Living with Partner	'Under 5'	14.3	0	0.0
Married/Civil Partnership	8	57.2	10	50.0
Single	'Under 5'	14.3	0	0.0
Widowed	0	0.0	0	0.0

Appendix 4.

Not Completed	1	7.1	1	5.0
Prefer Not to Answer	1	7.1	1	5.0
Total	-	100	-	100

Disability	2015		2016	
	No	(%)	No	(%)
Yes	'Under 5'	13.3	'Under 5'	10.0
No	11	73.3	15	75.0
Not Completed	0	0.0	2	10.0
Prefer Not to Answer	1	13.3	1	5.0
Total	-	100	-	100

Ethnicity	2015		2016	
	No	(%)	No	(%)
Arab	0	0.0	0	0.0
African	0	0.0	0	0.0
African- Other	0	0.0	0	0.0
Arab- Other	0	0.0	'Under 5'	5.0
Asian- Bangladeshi	0	0.0	0	0.0
Asian- Chinese	0	0.0	0	0.0
Asian- Indian	0	0.0	0	0.0
Asian- Other	0	0.0	0	0.0
Asian- Pakistani	0	0.0	0	0.0
Black	0	0.0	0	0.0
Caribbean	0	0.0	0	0.0
Other Caribbean or Black	0	0.0	0	0.0
Mixed or Multiple	0	0.0	0	0.0

Appendix 4.

Other	'Under 5'	14.3	'Under 5'	20.0
White- Eastern European	0	0.0	'Under 5'	5.0
White- Gypsy/Traveller	0	0.0	0	0.0
White- Irish	0	0.0	0	0.0
White- Other white ethnic group	0	0.0	0	0.0
White- Other British	'Under 5'	7.1	'Under 5'	5.0
White- Scottish	11	78.6	13	65.0
Not Completed	0	0.0	0	0.0
Prefer Not to Answer	0	0.0	0	0.0
Total	-	100	-	100

National Identity	2015		2016	
	No	(%)	No	(%)
British	'Under 5'	14.3	'Under 5'	10.0
English	0	0.0	0	0.0
Northern Irish	0	0.0	0	0.0
Other	0	0.0	'Under 5'	10.0
Scottish	10	71.4	12	60.0
Welsh	0	0.0	0	0.0
Not Completed	2	14.3	3	15.0
Prefer Not to Answer	0	0.0	1	5.0
Total	-	100	-	100

Religion	2015		2016	
	No	(%)	No	(%)
Buddhist	0	0.0	0	0.0
Christian Other	0	0.0	6	30.0
Church of Scotland	'Under 5'	7.1	5	25.0
Roman Catholic	0	0.0	0	0.0
Hindu	0	0.0	0	0.0
Humanist	0	0.0	0	0.0
Jewish	0	0.0	0	0.0
Muslim	0	0.0	0	0.0
None	5	35.7	6	30.0
Other	5	35.7	0	0.0
Pagan	0	0.0	0	0.0
Sikh	0	0.0	0	0.0
Not Completed	1	7.1	2	10.0
Prefer Not to Answer	2	14.4	1	5.0
Total	-	100	-	100

Sexual Orientation	2015		2016	
	No	(%)	No	(%)
Bi Sexual	0	0.0	0	0.0
Gay	0	0.0	0	0.0
Heterosexual/Straight	10	71.5	14	70.0
Lesbian	0	0.0	'Under 5'	5.0
Not Completed	3	21.4	2	10.0
Prefer Not to Answer	1	7.1	3	15.0
Total	-	100	-	100

Appendix 4.

Gender Identity *	2015		2016	
	No	(%)	No	(%)
Yes	0	0.0	0	0.0
No	9	64.3	15	75.0
Not Completed	4	28.6	4	20.0
Prefer Not to Answer	1	7.1	1	5.0
Total	-	100	-	100

Analysis:

Aberdeen City Council – Grievance cases 2015 and 2016

Gender

In 2015, the majority of grievance cases involved female employees (64.3%) with the minority involving male employees (35.7%).

In 2016, the majority of grievance cases involved male employees (55.0%) with the minority involving female employees (45.0%). These 2016 figures differ to the proportions of male and female employees in the workforce (which are 31.2% and 68.8% respectively).

Age

In 2015, the largest proportion of grievance cases involved employees under the category 40-49 (42.9%), followed by 30-39 and 50-59 which each had an equal proportion (i.e. 21.4%).

In 2016, the largest proportion of grievance cases involved employees under the category 50-59 (65.0%), followed by the 30-39 (25.0%) and then 40-49 and 60+ which had an equal proportion (i.e. 5.0%). In relation to the workforce profile, the largest proportion of employees are in the 50-59 age band (28.2%), followed by the 40-49 band (23.3%) and then the 30-39 band (21.4%), indicating a difference compared to the 2016 age profile of those involved in grievance cases.

Marital Status

In 2015, of those who declared their marital status, the largest proportion of grievance cases involved employees under the category of Married/Civil Partnership (57.2%), followed by Single and Living with Partner which each had an equal proportion (i.e. 14.3%).

In 2016, of those who declared their marital status, the largest proportion of grievance cases involved employees under the category of Married/Civil Partnership (50.0%), followed by Divorced/Separated (40.0%).

Disability

In 2015, of those who declared whether they have a disability, a minority of employees involved in grievance cases were disabled (13.3%) whilst the majority were non-disabled (73.3%).

In 2016, of those who declared whether they have a disability, a minority of employees involved in grievance cases were disabled (10.0%) whilst the majority were non-disabled (75.0%). These 2016 figures differ to the proportions of disabled and non-disabled employees in the workforce (which are 2.9% and 65.3% respectively).

Ethnicity

In 2015, of those who declared their ethnicity, there were no employees involved in grievance cases who were from an ethnic minority (i.e. non-white).

In 2016, of those who declared their ethnicity, a minority of employees involved in grievance cases were from an ethnic minority (5.0%) (i.e. non-white). This 2016 figure differs to the proportion of ethnic minority employees in the workforce (which is 2.2%).

Nationality

In 2015, of those who declared their nationality, the largest proportion of grievance cases involved employees under the category of Scottish (71.4%), followed by British (14.3%).

In 2016, of those who declared their nationality, the largest proportion of grievance cases involved employees under the category of Scottish (60.0%), followed by British and Other which had an equal proportion (i.e. 10%).

Religion

In 2015, of those who declared their religion, the largest proportion of grievance cases involved employees under the category of Other and None which had an equal proportion (i.e. 35.7%), followed by Church of Scotland (7.1%).

In 2016, of those who declared their religion, the largest proportion of grievance cases involved employees under the category of None and Christian Other which both had the same proportion (i.e. 30.0%), followed by Church of Scotland (25.0%).

Sexual Orientation

In 2015, of those who declared their sexual orientation, there were no employees involved in grievance cases who were Bisexual, Gay or Lesbian.

In 2016, of those who declared their sexual orientation, a minority of employees involved in grievance cases were Bisexual, Gay or Lesbian (5.0%). This 2016 figure differs to the proportion of Bisexual, Gay or Lesbian employees in the workforce (which is 1.1%).

Gender Identity

In 2015, of those who declared as a trans gender or trans person, no employees involved in grievance cases were under these categories.

In 2016, of those who declared as a trans gender or trans person, no employees involved in grievance cases were under these categories.

Education Workforce Composition Data & Analysis

Education Authority Workforce - composition of employees (at January 2016 (for calendar year 2015) and at January 2017 (for calendar year 2016))

Employees in Post by Gender

Gender	2015		2016	
	Numbers	%	Numbers	%
Female	3029	85.5	3030	85.5
Male	512	14.5	513	14.5
Total	-	100	-	100

Employees in Post by Age

AGE	2015		2016	
	Numbers	%	Numbers	%
Under 20	6	0.2	'Under 5'	0.1
20-29	584	16.5	564	15.9
30-39	806	22.8	813	22.9
40-49	865	24.4	863	24.4
50-59	935	26.4	938	26.5
60+	345	9.7	361	10.2
Total	-	100	-	100

Employees in Post by Marital Status

Marital Status	2015		2016	
	Numbers	%	Numbers	%
Divorced	110	3.1	110	3.1
Separated	50	1.4	49	1.4
Living with Partner	166	4.7	165	4.7
Married/Civil Partnership	1490	42.2	1501	42.4
Single	479	13.5	478	13.5
Divorced/Separated	15	0.4	15	0.4
Widowed	42	1.2	42	1.2
Not Completed	1074	30.3	1068	30.1
Prefer Not to Answer	115	3.2	115	3.2
Total	-	100	-	100

Employees in Post by Disability

Disability	2015		2016	
	Numbers	%	Numbers	%
Yes	67	1.9	68	1.9
No	2334	65.9	2376	67.0
Not Completed	835	23.6	796	22.5
Prefer Not to Answer	305	8.6	303	8.6
Total	-	100	-	100

Employees in Post by Ethnicity

Ethnicity	2015		2016	
	Numbers	%	Numbers	%
African	'Under 5'	0.06	'Under 5'	0.06
African - Other	'Under 5'	0.03	'Under 5'	0.03
Other - Arab	9	0.25	'Under 5'	0.11
Asian -Bangladeshi	'Under 5'	0.06	'Under 5'	0.06
Asian - Chinese	5	0.14	7	0.20
Asian - Indian	5	0.14	6	0.17
Asian - Other	'Under 5'	0.11	9	0.25
Asian - Pakistani	'Under 5'	0.11	'Under 5'	0.11
Black	0	0.00	0	0.00
Caribbean	0	0.00	0	0.00
Other Caribbean or Black	'Under 5'	0.03	'Under 5'	0.03
Mixed or Multiple	14	0.40	14	0.40
Other	367	10.36	365	10.30
White - Polish	10	0.28	11	0.31
White - Eastern European	14	0.40	14	0.40
White - Gypsy/Traveller	'Under 5'	0.03	'Under 5'	0.03
White - Irish	53	1.50	54	1.52
White -Other white ethnic group	51	1.44	52	1.47
White - Other British	193	5.45	199	5.62
White - Scottish	2012	56.81	2044	57.68

Appendix 4.

Not Completed	741	20.93	702	19.81
Prefer Not to Answer	52	1.47	51	1.44
Total	-	100	-	100

Employees in Post by Nationality

Nationality	2015		2016	
	Numbers	%	Numbers	%
British	498	14.1	514	14.5
English	68	1.9	67	1.9
Northern Irish	21	0.6	23	0.6
Other	140	4.0	144	4.1
Scottish	1835	51.7	1856	52.4
Welsh	7	0.2	7	0.2
Not Completed	938	26.5	899	25.4
Prefer Not to Answer	34	1.0	33	0.9
Total	-	100	-	100

Employees in Post by Religion

Religion	2015		2016	
	Numbers	%	Numbers	%
Buddhist	12	0.34	12	0.34
Other Christian	422	11.92	428	12.08
Church of Scotland	716	20.22	718	20.27
Roman Catholic	208	5.87	211	5.96
Hindu	5	0.14	5	0.14
Humanist	14	0.40	16	0.45
Jewish	'Under 5'	0.03	'Under 5'	0.03
Muslim	16	0.45	16	0.45
None	1007	28.43	1034	29.18
Other Religion or Belief	26	0.73	26	0.73
Pagan	12	0.34	11	0.31
Sikh	0	0.00	0	0.00
Not Completed	815	23.02	777	21.93
Prefer Not to Answer	287	8.11	288	8.13
Total	-	100	-	100

Employees in Post by Sexual Orientation

Sexual Orientation	2015		2016	
	Numbers	%	Numbers	%
Bisexual	6	0.2	6	0.2
Gay	17	0.5	17	0.5
Heterosexual/Straight	2157	60.9	2197	62.0
Lesbian	8	0.2	8	0.2
Other	0	0.0	0	0.0
Not Completed	1078	30.4	1039	29.3
Prefer Not to Answer	275	7.8	276	7.8
Total	-	100	-	100

Employees in Post by Gender Identity

Gender Identity*	2015		2016	
	Numbers	%	Numbers	%
Yes	'Under 5'	0.1	'Under 5'	0.0
No	2429	68.6	2473	69.8
Not Completed	1018	28.7	978	27.6
Prefer Not to Answer	93	2.6	91	2.6
Total	-	100	-	100

* identifying as a transgender person or trans person

Analysis:

Education Authority – Composition of employees (at January 2016, for year 2015 and at January 2017, for year 2016)

Employees in post by Gender

In 2015, the majority of employees in the Education Authority are female (85.5%) with the minority male (14.5%). The Census 2011 figures for the Aberdeen City population aged between 16 and 64 were 50.5% male and 49.5% female indicating a difference in the gender make-up of the local working age population compared to the Education Authority's workforce.

In 2016, the majority of employees in the Education Authority are female (85.5%) with the minority male (14.5%). The Census 2011 figures for the Aberdeen City population aged between 16 and 64 were 50.5% male and 49.5% female indicating a difference in the gender make-up of the local working age population compared to the Education Authority's workforce.

Employees in post by Age

In 2015, the largest proportion of employees are in the 50-59 age band (26.4%) followed by the 40-49 (24.4%). The smallest proportion of employees is in the under 20 age band (0.2%) followed by the 20-29 (16.5%). This indicates that the majority of the Education Authority's employees are aged 40 or over.

In 2016, the largest proportion of employees are in the 50-59 age band (26.5%) followed by the 40-49 (24.4%). The smallest proportion of employees is in the under 20 age band (0.1%) followed by 60+ (10.2%). This indicates that the majority of the Education Authority's employees are aged 40 or over.

Employees in post by Marital Status

In 2015, the largest proportion of employees are in the Married/Civil Partnership category (42.2%) followed by Single (13.5%). The smallest proportion of employees is in the Divorced/Separated category (0.4%). It should be noted that 33.5% of employees either did not complete the form or indicated that they preferred not to answer the question.

In 2016, the largest proportion of employees are in the Married/Civil Partnership category (42.4%) followed by Single (13.5%). The smallest proportion of employees is in the Divorced/Separated category (0.4%). It should be noted that 33.3% of employees either did not complete the form or indicated that they preferred not to answer the question.

Employees in post by Disability

In 2015, a minority of employees declared that they have a disability (1.9%) whilst the majority declared that they were non-disabled (65.9%). It should be noted that 32.2% of employees either did not complete the form or indicated that they preferred not to answer the question. The Census 2011 figures for the Aberdeen City population aged between 16 and 64 shows that 4.6% had a long term health problem or disability that limited them a lot in day-to-day activities, indicating a difference compared to the percentage of disabled employees in the Education Authority's workforce.

In 2016, a minority of employees declared that they have a disability (1.9%) whilst the majority declared that they were non-disabled (67.0%). It should be noted that 31.1% of employees either did not complete the form or indicated that they preferred not to answer the question. The Census 2011 figures for the Aberdeen City population aged between 16 and 64 shows that 4.6% had a long term health problem or disability that limited them a lot in day-to-day activities, indicating a difference compared to the percentage of disabled employees in the Education Authority's workforce.

Employees in post by Ethnicity

In 2015, a minority of employees declared that they are from an ethnic minority (1.3%) (i.e. non-white). It should be noted that 22.4% of employees either did not complete the form or indicated that they preferred not to answer the question. The Census 2011 figures for the Aberdeen City population aged between 16 and 64 shows that 8.5% were from an ethnic minority (i.e. non-white), indicating a difference compared to the percentage of ethnic minority employees (i.e. non-white) in the Education Authority's workforce.

In 2016, a minority of employees declared that they are from an ethnic minority (1.4%) (i.e. non-white). It should be noted that 21.3% of employees either did not complete the form or indicated that they preferred not to answer the question. The Census 2011 figures for the Aberdeen City population aged between 16 and 64 shows that 8.5% were from an ethnic minority (i.e. non-white), indicating a difference compared to the percentage of ethnic minority employees (i.e. non-white) in the Education Authority's workforce.

Employees in post by Nationality

In 2015, the largest proportion of employees who declared their nationality are Scottish (51.7%) followed by British (14.1%) and then Other (4.0%). The smallest proportion are Welsh (0.2%) followed by Northern Irish (0.6%). It should be noted that 27.5% of employees either did not complete the form or indicated that they preferred not to answer the question.

In 2016, the largest proportion of employees who declared their nationality are Scottish (52.4%) followed by British (14.5%) and then Other (4.1%). The smallest proportion are Welsh (0.2%) followed by Northern Irish (0.6%). It should be noted that 26.3% of

employees either did not complete the form or indicated that they preferred not to answer the question.

Employees in post by Religion

In 2015, the largest proportion of employees who declared their religion indicated this as None (28.4%) followed by Church of Scotland (20.2%) and Christian Other (11.9%). The various other religions declared had relatively small proportions of employees under each category. It should be noted that 31.1% of employees either did not complete the form or indicated that they preferred not to answer the question.

In 2016, the largest proportion of employees who declared their religion indicated this as None (29.2%) followed by Church of Scotland (20.3%) and Christian Other (12.1%). The various other religions declared had relatively small proportions of employees under each category. It should be noted that 30.1% of employees either did not complete the form or indicated that they preferred not to answer the question.

Employees in post by Sexual Orientation

In 2015, a minority of employees declared as Bi sexual, Gay or Lesbian (total of 0.9%) with a majority of employees declaring as Heterosexual/Straight (60.9%). It should be noted that 38.2% of employees either did not complete the form or indicated that they preferred not to answer the question.

In 2016, a minority of employees declared as Bi sexual, Gay or Lesbian (total of 0.9%) with a majority of employees declaring as Heterosexual/Straight (62.0%). It should be noted that 37.1% of employees either did not complete the form or indicated that they preferred not to answer the question.

Employees in post by Gender Identity (identifying as a transgender person or trans person)

In 2015, a small minority of employees declared as a transgender or trans person (0.1%) with the majority (68.6%) answering 'no' to this question. It should be noted that 31.3% of employees either did not complete the form or indicated that they preferred not to answer the question.

In 2016, a very small minority of employees declared as a transgender or trans person with the majority (69.8%) answering 'no' to this question. It should be noted that 30.2% of employees either did not complete the form or indicated that they preferred not to answer the question.

Maternity cases

The number of maternity cases in the Education Authority that commenced in calendar year 2015 was 89, of which 74 (83.1%) returned to work and 15 (16.9%) left. The number of maternity cases that commenced in calendar year 2016 was 81. It is too early to identify returners and leavers for that year with many still on maternity leave.

Education Recruitment Data & Analysis

Data:

Recruitment information for the Education Authority for period 2015 (01/01/15-31/12/15) and 2016 (01/01/16-31/12/16)

Gender	2015				2016			
	Applicants for Employment		Successful Applicants		Applicants for Employment		Successful Applicants	
	Numbers	%	Numbers	%	Numbers	%	Numbers	%
Female	4344	81.8	398	83.6	10503	81.8	528	82.3
Male	846	15.9	57	12.0	2198	17.1	105	16.4
Prefer Not to Answer	122	2.3	21	4.4	135	1.1	8	1.3
Total	-	100	-	100	-	100	-	100

Age	2015				2016			
	Applicants for Employment		Successful Applicants		Applicants for Employment		Successful Applicants	
	Numbers	%	Numbers	%	Numbers	%	Numbers	%
Under 20	43	0.8	'Under 5'	0.2	212	1.7	6	0.9
20-29	1986	37.4	214	45.0	4582	35.7	207	32.4
30-39	1603	30.2	122	25.6	3764	29.3	188	29.3
40-49	1093	20.6	90	18.9	2552	19.9	132	20.6
50-59	375	7.0	30	6.3	1287	10.0	81	12.6

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60+	51	1.0	'Under 5'	0.4	210	1.6	15	2.3
Not Completed	161	3.0	17	3.6	229	1.8	12	1.9
Total	-	100	-	100	-	100	-	100

Marital Status	2015				2016			
	Applicants for Employment		Successful Applicants		Applicants for Employment		Successful Applicants	
	Number s	%	Number s	%	Number s	%	Number s	%
Divorced	210	4.0	12	2.5	529	4.1	22	3.4
Separated	82	1.5	'Under 5'	0.8	254	2.0	10	1.6
Living with Partner	862	16.2	62	13.0	2016	15.7	93	14.5
Married/Civil Partnership	1988	37.4	170	35.7	4804	37.4	275	42.9
Single	1948	36.7	201	42.3	4880	38.0	223	34.8
Widowed	15	0.3	'Under 5'	0.2	68	0.5	5	0.8
Not Completed	113	2.1	19	4.0	123	1.0	8	1.2
Prefer Not to Answer	94	1.8	7	1.5	162	1.3	5	0.8
Total	-	100	-	100	-	100	-	100

Disability	2015				2016			
	Applicants for Employment		Successful Applicants		Applicants for Employment		Successful Applicants	
	Numbers	%	Numbers	%	Numbers	%	Numbers	%
Yes	139	2.6	9	1.9	12160	94.7	17	2.7
No	4987	93.9	443	93.1	430	3.3	612	95.4
Not Completed	118	2.2	19	4.0	111	0.9	7	1.1
Prefer Not to Answer	68	1.3	5	1.0	135	1.1	5	0.8
Total	-	100	-	100	-	100	-	100

Ethnicity	2015				2016			
	Applicants for Employment		Successful Applicants		Applicants for Employment		Successful Applicants	
	Numbers	%	Numbers	%	Numbers	%	Numbers	%
African	36	0.68	0	0.00	96	0.75	'Under 5'	0.47
African - Other	53	1.00	0	0.00	209	1.63	'Under 5'	0.16
Other - Arab	29	0.55	'Under 5'	0.42	40	0.31	'Under 5'	0.16
Asian - Bangladeshi	21	0.40	'Under 5'	0.21	35	0.27	'Under 5'	0.31
Asian - Chinese	25	0.47	'Under 5'	0.42	59	0.46	'Under 5'	0.62
Asian - Indian	79	1.49	'Under 5'	0.42	296	2.31	'Under 5'	0.47
Asian - Other	65	1.22	'Under	0.21	146	1.14	'Under	0.47

Appendix 4.

			5'				5'	
Asian - Pakistani	47	0.88	'Under 5'	0.42	116	0.90	'Under 5'	0.16
Black	6	0.11	0	0.00	63	0.49	'Under 5'	0.16
Caribbean	7	0.13	0	0.00	14	0.11	0	0.00
Other Caribbean or Black	10	0.19	0	0.00	43	0.33	'Under 5'	0.31
Mixed or Multiple	50	0.94	6	1.26	144	1.12	9	1.40
Other	0	0.00	0	0.00	0	0.00	0	0.00
White - Polish	211	3.97	6	1.26	429	3.34	7	1.09
White - Eastern European	127	2.39	'Under 5'	0.63	261	2.03	'Under 5'	0.47
White - Gypsy/Traveller	0	0.00	0	0.00	'Under 5'	0.03	0	0.00
White - Irish	106	2.00	25	5.25	152	1.18	13	2.03
White -Other white ethnic group	497	9.36	19	3.99	1050	8.19	32	4.99
White - Other British	409	7.70	41	8.61	1008	7.85	66	10.30
White - Scottish	3251	61.19	342	71.86	8218	64.03	473	73.78
Not Completed	189	3.56	21	4.41	298	2.32	12	1.87
Prefer Not to Answer	94	1.77	3	0.63	155	1.21	5	0.78
Total	-	100	-	100	-	100	-	100

Nationality	2015				2016			
	Applicants for Employment		Successful Applicants		Applicants for Employment		Successful Applicants	
	Numbers	%	Numbers	%	Numbers	%	Numbers	%
British	1070	20.1	115	24.1	2692	21.0	144	22.5
English	110	2.1	7	1.5	291	2.3	13	2.0
Northern Irish	43	0.8	8	1.7	65	0.5	7	1.1
Other	0	0.0	0	0.0	0	0.0	0	0.0
Scottish	2702	50.9	266	55.9	6934	53.9	392	61.2
Welsh	9	0.2	'Under 5'	0.2	7	0.1	0	0.0
Not Completed	1325	24.9	76	16.0	2680	20.9	77	12.0
Prefer Not to Answer	53	1.0	3	0.6	167	1.3	8	1.2
Total	-	100	-	100	-	100	-	100

Religion	2015				2016			
	Applicants for Employment		Successful Applicants		Applicants for Employment		Successful Applicants	
	Number s	%	Number s	%	Number s	%	Number s	%
Buddhist	27	0.51	'Under 5'	0.42	38	0.30	0	0.00
Other Christian	592	11.14	47	9.87	1479	11.52	64	9.98

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Church of Scotland	762	14.33	97	20.38	1821	14.19	125	19.50
Roman Catholic	600	11.30	53	11.13	1333	10.38	45	7.02
Hindu	63	1.19	'Under 5'	0.21	206	1.60	0	0.00
Humanist	12	0.23	'Under 5'	0.21	203	1.58	9	1.40
Jewish	'Under 5'	0.04	0	0.00	18	0.14	'Under 5'	0.47
Muslim	106	2.00	5	1.05	250	1.95	'Under 5'	0.62
None	2432	45.77	198	41.61	6266	48.83	317	49.46
Other Religion or Belief	95	1.79	5	1.05	139	1.08	6	0.94
Pagan	6	0.11	0	0.00	16	0.12	'Under 5'	0.31
Sikh	'Under 5'	0.08	0	0.00	'Under 5'	0.02	0	0.00
Not Completed	276	5.20	35	7.35	356	2.77	18	2.81
Prefer Not to Answer	335	6.31	32	6.72	709	5.52	48	7.49
Total	-	100	-	100	-	100	-	100

Sexual Orientation	2015				2016			
	Applicants for Employment		Successful Applicants		Applicants for Employment		Successful Applicants	
	Number s	%	Number s	%	Number s	%	Number s	%
Bisexual	37	0.7	0	0.0	138	1.1	'Under 5'	0.6
Gay	42	0.8	'Under 5'	0.8	186	1.4	13	2.0
Heterosexual/Straight	4827	90.9	422	88.7	11724	91.3	585	91.3
Lesbian	26	0.5	'Under 5'	0.2	47	0.4	6	0.9
Other	11	0.2	0	0.0	45	0.4	0	0.0
Not Completed	144	2.7	22	4.6	196	1.5	9	1.4
Prefer Not to Answer	225	4.2	27	5.7	500	3.9	24	3.8
Total	-	100	-	100	-	100	-	100

Gender Identity *	2015				2016			
	Applicants for Employment		Successful Applicants		Applicants for Employment		Successful Applicants	
	Numbers	%	Numbers	%	Numbers	%	Numbers	%
Yes	6	0.1	0	0.0	25	0.2	0	0.0
No	5154	97.0	453	95.2	12623	98.3	632	98.6
Not Completed	112	2.1	19	4.0	124	1.0	7	1.1
Prefer Not to Answer	40	0.8	4	0.8	64	0.5	2	0.3
Total	-	100	-	100	-	100	-	100

* identifying as a transgender person or trans person

Analysis:

Education Authority – Recruitment 2015 and 2016

Gender

In 2015, the majority of both applicants for employment and successful applicants were female (81.8% and 83.6% respectively), with the minority male (15.9% and 12.0% respectively).

In 2016, the majority of both applicants for employment and successful applicants were female (81.8% and 82.3% respectively), with the minority male (17.1% and 16.4% respectively). The 2016 proportions of female to male applicants for employment and successful applicants are similar compared to the proportions of female and male employees in the Education Authority workforce (these being 85.5% to 14.5% female to male).

Age

In 2015, the largest proportion of applicants for employment and successful applicants were under the category of 20-29 (37.4% and 45.0% respectively), followed by 30-39 (30.2% and 25.6% respectively) and then 40-49 (20.6% and 18.9% respectively). It should be noted that the smallest proportion of applicants for employment and successful applicants was in the Under 20 category (0.8% and 0.2% respectively).

In 2016, the largest proportion of applicants for employment and successful applicants were under the category of 20-29 (35.7% and 32.4% respectively), followed by 30-39 (29.3% and 29.3% respectively) and then 40-49 (19.9% and 20.6% respectively). In relation to the workforce profile, the largest proportion of employees are in the 50-59 age band (26.5%), followed by the 40-49 band (24.4%) and then the 30-39 band (22.9%), indicating a difference compared to the age profile of applicants and successful applicants in 2016.

Marital Status

In 2015, of those who declared their marital status, the largest proportion of applicants for employment were under the category of Married/Civil Partnership (37.4%), followed by Single (36.7%), and followed by Living with Partner (16.2%). The largest proportion of successful applicants were under the category of Single (42.3%), followed by Married/Civil Partnership (35.7%) and then Living with Partner (13.0%).

In 2016, of those who declared their marital status, the largest proportion of applicants for employment were under the category of Single (38.0%), followed by Married/Civil Partnership (37.4%), and followed by Living with Partner (15.7%). The largest proportion of successful applicants were under the category of Married/Civil Partnership (42.9%), followed by Single (34.8%) and then Living with Partner (14.5%).

Disability

In 2015, a minority of applicants for employment and also successful applicants declared as disabled (2.6% and 1.9% respectively).

In 2016, a minority of applicants for employment and also successful applicants declared as disabled (3.3% and 2.7% respectively). Both these 2016 proportions are higher than the proportions of disabled employees in the Education Authority workforce (which is 1.9%).

Ethnicity

In 2015, a minority of applicants for employment and also successful applicants declared as being from an ethnic minority (8.1% and 3.4% respectively) (i.e. non-white).

In 2016, a minority of applicants for employment and also successful applicants declared as being from an ethnic minority (9.8% and 4.7% respectively) (i.e. non-white). Both these 2016 proportions are higher than the proportions of employees in the Education Authority who declared as being from an ethnic minority (which is 1.4%).

Nationality

In 2015, of those who declared their nationality, the largest proportion of applicants for employment were under the category of Scottish (50.9%), followed by British (20.1%) and then English (2.1%). The largest proportion of successful applicants were under the category of Scottish (55.9%), followed by British (24.1%) and then Northern Irish (1.7%).

In 2016, of those who declared their nationality, the largest proportion of applicants for employment and also successful applicants were under the category of Scottish (53.9% and 61.2% respectively), followed by British (21.0% and 22.5% respectively) and then English (2.3% and 2.0% respectively).

Religion

In 2015, of those who declared their religion, the largest proportion of applicants for employment and successful applicants was under the category of None (45.8% and 41.6% respectively), followed by Church of Scotland (14.3% and 20.4% respectively) and then Roman Catholic (11.3% and 11.1% respectively).

In 2016, of those who declared their religion, the largest proportion of applicants for employment and successful applicants were under the category of None (48.8% and 49.5% respectively), followed by Church of Scotland (14.2% and 19.5% respectively) and then Other Christian (11.5% and 10.0% respectively).

Sexual Orientation

In 2015, of those who declared their sexual orientation, a minority of applicants for employment and also successful applicants were Bi-sexual, Gay or Lesbian (2.0% and 1.0% respectively, in total).

In 2016, of those who declared their sexual orientation, a minority of applicants for employment and also successful applicants were Bi-sexual, Gay or Lesbian (2.9% and 3.5% respectively, in total). Both these 2016 proportions are above the proportions of employees in the Education Authority declaring their sexual orientation under these categories (which is 0.9% in total).

Gender Identity (identifying as a transgender person or trans person)

In 2015, of those who declared their gender identity, a small minority of applicants for employment identified as a transgender person or trans person (0.1%), with the majority answering 'no' to this question (97.0%). There were no successful applicants who identified as a transgender or trans person.

In 2016, of those who declared their gender identity, a small minority of applicants for employment identified as a transgender person or trans person (0.2%), with the majority answering 'no' to this question (98.3%). There were no successful applicants who identified as a transgender or trans person.

Education Training Data & Analysis

Data:

Training Information for the Education Authority for period 2015 (01/01/15-31/12/15) and 2016 (01/01/16-31/12/16)

	2015		2016	
Gender	Numbers	%	Numbers	%
Female	1146	83.7	1458	83.5
Male	223	16.3	288	16.5
Total	-	100	-	100

	2015		2016	
AGE	Numbers	%	Numbers	%
Under 20	5	0.4	'Under 5'	0.1
20-29	184	13.4	290	16.6
30-39	298	21.8	418	23.9
40-49	377	27.5	458	26.2
50-59	395	28.9	447	25.7
60+	110	8.0	131	7.5
Total	-	100	-	100

Marital Status	2015		2016	
	Numbers	%	Numbers	%
Divorced	43	3.1	70	4.0
Separated	17	1.2	32	1.8
Living with Partner	85	6.2	99	5.7
Married/Civil Partnership	632	46.2	650	37.3
Single	224	16.4	273	15.6
Divorced/Separated	9	0.7	11	0.6
Widowed	17	1.2	18	1.0
Not Completed	293	21.4	522	29.9
Prefer Not to Answer	49	3.6	71	4.1
Total	-	100	-	100

Disability	2015		2016	
	Numbers	%	Numbers	%
Yes	32	2.3	37	2.1
No	935	68.3	1216	69.7
Not Completed	276	20.2	364	20.8
Prefer Not to Answer	126	9.2	129	7.4
Total	-	100	-	100

Ethnicity	2015		2016	
	Numbers	%	Numbers	%
African	0	0.00	'Under 5'	0.23
African - Other	'Under 5'	0.07	'Under 5'	0.06
Other - Arab	'Under 5'	0.07	0	0.00
Asian -Bangladeshi	'Under 5'	0.07	'Under 5'	0.11
Asian - Chinese	'Under 5'	0.22	'Under 5'	0.23
Asian - Indian	'Under 5'	0.29	'Under 5'	0.17
Asian - Other	'Under 5'	0.22	'Under 5'	0.11
Asian - Pakistani	'Under 5'	0.07	'Under 5'	0.06
Black	0	0.00	0	0.00
Caribbean	0	0.00	0	0.00
Other Caribbean or Black	0	0.00	'Under 5'	0.11
Mixed or Multiple	7	0.51	10	0.57
Other	140	10.23	164	9.39
White - Polish	'Under 5'	0.15	7	0.40
White - Eastern European	9	0.66	12	0.69
White - Gypsy/Traveller	'Under 5'	0.07	'Under 5'	0.06
White - Irish	11	0.80	16	0.92
White -Other white ethnic group	18	1.31	27	1.55
White - Other British	82	5.99	103	5.90
White - Scottish	826	60.35	1045	59.86
Not Completed	233	17.02	314	17.98
Prefer Not to Answer	26	1.90	28	1.60
Total	-	100	-	100

Nationality	2015		2016	
	Numbers	%	Numbers	%
British	228	16.7	268	15.3
English	26	1.9	27	1.5
Northern Irish	'Under 5'	0.3	11	0.6
Other	51	3.7	72	4.1
Scottish	738	53.9	945	54.2
Welsh	'Under 5'	0.3	'Under 5'	0.2
Not Completed	307	22.4	405	23.3
Prefer Not to Answer	11	0.8	14	0.8
Total	-	100	-	100

Religion	2015		2016	
	Numbers	%	Numbers	%
Buddhist	8	0.58	7	0.4
Other Christian	175	12.78	192	11.0
Church of Scotland	301	21.99	333	19.1
Roman Catholic	65	4.75	101	5.8
Hindu	'Under 5'	0.29	'Under 5'	0.1

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Humanist	'Under 5'	0.29	12	0.7
Jewish	0	0.00	0	0.0
Muslim	7	0.51	6	0.3
None	400	29.23	575	32.8
Other Religion or Belief	8	0.58	8	0.5
Pagan	6	0.44	11	0.6
Sikh	0	0.00	0	0.0
Not Completed	263	19.21	347	19.9
Prefer Not to Answer	128	9.35	153	8.8
Total	-	100	-	100

Sexual Orientation	2015		2016	
	Numbers	%	Numbers	%
Bisexual	'Under 5'	0.2	'Under 5'	0.2
Gay	10	0.7	16	0.9
Heterosexual/Straight	868	63.4	1118	64.0
Lesbian	'Under 5'	0.3	7	0.4
Other	0	0.0	0	0.0
Not Completed	371	27.1	455	26.1
Prefer Not to Answer	114	8.3	147	8.4
Total	-	100	-	100

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Gender Identity*	2015		2016	
	Numbers	%	Numbers	%
Yes	0	0.0	0	0.0
No	980	71.6	1277	73.1
Not Completed	346	25.3	426	24.4
Prefer Not to Answer	43	3.1	43	2.5
Total	-	100	-	100

* identifying as a transgender person or trans person

Analysis:

Education Authority – Training 2015 and 2016

Gender

In 2015, the majority who undertook training were female (83.7%) with the minority male (16.3%).

In 2016, the majority who undertook training were female (83.5%) with the minority male (16.5%). These 2016 figures are similar to the proportions of female and male employees in the Education Authority workforce (which are 85.5% and 14.5% respectively).

Age

In 2015, the largest proportion who undertook training were under the category 50-59 (28.9%), followed by the 40-49 (27.5%) and then 30-39 (21.8%).

In 2016, the largest proportion who undertook training were under the category 40-49 (26.2%), followed by the 50-59 (25.7%) and then 30-39 (23.9%). In relation to the workforce profile, the largest proportion of employees are in the 50-59 age band (26.5%), followed by the 40-49 band (24.4%) and then the 30-39 band (22.9%), which differ to the proportions who undertook training in 2016.

Marital Status

In 2015, of those who declared their marital status, the largest proportion who undertook training were under the category of Married/Civil Partnership (46.2%), followed by Single (16.4%) and then Living with Partner (6.2%).

In 2016, of those who declared their marital status, the largest proportion who undertook training were under the category of Married/Civil Partnership (37.3%), followed by Single (15.6%) and then Living with Partner (5.7%).

Disability

In 2015, a minority of those who undertook training were disabled (2.3%), whilst the majority were non-disabled (68.3%).

In 2016, a minority of those who undertook training were disabled (2.1%), whilst the majority were non-disabled (69.7%). The proportion who undertook training in 2016 who were disabled is slightly higher than the proportion who declared as disabled employees in the Education Authority workforce (which was 1.9%).

Ethnicity

In 2015, a minority of those who undertook training were from an ethnic minority (1.5%) (i.e. non-white).

In 2016, a minority of those who undertook training were from an ethnic minority (1.7%) (i.e. non-white). This 2016 figure is slightly higher than the proportion of employees who declared as being from an ethnic minority in the Education Authority workforce (the figure being 1.4%).

Nationality

In 2015, of those who declared their nationality, the largest proportion of those who undertook training were under the category of Scottish (53.9%), followed by British (16.7%) and then Other (3.7%).

In 2016, of those who declared their nationality, the largest proportion of those who undertook training were under the category of Scottish (54.2%), followed by British (15.3%) and then Other (4.1%).

Religion

In 2015, of those who declared their religion, the largest proportion of those who undertook training were under the category of None (29.2%), followed by Church of Scotland (22.0%) and then Christian Other (12.8%).

In 2016, of those who declared their religion, the largest proportion of those who undertook training were under the category of None (32.8%), followed by Church of Scotland (19.1%) and then Christian Other (11.0%).

Sexual Orientation

In 2015, of those who declared their sexual orientation, a minority of those who undertook training were Bi-sexual, Gay or Lesbian (1.2% in total).

In 2016, of those who declared their sexual orientation, a minority of those who undertook training were Bi-sexual, Gay or Lesbian (1.5% in total). This 2016 figure is higher than the proportion of those declaring their sexual orientation under these categories in the Education Authority workforce (which is 0.9%).

Gender Identity (identifying as a transgender person or trans person)

In 2015, there were no employees who undertook training who identified as a transgender or trans person.

In 2016, there were no employees who undertook training who identified as a transgender or trans person.

Education Leavers Data & Analysis

Data:

Leavers Information for the Education Authority for period 2015 (01/01/15-31/12/15) and 2016 (01/01/16-31/12/16)

	2015		2016	
Gender	Numbers	%	Numbers	%
Female	331	82.1	422	80.2
Male	72	17.9	104	19.8
Total	-	100	-	100

	2015		2016	
AGE	Numbers	%	Numbers	%
Under 20	'Under 5'	0.5	'Under 5'	0.4
20-29	105	26.1	151	28.7
30-39	90	22.3	125	23.8
40-49	65	16.1	74	14.1
50-59	58	14.4	86	16.3
60+	83	20.6	88	16.7
Total	-	100	-	100

Appendix 4.

Marital Status	2015		2016	
	Numbers	%	Numbers	%
Divorced	6	1.5	11	2.1
Separated	'Under 5'	0.5	'Under 5'	0.2
Living with Partner	11	2.7	25	4.8
Married/Civil Partnership	149	37.0	163	30.9
Single	58	14.4	71	13.5
Divorced/Separated	'Under 5'	0.7	'Under 5'	0.8
Widowed	'Under 5'	0.5	'Under 5'	0.8
Not Completed	155	38.5	235	44.6
Prefer Not to Answer	17	4.2	12	2.3
Total	-	100	-	100

Disability	2015		2016	
	Numbers	%	Numbers	%
Yes	13	3.2	10	1.9
No	186	46.2	290	55.2
Not Completed	161	39.9	170	32.3
Prefer Not to Answer	43	10.7	56	10.6
Total	-	100	-	100

Ethnicity	2015		2016	
	Numbers	%	Numbers	%
African	0	0.00	'Under 5'	0.19
African - Other	0	0.00	0	0.00
Other - Arab	0	0.00	0	0.00
Asian -Bangladeshi	0	0.00	0	0.00
Asian - Chinese	0	0.00	'Under 5'	0.19
Asian - Indian	0	0.00	'Under 5'	0.19
Asian - Other	'Under 5'	0.25	'Under 5'	0.38
Asian - Pakistani	0	0.00	0	0.00
Black	0	0.00	0	0.00
Caribbean	0	0.00	0	0.00
Other Caribbean or Black	0	0.00	0	0.00
Mixed or Multiple	0	0.00	'Under 5'	0.76
Other	31	7.69	52	9.89
White - Polish	0	0.00	'Under 5'	0.38
White - Eastern European	0	0.00	'Under 5'	0.57
White - Gypsy/Traveller	0	0.00	0	0.00
White - Irish	'Under 5'	0.74	15	2.85
White -Other white ethnic group	6	1.49	11	2.09
White - Other British	18	4.47	33	6.27
White - Scottish	191	47.40	235	44.68
Not Completed	150	37.22	155	29.47
Prefer Not to Answer	3	0.74	11	2.09
Total	-	100	-	100

Nationality	2015		2016	
	Numbers	%	Numbers	%
British	37	9.2	73	13.9
English	7	1.7	13	2.5
Northern Irish	'Under 5'	1.0	'Under 5'	0.6
Other	9	2.2	36	6.8
Scottish	186	46.1	202	38.3
Welsh	0	0.00	'Under 5'	0.2
Not Completed	159	39.5	194	36.9
Prefer Not to Answer	1	0.3	4	0.8
Total	-	100	-	100

Religion	2015		2016	
	Numbers	%	Numbers	%
Buddhist	'Under 5'	0.25	'Under 5'	0.57
Other Christian	42	10.42	56	10.65
Church of Scotland	72	17.87	83	15.78
Roman Catholic	15	3.72	31	5.89
Hindu	0	0.00	'Under 5'	0.19
Humanist	'Under 5'	0.25	'Under 5'	0.19

Appendix 4.

Jewish	0	0.00	0	0.00
Muslim	0	0.00	'Under 5'	0.19
None	93	23.08	125	23.76
Other Religion or Belief	'Under 5'	0.74	5	0.95
Pagan	'Under 5'	0.25	'Under 5'	0.38
Sikh	0	0.00	0	0.00
Not Completed	153	37.96	167	31.75
Prefer Not to Answer	22	5.46	51	9.70
Total	-	100	-	100

Sexual Orientation	2015		2016	
	Numbers	%	Numbers	%
Bisexual	0	0.0	'Under 5'	0.2
Gay	0	0.0	'Under 5'	0.6
Heterosexual/Straight	174	43.2	266	50.5
Lesbian	0	0.0	0	0.0
Other	0	0.0	0	0.0
Not Completed	200	49.6	213	40.5
Prefer Not to Answer	29	7.2	43	8.2
Total	-	100	-	100

Appendix 4.

Gender Identity*	2015		2016	
	Numbers	%	Numbers	%
Yes	0	0.0	0	0.0
No	225	55.8	316	60.1
Not Completed	164	40.7	199	37.8
Prefer Not to Answer	14	3.5	11	2.1
Total	-	100	-	100

* identifying as a transgender person or trans person

Analysis:

Education Authority – Leavers 2015 and 2016

Gender

In 2015, the majority of leavers in the Council were female (82.1%) with the minority male (17.9%).

In 2016, the majority of leavers in the Council were female (80.2%) with the minority male (19.8%). These 2016 figures are similar to the composition of employees in the Education Authority, which is an 85.5% to 14.5% female to male split.

Age

In 2015, the largest proportion of leavers was in the 20-29 age group (26.1%), followed by the 30-39 (22.3%) and then 60+ (20.6%).

In 2016, the largest proportion of leavers was in the 20-29 age group (28.7%), followed by the 30-39 (23.8%) and then 60+ (16.7%). In relation to the workforce profile, the largest proportion of employees are in the 50-59 age band (26.5%), followed by the 40-49 band (24.4%) and then the 30-39 band (22.9%), indicating a difference compared to the 2016 leavers age profile.

Marital Status

In 2015, of those who declared their marital status, the largest proportion of leavers were under the category of Married/Civil Partnership (37.0%), followed by Single (14.4%) and then Living with Partner (2.7%).

In 2016, of those who declared their marital status, the largest proportion of leavers were under the category of Married/Civil Partnership (30.9%), followed by Single (13.5%) and then Living with Partner (4.8%).

Disability

In 2015, of those who declared whether they have a disability, a minority of leavers (3.2%) were disabled whilst the majority were non-disabled (46.2%).

In 2016, of those who declared whether they have a disability, a minority of leavers (1.9%) were disabled whilst the majority were non-disabled (55.2%). The proportion of disabled leavers in 2016 is therefore the same as the proportion of disabled employees in the Education Authority workforce (which is also 1.9%).

Ethnicity

In 2015, of those who declared their ethnicity, a minority of leavers (0.3%) were from an ethnic minority (i.e. non-white).

In 2016, of those who declared their ethnicity, a minority of leavers (1.7%) were from an ethnic minority (i.e. non-white). This 2016 figure is slightly higher than the proportion of ethnic minority employees in the Education Authority workforce (which is 1.4%).

Nationality

In 2015, of those who declared their nationality, the largest proportion of leavers were Scottish (46.1%) followed by British (9.2%) and then 'Other' (2.2%).

In 2016, of those who declared their nationality, the largest proportion of leavers were Scottish (38.3%) followed by British (13.9%) and then 'Other' (6.8%).

Religion

In 2015, of those who declared their religion, the largest proportion of leavers was under the category of 'None' (23.1%), followed by Church of Scotland (17.9%) and then Christian Other (10.4%).

In 2016, of those who declared their religion, the largest proportion of leavers was under the category of 'None' (23.8%), followed by Church of Scotland (15.8%) and then Christian Other (10.7%).

Sexual Orientation

In 2015, of those who declared their sexual orientation, there were no leavers under the categories of Bi-sexual, Gay or Lesbian.

In 2016, of those who declared their sexual orientation, a minority of leavers were from the categories of Bi-sexual, Gay or Lesbian (total of 0.8%). This 2016 figure is higher than those declaring their sexual orientation under these categories in the Education Authority workforce (which is 0.9%).

Gender Identity (identifying as a transgender person or trans person)

In 2015, of those who declared their gender identity, there were no leavers who identified as a transgender person or trans person, with the majority of leavers having answered 'no' to this question (55.8%).

In 2016, there were no employees who were leavers who identified as a transgender or trans person.

Education Discipline Data & Analysis

Data:

Disciplinary information for the Education Authority for period 2015 (01/01/15-31/12/15) and 2016 (01/01/16-31/12/16)

Gender	2015		2016	
	No	(%)	No	(%)
Female	9	60.0	14	70.0
Male	6	40.0	6	30.0
Total	-	100	-	100

Age	2015		2016	
	No	(%)	No	(%)
Under 20	0	0.0	0	0.0
20-29	0	0.0	'Under 5'	15.0
30-39	0	0.0	'Under 5'	10.0
40-49	'Under 5'	26.7	6	30.0
50-59	7	46.6	7	35.0
60+	'Under 5'	26.7	'Under 5'	10.0
Total	-	100	-	100

Marital Status	2015		2016	
	No	(%)	No	(%)
Divorced/Separated	'Under 5'	13.3	'Under 5'	5.0
Living with Partner	0	0.0	0	0.0
Married/Civil Partnership	7	46.7	9	45.0
Single	'Under 5'	6.7	'Under 5'	20.0

Appendix 4.

Widowed	0	0.0	0	0.0
Not Completed	5	33.3	5	25.0
Prefer Not to Answer	0	0.0	1	5.0
Total	-	100	-	100

Disability	2015		2016	
	No	(%)	No	(%)
Yes	0	0.00	0	0.00
No	10	66.7	12	60.0
Not Completed	5	33.3	7	35.0
Prefer Not to Answer	0	0.0	1	5.0
Total	-	100	-	100

Ethnicity	2015		2016	
	No	(%)	No	(%)
Arab	0	0.0	0	0.0
African	0	0.0	0	0.0
African- Other	0	0.0	0	0.0
Arab- Other	0	0.0	0	0.0
Asian- Bangladeshi	0	0.0	0	0.0
Asian- Chinese	0	0.0	0	0.0
Asian- Indian	0	0.0	0	0.0
Asian- Other	0	0.0	0	0.0
Asian- Pakistani	0	0.0	0	0.0
Black	0	0.0	0	0.0
Caribbean	0	0.0	0	0.0
Other Caribbean or Black	0	0.0	0	0.0
Mixed or Multiple	0	0.0	0	0.0
Other	'Under 5'	20.0	'Under 5'	5.0

Appendix 4.

White- Eastern European	0	0.0	0	0.0
White- Gypsy/Traveller	0	0.0	0	0.0
White- Irish	0	0.0	0	0.0
White- Other white ethnic group	0	0.0	0	0.0
White- Other British	'Under 5'	6.7	0	0.0
White- Scottish	6	39.9	11	55.0
Not Completed	4	26.7	8	40.0
Prefer Not to Answer	1	6.7	0	0.0
Total	-	100	-	100

National Identity	2015		2016	
	No	(%)	No	(%)
British	'Under 5'	26.7	'Under 5'	10.0
English	0	0.0	0	0.0
Northern Irish	0	0.0	0	0.0
Other	0	0.0	'Under 5'	5.0
Scottish	'Under 5'	20.0	10	50.0
Welsh	0	0.0	0	0.0
Not Completed	8	53.3	7	35.0
Prefer Not to Answer	0	0.0	0	0.0
Total	-	100	-	100

Religion	2015		2016	
	No	(%)	No	(%)
Buddhist	0	0.0	0	0.0
Christian Other	0	0.0	0	0.0
Church of Scotland	'Under 5'	13.3	0	0.0
Roman Catholic	0	0.0	0	0.0
Hindu	0	0.0	0	0.0
Humanist	0	0.0	'Under 5'	5.0
Jewish	0	0.0	0	0.0
Muslim	0	0.0	0	0.0
None	'Under 5'	20.0	8	40.0
Other	'Under 5'	20.0	'Under 5'	5.0
Pagan	0	0.0	0	0.0
Sikh	0	0.0	0	0.0
Not Completed	6	40.0	8	40.0
Prefer Not to Answer	1	6.7	2	10.0
Total	-	100	-	100

Sexual Orientation	2015		2016	
	No	(%)	No	(%)
Bi Sexual	0	0.0	0	0.0
Gay	0	0.0	0	0.0
Heterosexual/Straight	9	60.0	12	60.0
Lesbian	0	0.0	0	0.0
Not Completed	6	40.0	8	40.0
Prefer Not to Answer	0	0.0	0	0.0
Total	-	100	-	100

Appendix 4.

Gender Identity *	2015		2016	
	No	(%)	No	(%)
Yes	0	0.0	0	0.0
No	7	46.7	13	65.0
Not Completed	8	53.3	7	35.0
Prefer Not to Answer	0	0.0	0	0.0
Total	-	100	-	100

Analysis:

Education Authority – Discipline cases 2015 and 2016

Gender

In 2015, the majority of discipline cases involved female employees (60.0%) with the minority involving male employees (40.0%).

In 2016, the majority of discipline cases involved female employees (70.0%) with the minority involving male employees (30.0%). The 2016 figures differ to the proportions of female and male employees in the workforce (which are 85.5% and 14.5% respectively).

Age

In 2015, the largest proportion of discipline cases involved employees under the category 50-59 (46.6%), followed by the 60+ and 40-49 age groups (with each having 26.7%).

In 2016, the largest proportion of discipline cases involved employees under the category 50-59 (35.0%), followed by 40-49 (30.0%) and then 20-29 (15.0%).

Marital Status

In 2015, of those who declared their marital status, the largest proportion of discipline cases involved employees under the category of Married/Civil Partnership (46.7%), followed by Divorced/Separated (13.3%) and then Single (6.7%).

In 2016, of those who declared their marital status, the largest proportion of discipline cases involved employees under the category of Married/Civil Partnership (45.0%), followed by Single (20.0%) and then Divorced/Separated (5.0%).

Disability

In 2015, of those who declared whether they have a disability, none of employees involved in discipline cases were disabled, whilst the majority who declared were non-disabled (66.7%).

In 2016, of those who declared whether they have a disability, there were no employees involved in discipline cases who were disabled whilst the majority were non-disabled (60.0%). The 2016 figures differ to the proportions of disabled and non-disabled employees in the workforce (which are 1.9% and 67.0% respectively).

Ethnicity

In 2015, of those who declared their ethnicity, none of the employees involved in discipline cases were from an ethnic minority (i.e. non-white).

In 2016, of those who declared their ethnicity, none of the employees involved in discipline cases were from an ethnic minority (i.e. non-white). The 2016 figure differs to the proportion of ethnic minority employees in the workforce (which is 1.4%).

Nationality

In 2015, of those who declared their nationality, the largest proportion of discipline cases involved employees under the category of British (26.7%), followed by Scottish (20.0%) with the other categories having no cases.

In 2016, of those who declared their nationality, the largest proportion of discipline cases involved employees under the category of Scottish (50.0%), followed by British (10.0%), and then Other (5.0%).

Religion

In 2015, of those who declared their religion, the largest proportion of discipline cases involved employees under the categories of None and Other (both having 20.0%) and then Church of Scotland (with 13.3%).

In 2016, of those who declared their religion, the largest proportion of discipline cases involved employees under the category of None (40.0%), followed by Other and Humanist (each with 5.0%).

Sexual Orientation

In 2015, of those who declared their sexual orientation, there were no employees involved in discipline cases who were Bisexual, Gay or Lesbian.

In 2016, of those who declared their sexual orientation, there were no employees involved in discipline cases who were Bi-sexual, Gay or Lesbian. The 2016 figure differs to the proportion of employees who declared as Bi-sexual, Gay or Lesbian in the workforce (which is 0.9%).

Gender Identity

In 2015 and 2016, of those who declared as a trans gender or trans person, no employees involved in discipline cases were under these categories.

Education Grievance Data & Analysis

Data:

Grievance information for the Education Authority for period 2015 (01/01/15-31/12/15) and 2016 (01/01/16-31/12/16)

Gender	2015		2016	
	No	(%)	No	(%)
Female	9	64.3	9	45.0
Male	5	35.7	11	55.0
Total	-	100	-	100

Age	2015		2016	
	No	(%)	No	(%)
Under 20	0	0.0	0	0.0
20-29	0	0.0	0	0.0
30-39	'Under 5'	21.4	5	25.0
40-49	6	42.9	'Under 5'	5.0
50-59	'Under 5'	21.4	13	65.0
60+	'Under 5'	14.3	'Under 5'	5.0
Total	-	100	-	100

Marital Status	2015		2016	
	No	(%)	No	(%)
Divorced/Separated	0	0.0	8	40.0
Living with Partner	'Under 5'	14.3	0	0.0
Married/Civil Partnership	8	57.0	10	50.0
Single	'Under 5'	14.3	0	0.0
Widowed	0	0.0	0	0.0

Appendix 4.

Not Completed	1	7.1	1	5.0
Prefer Not to Answer	1	7.1	1	5.0
Total	-	100	-	100

Disability	2015		2016	
	No	(%)	No	(%)
Yes	'Under 5'	14.3	'Under 5'	10.0
No	10	71.4	15	75.0
Not Completed	0	0.0	2	10.0
Prefer Not to Answer	2	14.3	1	5.0
Total	-	100	-	100

Ethnicity	2015		2016	
	No	(%)	No	(%)
Arab	0	0.0	0	0.0
African	0	0.0	0	0.0
African- Other	0	0.0	0	0.0
Arab- Other	0	0.0	'Under 5'	5.0
Asian- Bangladeshi	0	0.0	0	0.0
Asian- Chinese	0	0.0	0	0.0
Asian- Indian	0	0.0	0	0.0
Asian- Other	0	0.0	0	0.0
Asian- Pakistani	0	0.0	0	0.0
Black	0	0.0	0	0.0
Caribbean	0	0.0	0	0.0
Other Caribbean or Black	0	0.0	0	0.0
Mixed or Multiple	0	0.0	0	0.0
Other	'Under 5'	14.3	'Under 5'	20.0

Appendix 4.

White- Eastern European	0	0.0	'Under 5'	5.0
White- Gypsy/Traveller	0	0.0	0	0.0
White- Irish	0	0.0	0	0.0
White- Other white ethnic group	0	0.0	0	0.0
White- Other British	'Under 5'	7.1	'Under 5'	5.0
White- Scottish	11	78.6	13	65.0
Not Completed	0	0.0	0	0.0
Prefer Not to Answer	0	0.0	0	0.0
Total	-	100	-	100

National Identity	2015		2016	
	No	(%)	No	(%)
British	'Under 5'	14.3	'Under 5'	10.0
English	0	0.0	0	0.0
Northern Irish	0	0.0	0	0.0
Other	0	0.0	'Under 5'	10.0
Scottish	10	71.4	12	60.0
Welsh	0	0.0	0	0.0
Not Completed	2	14.3	3	15.0
Prefer Not to Answer	0	0.0	1	5.0
Total	-	100	-	100

Appendix 4.

Religion	2015		2016	
	No	(%)	No	(%)
Buddhist	0	0.0	0	0.0
Christian Other	0	0.0	6	30.0
Church of Scotland	'Under 5'	7.1	5	25.0
Roman Catholic	0	0.0	0	0.0
Hindu	0	0.0	0	0.0
Humanist	0	0.0	0	0.0
Jewish	0	0.0	0	0.0
Muslim	0	0.0	0	0.0
None	5	35.7	6	30.0
Other	5	35.7	0	0.0
Pagan	0	0.0	0	0.0
Sikh	0	0.0	0	0.0
Not Completed	1	7.1	2	10.0
Prefer Not to Answer	2	14.4	1	5.0
Total	-	100	-	100

Sexual Orientation	2015		2016	
	No	(%)	No	(%)
Bi Sexual	0	0.0	0	0.0
Gay	0	0.0	0	0.0
Heterosexual/Straight	10	71.5	14	70.0
Lesbian	0	0.0	'Under 5'	5.0
Not Completed	3	21.4	2	10.0
Prefer Not to Answer	1	7.1	3	15.0
Total	-	100	-	100

Appendix 4.

Gender Identity *	2015		2016	
	No	(%)	No	(%)
Yes	0	0.0	0	0.0
No	9	64.3	15	75.0
Not Completed	4	28.6	4	20.0
Prefer Not to Answer	1	7.1	1	5.0
Total	-	100	-	100

Analysis:

Education Authority – Grievance cases 2015 and 2016

Gender

In 2015, the majority of grievance cases involved female employees (64.3%) with the minority involving male employees (35.7%).

In 2016, the majority of grievance cases involved male employees (55.0%) with the minority involving female employees (45.0%). The 2016 figures differ to the proportions of male and female employees in the workforce (which are 14.5% and 85.5% respectively).

Age

In 2015, the largest proportion of grievance cases involved employees under the category 40-49 (42.9%), followed by the 50-59 and 30-39 age groups (with each having 21.4%). In 2016, the largest proportion of grievance cases involved employees under the category 50-59 (65.0%), followed by the 30-39 age group (25.0%) and then the 40-49 and 60+ age groups (each having 5.0% of cases).

Marital Status

In 2015, of those who declared their marital status, the largest proportion of grievance cases involved employees under the category Married/Civil Partnership (57.0%), followed by Living with Partner and Single (each having 14.3% of cases).

In 2016, of those who declared their marital status, the largest proportion of grievance cases involved employees under the category Married/Civil Partnership (50.0%), followed by Divorced/Separated (40.0%). There were no cases under the other categories.

Disability

In 2015, of those who declared whether they have a disability, a minority of employees involved in grievance cases were disabled (14.3%), with the majority of cases involving employees who declared as non-disabled (71.4%).

In 2016, of those who declared whether they have a disability, a minority of employees involved in grievance cases were disabled (10.0%), with the majority of cases involving employees who declared as non-disabled (75.0%). The 2016 figures differ to the proportions of disabled and non-disabled employees in the workforce (which are 1.9% and 67.0% respectively).

Ethnicity

In 2015, of those who declared their ethnicity, there were no employees involved in grievance cases who were from an ethnic minority (i.e. non-white).

In 2016, of those who declared their ethnicity, a minority of employees involved in grievance cases were from an ethnic minority (5.0%). The 2016 figure differs compared to the proportion of ethnic minority employees in the workforce (which is 1.4%).

Nationality

In 2015, of those who declared their nationality, the largest proportion of grievance cases involved employees under the category of Scottish (71.4%), followed by British (14.3%), with the other categories having no cases.

In 2016, of those who declared their nationality, the largest proportion of grievance cases involved employees under the category of Scottish (60.0%), followed by British and Other (each having 10.0%).

Religion

In 2015, of those who declared their religion, the largest proportion of grievance cases involved employees under the categories of Other and None (each with 35.7% of cases) followed by Church of Scotland (with 7.1%). In 2016, of those who declared their religion, the largest proportion of grievance cases involved employees under the categories of None and Christian Other (each with 30.0% of cases), followed by Church of Scotland (with 25.0%).

Sexual Orientation

In 2015, of those who declared their sexual orientation, there were no employees involved in grievance cases who were Bisexual, Gay or Lesbian.

In 2016, of those who declared their sexual orientation, a minority of employees involved in grievance cases were under the categories of Bisexual, Gay or Lesbian (5.0%). The 2016 figure differs compared to the proportion of employees who declared as Bi-sexual, Gay or Lesbian in the workforce (which is 0.9%).

Gender Identity

In 2015 and 2016, of those who declared as a trans gender or trans person, there were no employees involved in grievance cases who were under these categories.

Equality Initiatives 2015

Employment Equality Initiatives undertaken in 2015

Equality Outcome	Output and activities	Indicators	Performance Evidence	Next steps	Responsible Officer/ Service
4 – 'Aberdeen City Council a fair employer'	Undertook a focus group for Ethnic Minority employees to find out about their employment experience with the Council.	An indication of the effectiveness of the event was the positive informal feedback received from delegates and that an enquiry was received subsequent to the focus group about the possibility of setting up an employee ethnic minority forum.	The running of the focus group is an indication that the Council is seeking to find out about the employment experience of ethnic minority employees with a view to making improvements. It is planned to use the information to improve recruitment and retention of ethnic minority employees.	The information gathered from the focus group will be used to inform the action plan of the HR Race Equality Group.	HR Race equality group.
4	Ran a stall on employment diversity and equality at the Aberdeen Learning Festival along with a workshop on same.	A short questionnaire survey was attached to a quiz handed out to delegates at the event from which feedback was received with regard to what they thought of the stall.	Having a presence at the festival provided an opportunity to promote diversity and employment to a targeted audience of teachers and educationalists indicating that efforts are being made to seek coverage of the diversity and equality message to the entire organisation.	Consideration will be given to attending this event in future years.	Team Leader – Policy and Performance in HR

4	A 'No bystanders' video clip was placed on the Intranet for employees to view, showing scenarios of bullying behavior and with a message that where employees witness any such behavior they should not be a bystander and instead should act and report the matter.	A questionnaire survey was attached to the Intranet message for employees to provide feedback on the video clip with a number of comments received. This indicated that some employees had viewed the clip and had found it thought and had made an impact on them.	The placing of the clip on the Intranet was a follow up to the 'no bystanders' event that was run in 2014 and was a reminder to employees of the importance of not being a 'bystander' were they to witness bullying, harassment or unacceptable behavior in the workplace.	Consideration will be given to other measures to relay the no bystanders' message in future.	HR LGBT+ equality group.
4	Retained the two ticks positive about disabled accreditation.	Any feedback received from disabled employees or their managers about the employment experience of disabled staff will continue to be monitored with any issues of concern looked into. The same will be done in respect of disabled job applicants.	By continuing to meet the criteria for the accreditation, this is an indication that the Council is providing equality of opportunity to its disabled employees and applying measures to help ensure that they are treated fairly in the workplace.	Arrangements will continue in place to help ensure that the requirements of the accreditation continue to be met, with the assessment undertaken annually.	Policy and Performance Team in HR.
4	Prepared a set of guidance	The measurement of the effectiveness of the guidance can	The introduction of this guidance which summarises	The guidance will be kept under review	Policy and Performance

	<p>called 'Supporting Carers in the Workplace' for managers and employees detailing the various provisions in the Council available to employees who are carers to assist them to remain in the organisation and at the same time undertake their caring role out with work.</p>	<p>be undertaken through monitoring the take up of the provisions by employees with a caring role and also through any informal feedback received on the guidance.</p>	<p>the range of provisions for carers is an indication that the Council is providing all reasonable assistance to employees with a caring responsibility to remain in the employment of the organisation.</p>	<p>by HR on the normal 3 yearly cycle. Any feedback received on its content will be considered as part of any future review.</p>	<p>Team in HR.</p>
4	<p>Organised an event for Council employees to recognise International Day Against Homophobia (Idaho) Day. This is an annual landmark to draw attention of decision makers, the media, the public, opinion leaders and local</p>	<p>The level of attendance on the day indicated that there was a demand and interest from LGBT+ employees (and others) for this type of event.</p>	<p>The running of the event is an indication that the Council is taking measures to engage with and support its LGBT+ employees and raise the profile of issues relevant to this group.</p>	<p>Consideration will be given to the running of a similar event in future years.</p>	<p>HR LGBT+ equality group.</p>

	authorities to the situation faced by lesbian, gay, bisexual, transgender and intersex people in relation to violence and discrimination.				
4	Prepared guidance on Shared Parental Leave to comply with new legislation.	An indication of the effectiveness of the guidance will be the take up of the provision by employees and also any feedback received on the content of the guidance.	This guidance will help ensure that the Council is legally compliant in relation to this family friendly provision which should be of benefit to employees, with the provision helping to enable the sharing of care of a baby by both parents.	The effectiveness of the guidance will be monitored going forward and any necessary changes will be considered at the next review.	Policy and Performance Team in HR.
4	Compiled a Diversity and Equality leaflet detailing the Council's equality outcomes, expected behaviours, benefits of a diverse workforce as well as the main features of the Equality Act, which	Informal feedback received on the leaflet was positive in that it provided concise details on the main aspects of employment equality and diversity.	The compilation and distribution of the leaflet is an indication that the Council is making efforts to raise awareness of diversity and equality in employment amongst the workforce.	The leaflets printed will be used on an ongoing basis through their distribution at future events promoting diversity and equality.	Equality groups in HR.

	was distributed to all employees.				
4	Put in place an equality and diversity 'Pit Stop' training session, a short 1 hour participative course comprising the showing of a DVD of equality scenarios covering discrimination and harassment followed by group discussion on each.	At the end of each 'Pit Stop' session delegates are asked to complete an evaluation questionnaire in order to rate the content of the course. From this an indication of its effectiveness can be gained.	The putting in place of this session, which has been designed as being short so that managers and employees can more easily access it, should help to raise awareness and understanding of diversity and equality across the organisation and is an indication that the Council is using a variety of methods to achieve this aim.	It is planned to run a number of these sessions each year and to make use of the Pit Stop session at other forums, to try to get as many employees to attend as possible.	OD section in HR
4	Participation in the Local Government Benchmarking Forum, a group comprising eight Councils, involving the sharing of employment equality and diversity statistics and	Through participation of this group it is hoped that ideas can be identified for additional employment equality and diversity initiatives that can be considered for implementation in this council. If this is the case it should help to further	By participating in this forum, this is an indication that the Council wishes to be involved in the benchmarking of good practices in relation to diversity and equality in employment, with a view to sharing ideas with other local authorities, so that diversity	The forum is to be ongoing and it is intended that the Council will be a permanent member of the group.	Policy and Performance Team in HR.

	good practice initiatives.	develop the equality and diversity agenda in the organisation.	and equality in employment is improved in all the organisations.		
4	Put in place monitoring of harassment cases by protected characteristic.	The figures will be looked at periodically to identify if any bullying and harassment cases are based on an employee's protected characteristic. This will act as one indication of 'organisational employee relations health' and whether the behaviours expected of employees are being adhered to.	This is an indication that the Council is seeking to monitor not only discipline and grievance cases by protected characteristic but also bullying and harassment cases, to identify if there are any trends or causes for concern that may need to be further looked into.	The figures will be monitored on an ongoing basis along with discipline and grievance cases.	Policy and Performance Team in HR.
4	The Council underwent its annual review of the Stonewall workplace equality index and obtained a revised score plus feedback.	The score on the index is identified through answering various questions on the Stonewall questionnaire to identify the extent to which the Council is an LGBT+ friendly employer. This is undertaken annually with the scores obtained compared from year to year to measure any progress.	This is an indication that the Council is working towards becoming an LGBT+ friendly employer, with the aim being to increase the score on the index year on year. The score in 2015 was 60. The Council's ranking in 2014 was 259 and in 2015 was 251, an increase of 8 places over the two years.	Ongoing – the feedback received will be used to help inform the LGBT+ employment equality agenda for the coming year.	HR LGBT+ equality group
4	Undertook an interview with	Snapshots of the interview,	This is an indication that the	Consideration will be given to	HR Gender group.

	<p>Chief Executive of the Council in order to gather information from a gender perspective on her career path in reaching a senior position.</p>	<p>comprising various quotes, were placed on the Gender Equality page on the Intranet for employees to view. By posting these details of the interview and making this available to employees to view, this may help to inspire those with career ambition and potential to aim for senior posts in the future through for example applying for the Council's 'Aspire' programme. This it is hoped will contribute towards achieving a gender balance in senior management posts going forward.</p>	<p>Council is interested in identifying senior management role models in the organisation and asking them to report on their career path and views on equality and diversity in the workplace.</p>	<p>interviewing other senior managers in future with a view to obtaining details of their career paths and views on equality in the workplace.</p>	
4	<p>Guidance put in place on working with and managing employees who are on the autistic spectrum.</p>	<p>Any feedback received from managers who make use of the guidance will be monitored to identify if it is proving to be useful.</p>	<p>The publishing of this guidance note is an indication that the Council provides information to managers in order that they can provide support to autistic employees thus assisting them to remain in employment and hopefully achieve their potential.</p>	<p>Consideration will be given to placing other guidance related to specific disabilities on the Intranet or posting links where appropriate.</p>	<p>HR Disability group.</p>

4	Provided the HR teams with a toolkit produced by the Migraine Trust giving guidance on supporting employees who suffer from migraines.	The availability of this toolkit should help with the management and support of employees who suffer from migraines. An indication of its effectiveness would be the retention of employees suffering migraines, with any sickness absence kept to a minimum through supportive interventions.	By making available this toolkit to assist with the management of employees who suffer migraines is an indication that the Council provides support to employees with this disability to help them remain in the employment of the organisation and hopefully achieve their potential.	Consideration will be given to sourcing and making available other toolkits/guidance related to specific disabilities to the HR teams and managers.	HR Disability group.
4	Set up new performance indicator (PI) comprising an age, gender and disability profile.	The use of this PI will augment what is gathered for the equality Mainstreaming Report and will help raise the profile of the employment diversity and equality agenda in the organisation through the figures being presented to Committee in a PIs report for use in decision making and informing the workforce plan.	Although this information is already included in the Equality Mainstreaming Report, the putting in place of this PI, comprising employment equality information should help to increase the profile of diversity and equality metrics in the organisation.	The figures for the PI will be gathered annually on an ongoing basis.	Resourcing Team in HR.

Equality Initiatives 2016

Employment Equality Initiatives undertaken in 2016

Equality Outcomes	Output and activities	Indicators	Performance Evidence	Next steps	Responsible Officer/ Service
4 – ‘Aberdeen City Council a fair employer’	Attended various recruitment fairs related to young people including the North of Scotland Graduate Recruitment Fair and the Moving on Apprentice event.	An indication of success will be whether the numbers of applications from young people increases in the future.	Attendance at these events is an indication that the Council is seeking to attract more young people to apply for its job vacancies with a view to increasing the numbers in the organisation and help address any underrepresentation.	Consideration will be given to attending similar events in future years.	Equality groups in HR.
4	Compiled a Young People’s Employment Strategy containing various objectives with a set of actions against each.	An indication of success of the strategy will be the meeting of the objectives in the document and gradually increasing the number of young people recruited and retained by the Council.	Having a strategy in place is an indication that the Council is taking positive steps to promote the employment of young people to help ensure that there is a balance in the age profile in the organisation.	The objectives in the strategy will now be pursued in the coming period.	HR Age group.
	Signed up to seek the Investors in Young People accreditation (linked to the Young People’s Employment	An indicator of success will be the attainment of the accreditation and an increase in the years ahead of the number of	By attaining the accreditation this will be an indication that the Council is providing equality of opportunity in relation to young people and applying measures to help ensure that they	Once the outcome of the assessment is known, this will determine the next steps.	Various including Policy and Performance Team in HR.

	Strategy), with the assessment having been undertaken.	young people employed by the organisation.	are treated fairly in the workplace.		
4	Attended the Aberdeen Learning Festival 2016 with a stall to promote employment equality and diversity.	The informal feedback gathered from those who visited the stall was that it had raised awareness of diversity and equality in employment.	Having a presence at the festival provided an opportunity to promote diversity and equality in employment to a targeted audience indicating that efforts are being made to communicate with the harder to reach groups in the organisation.	Plans are currently being made to attend this event in 2017 with the intention to run a workshop in addition to having a stall.	Equality groups in HR.
4	Designed and implemented a new e-Induction course for new starts, which has embedded within it key employment equality messages.	Delegates of the e-induction course are invited to assess the content following completion. Any feedback provided in relation to the new equality messages will be monitored.	This is an indication that the Council is raising the profile of employment equality and diversity in the organisation so that new starts understand the organisational culture and demonstrate the behaviours expected of them from the outset.	The content of the course will be kept under ongoing review.	OD Section in HR.
4	Put in place two new on-line modules on employment diversity and equality due to a change in service provider, with improved content.	Feedback from on-line questionnaires from users of the new modules will be used to assess their effectiveness.	The introduction of these two new on-line modules is an indication that the Council is seeking to make improvements in the training materials it uses to promote diversity and equality in the organisation.	It is currently being proposed to make the undertaking of the module compulsory for the first four tiers of management.	OD Section in HR.
4	Put in place proforma to record	An indication of the effectiveness	The introduction of this form (to complement the guidance) should	The completed forms will be used as a	HR Disability

	Reasonable Adjustments.	of the form will be feedback from managers and employees on the benefits of recording this information in a structured and more formal way.	assist managers to focus on what adjustments could be put in place for disabled employees including recording the reason for implementation indicating that the Council is adhering to its legal duty under the Equality Act.	record of what adjustments have been put in place and the reasons why.	group.
4	Commenced work towards gaining the first level of the Carer's accreditation which has comprised undertaking a Council wide survey of carers in the organisation.	An indicator of success will be the attainment of the first level of the accreditation and an increase in the numbers of employees making use of the supporting provisions for carers. Feedback from the survey will be used to gauge current provision.	By attaining the accreditation this will be an indication that the Council is applying good practices in relation to its employees who have a caring role, with one of the aims being to assist with the retention of employees.	This work will be ongoing until the accreditation is achieved.	HR Disability group.
	Introduced a Disability Leave provision in the Council's Special Leave policy and compiled a set of guidance on Disability	An indicator of the effectiveness of the provision and the guidance will be in the take up of disability leave with this to be monitored	The implementation of this provision and guidance is an indication that the Council is providing equality of opportunity to its disabled employees and taking account of their possible need for occasional time off for	The level of usage of the provision will be monitored. A review of the provision and guidance will be undertaken in future at the appropriate	Policy and Performance Team in HR.

	Leave.	through the Council's Your HR system.	a reason related to their disability.	junction.	
4	Compiled guidance entitled Transgender Equality and Transitioning in the Workplace, to replace existing guidance.	An indication of the effectiveness of the guidance will be through receipt of any feedback from employees/managers on its content.	The introduction of the revised guidance demonstrates to employees that the Council is applying up-to-date practice in relation to transgender employees and applicants.	A review of the guidance will be undertaken in future at the appropriate junction.	Policy and Performance Team in HR.
4	Stonewall submission and outcome	An indicator of the progress the Council is making will be whether a higher score is achieved in relation to the Index and whether the organisation moves up the rank order.	This is an indication that the Council is continuing to work towards improving equality and diversity in relation to its LGBT+ employees with the aim being to increase the score on the Index and placing in the rank order each year.	Once the outcome of the submission is known, this will determine the next steps.	HR LGBT+ group.
4	Set up multi faith room in the Council's headquarters building for employees to use for prayer and contemplation.	Some feedback has been provided by users of the room indicating that it is meeting a demand from employees for such a facility. Regular usage of the room will serve as an indication of its effectiveness.	The setting up of a multi faith room is an indication that the Council is seeking to support employees who have prayer and contemplation needs.	The level of usage of the room will continue to be monitored with any suggested improvements considered.	HR Religion and belief group.

4	As part of Mental Health Awareness Week a posting was placed on the Intranet to let Council employees know about the events.	An indication of the effectiveness of the posting was the number of employees who decided to participate in the events organised that week.	The posting is an indication that the Council wishes to assist its employees who have mental health issues by making them aware that it is a supportive employer and by signposting them to services where assistance may be sought.	No further steps planned.	N/A
4	Undertook a mental health awareness training session.	At the end of the session delegates were asked to complete an evaluation questionnaire to rate the content of the course. From this an indication of its effectiveness was obtained.	The running of this course is an indication that the Council is adding to its suite of equalities training to include more specialised topics with this session being of potential benefit to line managers and also employees with a mental health disability	This session will now comprise part of the annual programme of training.	Health and Safety section.
4	Undertook an employee health fair at the Council's headquarters site which included a stall run by a leading mental health support organisation.	An indicator of the success of the event was the positive feedback received from attendees.	The running of this event is evidence that the Council is promoting health and wellbeing in the workplace, including mental health. It is also an indication that it wishes to support employees who may have a mental health disability.	It is planned that this becomes an annual event with the intention to expand it to cover other topics such as Autism.	Health and Safety Section.
4	Ran an equality and diversity stall at a workforce planning event	An indication of the effectiveness of the stall was obtained from	Attendance at this event is an indication that the Council is aiming to spread the diversity and equality	Consideration will be given to attending this event in future but using an	Equality groups in HR.

	in Roads Services in the Council to promote employment equality and diversity, with a leaflet having been e-mailed to all managers after the event to back up the messages given on the stall.	the organiser of the event who was appreciative of the HR presence. No feedback was available from participants.	message to a group of employees who are typically hard to reach due to the nature of the work they undertake.	alternative method to deliver equality and diversity messages.	
4	A revision of the management behaviours was undertaken with the inclusion of an indicator under 'respect' of 'champions equal opportunities and diversity'. This will be used in the Performance Review and Development (PR&D) scheme when assessing managers.	An indicator of the effectiveness of this measure would be managers being scored as at least 'meeting requirements' under the 'respect' behaviour at their annual PR&D meeting.	The inclusion of this new indicator is evidence that the Council is raising the profile of equality and diversity in relation to the PR&D scheme which should help to remind managers of the importance of promoting diversity and equality as part of their day to day role.	No further steps planned.	N/A
4	A leadership and management framework was compiled	An indicator of effectiveness of this along with other general	The inclusion of a criterion on equality and diversity on the framework under the 'all managers' column,	No further steps planned.	N/A

	indicating what is expected of a manager which includes a bullet point 'promotes equality and diversity'.	equality initiatives will be in the progress made in meeting the general and specific duties under the Equality Act including addressing any underrepresentation in protected characteristic groups.	is an indication that the Council is raising the profile of equality and diversity in the organisation so that managers are mindful of their responsibilities in this regard.		
4	Attained the Disability Confident Employer accreditation (which replaced the two ticks Positive About Disabled Scheme).	An indicator of success will be in retaining the accreditation next year and then in working towards and achieving the higher level of accreditation of 'Disability Leader'. It will also be in increasing the numbers of disabled employees in the organisation.	By attaining this accreditation (which is the middle level) this is an indication that the Council is continuing to provide equality of opportunity in relation to disabled employees and applicants by applying measures to help ensure that they are treated fairly in relation to employment matters.	Steps to be taken to start to work towards the Disability Leader level of the accreditation.	HR Disability group.
4	A revised workforce plan was compiled for the next 5 years which included a section on aims in relation to equality and diversity in	An indicator of the effectiveness of the plan will be in the progress made in meeting the general and specific duties under the	The inclusion of a section in the plan on equality and diversity is an indication that the Council has equality and diversity as a key part of its workforce strategy helping to demonstrate that it is	Implementation of the plan will be monitored on an ongoing basis.	Senior management in the HR service.

	employment.	Equality Act including addressing any underrepresentation in protected characteristic groups.	being mainstreamed.		
4	Undertook a series of events in relation to Anti-Bullying Week including events specific to the protected characteristics of sexual orientation and transgender.	An indicator of the success of the events was the positive feedback received from delegates in particular from those who attended the LGBT+ event and the transgender event.	The running of these events is an indication that the Council wishes to re-inforce its anti-bullying culture, highlighting that bullying and harassment in the organisation is not tolerated and encouraging employees to report any instances of unacceptable behaviour in accordance with the policy/procedure.	Arrangements are to be made to plan a series of events for Anti-Bullying Week in 2017.	Equality groups in HR.
4	The message on the Council's recruitment system in relation to the 'guaranteed interview scheme' was made clearer by more fully clarifying the definition of disability under the Equality Act.	An indicator of effectiveness of this measure will be that job applicants are clearer on what constitutes a disability meaning that only those with a disability under the Act benefit from the 'guaranteed interview scheme' where they meet the criteria for a	Making this wording clearer is an indication that the Council is concerned to help ensure that only those job applicants with a disability under the Act benefit from the 'guaranteed interview scheme', which should help to contribute to providing equality of opportunity to disabled applicants.	The Council will continue to monitor the situation to try to ensure that only disabled applicants who meet the job criteria make use of the scheme.	Equality groups in HR.

		job.			
4	Put in place a 'Pit Stop' training session on the subject of 'unconscious biases, a short one hour participative course.	At the end of each session delegates are asked to complete an evaluation questionnaire to rate the content of the course. From this an indication of its effectiveness can be obtained.	The setting up of this course is an indication that the Council is adding to its suite of equalities training to include more specialised topics such as 'unconscious biases'.	This session will be run and be available on an ongoing basis.	OD Section in HR/ the HR equality groups.
4	Distributed a set of employment equality posters around all schools in the city to be placed on staff room noticeboards as an awareness raising measure.	An indication of the effectiveness of the posters will be through receipt of any feedback on them from employees/managers in the schools.	The distribution of posters to schools is an indication that the Council is taking steps to raise awareness of employment equality and diversity in the harder to reach parts of the organisation.	Consideration will be given to undertaking further targeted poster campaigns in other parts of the Council.	Equality groups in HR.
4	Put in place a revised career break policy to replace the Council's existing policy, with one of the changes being a shortening of the service to qualify and hence opening it up to more	An indication of the effectiveness of the revised policy would be reflected in the take up of employees making use of the policy and also through any feedback received on it	The implementation of the revised policy, which is now available to more employees due to the changes, is an indication that the Council wishes to improve its suite of family friendly policies available to its employees to provide them with more	A review of the policy will be undertaken in future at the appropriate juncture.	Policy and Performance Team in HR.

	employees.	from employees/managers.	flexibility.		
4	An employment equality and diversity stall has been incorporated into the manager's induction/networking event held approximately four times a year.	An indication of the effectiveness of the stall will be obtained from any feedback offered by delegates at the event through the evaluation questionnaire issued.	This is an indication that the Council is aiming to raise the profile of equality and diversity amongst its managers to help ensure that they are aware of their responsibilities from the outset of their employment.	This will be an ongoing arrangement with approximately four events held per annum.	Equality groups in HR.
4	Undertook the annual gender pay audit to identify whether there were any gaps in relation to either basic pay or total pay.	An indication of the effectiveness of the audit is in highlighting any areas of concern in order that these can be examined in more detail and addressed where possible.	This is an indication that the Council is closely monitoring any pay gaps and attempting to identify measures to close gaps where possible, with there being a minimal gap in relation to basic pay but more significant gaps in relation to total pay where allowances are reckoned.	Any pay gaps identified will be discussed in the Gender group in HR to identify any future actions to address these.	HR Gender group.
4	Undertook a number of equality and diversity briefing	An indicator of the success of the briefings was the positive	This is an indication that the Council is responding to requests from Services to provide briefing	Consideration will be given to identifying other Services where similar	HR Business Partner teams.

	<p>sessions for supervisors and chargehands in Grounds Services following a request from the Service management for this type of training.</p>	<p>feedback received from delegates.</p>	<p>sessions on equality and diversity, with the aim of the sessions having been to raise awareness of this amongst first line managers in a particular service.</p>	<p>briefings could be undertaken.</p>	
4	<p>Arranged for 'Project Search' interns (who are part of a University of Aberdeen program for young people with additional support needs such as autism) to come to the Council's headquarters to undertake workshops on job application and interview skills. Also arranged for them to have discussions with managers on Council jobs and work placement opportunities.</p>	<p>An indication of the effectiveness of the events would be Project Search interns being successful in securing work placements or posts with the Council or other employers.</p>	<p>This indication that the Council is making efforts to encourage young people with additional support needs / learning disabilities / autism etc. to apply for Council work placements and jobs. It is also giving them the skills to potentially succeed in recruitment and selection processes. At the same time it is making managers aware of 'Project Search' and the additional needs / support of future candidates and staff.</p>	<p>Will consider at continued work with 'Project Search' and Aberdeen University in the future.</p>	<p>HR Disability Group.</p>

ACC and Education Authority Equal Pay Policy Statement

Aberdeen City Council Equal Pay Policy Statement

Aberdeen City Council is fully committed to maintaining equal pay and rewarding employees fairly for the work they do irrespective of their gender, age, ethnic origin, disability or any other protected characteristic. In order to show that we are achieving that aim we will carry out an Equal Pay Audit annually and share the outcome of those audits with the relevant trades unions.

Our objective on equal pay is to achieve and maintain pay equality within the Aberdeen City Council workforce.

In the event that the Equal Pay Audit highlights pay inequality we commit to investigate any issues and take action to close any pay gap where that is appropriate and compliant with National Agreements. We will continue to operate the agreed job evaluation schemes for the staff concerned. We will also continue to develop and enhance flexible working opportunities for our employees.

We will review carefully any nationally proposed initiatives relating to pay and reserve the right not to implement initiatives (other than pay awards) which would have the effect of distorting the equilibrium of the locally agreed pay and grading structure leading to pay inequality.

The Head of HR and Customer Service is responsible for the implementation of this policy.

The Human Resources service of Aberdeen City Council has responsibility for the HR functions of the Council and the Education Authority. Therefore, the Equal Pay Policy Statement above also applies to the Education Authority.

ACC and Education Authority Gender Pay Gap

Gender Pay Gap Information for the Council as a whole

The current gender pay gap information for the Council as a whole is set out below and is based on the percentage difference, among our employees, between men's average hourly pay (excluding overtime) which is £14.8485 ph and women's average hourly pay (excluding overtime) which is £14.9530 ph.

The current gender pay gap for all Council employees is -0.70% (in favour of women). This is a negative figure as, on average, female employees are paid at a marginally higher hourly rate than male employees across the Council. This compares with a gender pay gap of -2.66% reported in the Mainstreaming Report of 2015 indicating a slight decrease in the gap (in favour of women).

The current gender pay gap is regarded as modest and will continue to be monitored on an on-going basis.

Gender Pay Gap Information in the Education Authority

The current gender pay gap information for the Education Authority (comprising employees in the Council's Education Service) is set out below and is based on the percentage difference, among our employees, between men's average hourly pay (excluding overtime) which is £20.8926 ph and women's average hourly pay (excluding overtime) which is £16.5712 ph.

The current gender pay gap for Education employees in this council is 20.68% (in favour of men). There is a significant gender pay gap for this group with male employees being paid, on average, a higher hourly rate than females. This gender pay gap results from the higher proportion of male employees in the upper salary bands for Education Authority employees and an under-representation of men in the lower pay bands, particularly in school administration and support roles. This compares with a gender pay gap of 19.35% reported in the Mainstreaming Report of 2015.

The gender pay gap of 20.68% is clearly significant. Senior management within the directorate will be made aware of the gap and relevant parties will become involved in identifying and implementing measures to aim to start to close it. Further analysis of recruitment and selection statistics will also be undertaken to determine whether there is evidence of any issue in relation to the selection for senior posts.

ACC and Education Authority Occupational Segregation

Occupational Segregation by Salary Band – All Employees

Salary Band (Full Time Equivalent)	No of Employees	Gender		Ethnicity			Disability		
		Female (%)	Male (%)	Minority (%)	White (%)	No Data (%)	Yes (%)	No (%)	No Data (%)
0-15,000	20	10	90	0	75	25	20	45	35
15,001-20,000	2071	68	32	2	73	24	4	61	35
20,001-25,000	2009	64	36	2	78	19	3	68	29
25,001-30,000	1058	73	27	1	80	18	3	70	28
30,001-35,000	743	75	25	2	73	25	2	53	44
35,001-40,000	1579	78	22	2	77	22	3	65	32
40,001-45,000	401	64	36	0	85	14	2	77	20
45,001-50,000	333	68	32	2	85	13	2	78	20
50,001-55,000	196	60	40	0	91	9	1	86	13
55,001-60,000	44	57	43	0	86	14	0	80	20
60,001-75,500	28	68	32	0	82	18	0	79	21
>75,500	19	21	79	0	42	58	0	37	63

Comment

Gender

From the above table it is the case that there is a lower proportion of females compared to the proportion of females in the workforce in the highest salary band.

The proportion of females to males in the workforce in 2016 was 68.8% to 31.2%.

Ethnicity

From the above table it is the case that there is no ethnic minority representation in the upper salary bands. However, these bands are the least populated and so this may not be statistically significant. It should be noted that in 2016 21.6% of the workforce opted not to declare their ethnicity.

The proportion of employees in the workforce who declared as ethnic minority and those who declared as white in 2016 was 2.2% and 76.3% respectively.

Disability

From the above table it is the case that there is no disabled representation in the upper salary bands. However, these bands are the least populated and so this may not be statistically significant. It should be noted that in 2016 31.8% of the workforce opted not to declare whether they had a disability.

The proportion of employees in the workforce who declared as disabled and those who declared as non-disabled in 2016 was 2.9% and 65.3 respectively.

Occupational Segregation by Occupational Group – All Employees

Group	No of Employees	Gender		Ethnicity			Disability		
		Female (%)	Male (%)	Minority (%)	White (%)	No Data (%)	Yes (%)	No (%)	No Data
Administrative	1112	84	16	3	77	20	4	63	33
Chief Officer	21	19	81	0	43	57	0	38	62
Craft Worker	350	0	100	0	68	32	3	55	43
Managerial	528	47	53	1	88	11	3	80	16
Personal Care	601	92	8	2	78	20	3	67	30
Practical	2277	66	34	2	80	18	3	70	27
Professions	681	73	27	3	77	20	3	64	32
Specialists	755	61	39	4	75	21	5	61	34
Teachers and related professionals	2001	82	18	1	74	25	2	63	35
Technical	175	38	62	2	84	14	5	68	27

Employees have been classified either based on their negotiating body (in the case of Chief Officers, Craft Workers and Teachers and related professionals) or on the type of work they do:

- For the Administrative group the nature of the work and the knowledge required relates predominantly to clerical/administrative duties and activities.
- For jobs in the Managerial group the nature of the work and knowledge required might vary, but specific managerial responsibilities are predominant, for example Service Managers.
- The Personal Care group contains those jobs where the job holder provides mental, physical or developmental care and support to clients, for example Care Assistants and Crèche Workers.
- In the Practical group the nature of the work and the knowledge required relates predominantly to practical duties and activities for example Cleaner, Caterer, Road Worker or Environmental Operative.
- For the Professions group the nature of the work and the knowledge required relates predominantly to theoretical duties and activities and to a specific profession for example Environmental Health Officers or Engineers.
- The Specialists group contains a range of jobs which normally require specific technical or theoretical knowledge but which cannot be classified into any of the

previous groups. Examples include professional trainees, Events Officers and HR Assistants.

- The Technical group contains those jobs associated with the operation, maintenance, design and development of plant, equipment and technical infrastructure, for example Engineering Assistants or Design Technicians.

Comment

Gender

From the above table it is the case that there is a lower proportion of females in the Chief Officer, Managerial, Technical and Craft Worker categories compared to the proportion of females in the workforce (with there being no female Craft Workers). Also, there is a lower proportion of males in the Teachers and related professionals, Administrative and Personal Care categories compared to the proportion of males in the workforce.

The proportion of females to males in the workforce in 2016 was 68.8% to 31.2%

Ethnicity

From the above table it is the case that there is no ethnic minority representation in the Chief Officer and Craft Worker categories. It should be noted that the Chief Officer category comprises a small number of employees so this may not be statistically significant. In 2016 21.6% of the workforce opted not to declare their ethnicity.

The proportion of employees in the workforce who declared as ethnic minority and those who declared as white in 2016 was 2.2% and 76.3% respectively.

Disability

From the above table it is the case that there is no disabled representation in the Chief Officer category. It should be noted that the Chief Officer category comprises a small number of employees so this may not be statistically significant. In 2016 31.8% of the workforce opted not to declare whether they had a disability.

The proportion of employees in the workforce who declared as disabled and those who declared as non-disabled in 2016 was 2.9% and 65.3% respectively.

Occupational Segregation

Occupational Segregation by Salary Band – Education

Salary Band (Full Time Equivalent)	No of Employees	Gender		Ethnicity			Disability		
		Female (%)	Male (%)	Minority (%)	White (%)	No Data (%)	Yes (%)	No (%)	No Data (%)
15,001-20,000	419	96	4	2	78	20	2	67	31
20,001-25,000	722	95	5	2	80	18	2	72	26
25,001-30,000	493	87	13	1	80	19	3	72	25
30,001-35,000	349	85	15	1	68	32	1	43	56
35,001-40,000	981	83	17	1	74	24	2	66	32
40,001-45,000	167	77	23	0	89	11	2	78	20
45,001-50,000	180	75	25	2	84	14	0	80	20
50,001-55,000	98	70	30	0	86	14	0	82	18
55,001-60,000	25	76	24	0	80	20	0	72	28
60,001-75,500	21	67	33	0	86	14	0	81	19

Comment

Gender

From the above table it is the case that there is a lower proportion of females in the upper salary bands compared to the proportion of females in the workforce.

The proportion of females to males in the Education workforce in 2016 was 85.5% to 14.5%.

Ethnicity

From the above table it is the case that there is no ethnic minority representation in the upper salary bands. However, these bands are the least populated and so this may not be statistically significant. It should be noted that in 2016 21.3% of the Education workforce opted not to declare their ethnicity.

The proportion of employees in the Education workforce who declared as ethnic minority and those who declared as white in 2016 was 1.4% and 77.3% respectively.

Disability

From the above table it is the case that there is no disabled representation in the upper salary bands. However, these bands are the least populated and so this may not be statistically significant. It should be noted that in 2016 31.1% of the Education workforce opted not to declare whether they had a disability.

The proportion of employees in the Education workforce who declared as disabled and those who declared as non-disabled in 2016 was 1.9% and 67.0% respectively.

Occupational Segregation by Occupational Group – Education

Group	No of Employees	Gender		Ethnicity			Disability		
		Female (%)	Male (%)	Minority (%)	White (%)	No Data (%)	Yes (%)	No (%)	No Data (%)
Administrative	269	96	4	1	79	19	4	69	28
Education Advisers	26	69	31	0	69	31	0	69	31
Managerial	24	67	33	4	75	21	0	83	17
Music Instructors	37	54	46	0	92	8	0	92	8
Personal Care	322	98	2	1	82	17	2	78	20
Practical	737	97	3	2	84	14	1	78	21
Professions	26	85	15	4	88	8	0	85	15
Education Psychologists	17	88	12	0	65	35	0	53	47
Specialists	113	74	26	4	75	21	7	62	31
Teachers	1818	82	18	1	74	25	1	65	33
Technical	66	58	42	0	94	6	3	74	23

Teachers and associated professionals have been broken down into Education Advisers, Music Instructors, Education Psychologists and Teachers. Other employees have been classified based on the type of work they do:

- For the Administrative group the nature of the work and the knowledge required relates predominantly to clerical/administrative duties and activities.
- For jobs in the Managerial group the nature of the work and knowledge required might vary, but specific managerial responsibilities are predominant, for example Service Managers.
- The Personal Care group contains those jobs where the job holder provides mental, physical or developmental care and support to clients.
- In the Practical group the nature of the work and the knowledge required relates predominantly to practical duties and activities.
- For the Professions group the nature of the work and the knowledge required relates predominantly to theoretical duties and activities and to a specific profession.
- The Specialists group contains a range of jobs which normally require specific technical or theoretical knowledge but which cannot be classified into any of the previous groups.
- The Technical group contains those jobs associated with the operation, maintenance, design and development of plant, equipment and technical infrastructure.

Comment

Gender

From the above table it is the case that there is a lower proportion of females in the Managerial, Education Advisers, Music Instructors, Specialist and Technical categories compared to the proportion of females in the Education workforce. Also, there is a lower proportion of males in the Administrative, Personal Care and Practical categories, compared to the proportion of males in the Education workforce.

The proportion of females to males in the Education workforce in 2016 was 85.5% to 14.5%

Ethnicity

From the above table it is the case that there is no ethnic minority representation in the Education Advisers, Music Instructors, Education Psychologist and Technical categories. This may not be statistically significant as the numbers of employees in these groups is relatively low. It should be noted that in 2016 21.3% of the workforce opted not to declare their ethnicity.

The proportion of employees in the Education workforce who declared as ethnic minority and those who declared as white in 2016 was 1.4% and 77.3% respectively.

Disability

From the above table it is the case that there is no disabled representation in the Educational Advisers, Managerial, Music Instructors, Professions and Education Psychologists categories. This may not be statistically significant as the numbers of employees in these groups is relatively low. It should be noted that in 2016 31.1% of the workforce opted not to declare whether they had a disability.

The proportion of employees in the Education workforce who declared as disabled and those who declared as non-disabled in 2016 was 1.9% and 67.0% respectively.



Education and Children's Services Equality Outcomes Information

Appendix 5.

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Education and Children's Services
Equality Outcomes 2015-17 Progress Report

Equality Outcome 3		General duty met:	Protected characteristic met:
<p>General Duties: GD1. Eliminating discrimination, harassment and victimisation. GD2. Advancing equality of opportunity between persons who share a protected characteristic and those who do not share it. GD3. Fostering good relations between persons who share a protected characteristic and those who do not share it.</p> <p>Protected characteristic supported through equality outcome: A: Age, D: Disability, GR: Gender reassignment, M: Pregnancy and maternity, R: Race, RB: Religion and belief, S: Sex, SO: Sexual Orientation</p>			
Equality Outcome	An accessible city: 1. People with protected characteristics making better use of cultural and sporting facilities	GD1 GD2 GD3	ALL
Evidence	*Grampian Race Equality Council (GREC) Creating a Fairer and More Equal Aberdeen – 2016 Report		
Outputs	See appendix 25 (Cultural Report).		
Measurement	1. Single sex swimming sessions are now available in Aberdeen swimming pools 2. At the end of the project the feedback was very positive and many of the participants did not want the group to stop so some further sessions were arranged using other forms of art.		

Equality Outcome 8		General duty met:	Protected characteristic met:
<p>General Duties: GD1. Eliminating discrimination, harassment and victimisation. GD2. Advancing equality of opportunity between persons who share a protected characteristic and those who do not share it. GD3. Fostering good relations between persons who share a protected characteristic and those who do not share it.</p> <p>Protected characteristic supported through equality outcome: A: Age, D: Disability, GR: Gender reassignment, M: Pregnancy and maternity, R: Race, RB: Religion and belief, S: Sex, SO: Sexual Orientation</p>			
Equality Outcome	A fair and diverse social care service: 1. People with protected characteristics have their social care needs met	GD1 GD2 GD3	ALL
Evidence	<ol style="list-style-type: none"> Care experienced young people (looked after children) do less well compared with their peer groups Children who are disabled have the right type of support at the right time to ensure that they and their families are not disadvantaged in Aberdeen City. Pre-birth children (unborn babies) can be at risk due to issues that parents are dealing with e.g. mental health, substance use and domestic violence. 		
Outputs	<ol style="list-style-type: none"> The implementation of Reclaiming Social Work is intended to keep more children and young people at home and where this is not possible encourage the use of kinship care before considering fostering and adoption placements. The introduction of a champion's board for corporate parenting has helped ensure that care experienced young people have accessed support and have had more opportunities to try new things, education and better future prospects. A change to a mix of a team and Unit model for children who are disabled will ensure that the right support can be accessed at the right time for children with a disability and give them a better start in life. A change to the delivery of the services at Aberdeen Maternity Hospital to Unit working is intended to give children a better start in life. 		

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Measurement	Reclaiming Social Work was implemented in February 2016 so it is still too early to provide any outcome data. However, the measures will be reported in the next reporting cycle and will look at a reduction in children placed out with the Local Authority for their care and protection and more children and young people supported at home; better outcomes for pre-birth children referred to the Aberdeen Maternity Hospital children’s social work service and children who are disabled evidenced by increased proportion of children showing positive changes on wellbeing measures (SHANARRI).
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Equality Outcome 12a		
	General duty met:	Protected characteristic met:
General Duties: GD1. Eliminating discrimination, harassment and victimisation. GD2. Advancing equality of opportunity between persons who share a protected characteristic and those who do not share it. GD3. Fostering good relations between persons who share a protected characteristic and those who do not share it.		
Protected characteristic supported through equality outcome: A: Age, D: Disability, GR: Gender reassignment, M: Pregnancy and maternity, R: Race, RB: Religion and belief, S: Sex, SO: Sexual Orientation		
Equality Outcome	Improved opportunities for lifelong learning	GD1 GD2 GD3
Evidence	<ul style="list-style-type: none"> • Aberdeen City Council - Community Development Plan 2015-18 • *Grampian Race Equality Council (GREC) Creating a Fairer and More Equal Aberdeen – 2016 Report • Adult Learning Week 2016 - Aberdeen City Libraries supported sessions at Aberdeen Royal Infirmary to raise awareness with both members of the public and hospital staff of the learning opportunities available around the city. The sessions were delivered in partnership with the Adult Learning Team, Grampian Regional Equality Council and North East Scotland College and generated several inquiries about learning across the city. 	

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Outputs	We will work with young people aged 11-19 and adults to overcome barriers to learning, skills and employment. We offer programmes and activities, some of which are accredited to support. – Community Development Plan
Measurement	SIMD Data

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Equality Outcome 12b		General duty met:	Protected characteristic met:
<p>General Duties: GD1. Eliminating discrimination, harassment and victimisation. GD2. Advancing equality of opportunity between persons who share a protected characteristic and those who do not share it. GD3. Fostering good relations between persons who share a protected characteristic and those who do not share it.</p> <p>Protected characteristic supported through equality outcome: A: Age, D: Disability, GR: Gender reassignment, M: Pregnancy and maternity, R: Race, RB: Religion and belief, S: Sex, SO: Sexual Orientation</p>			
Equality Outcome	Reduced gap in educational attainment between pupils	GD1 GD2 GD3	ALL
Evidence	Creation of a 'Virtual School' in 2016		
Outputs	<ul style="list-style-type: none"> To make sure that there is a system to rigorously track and monitor the attainment of children who are looked after. To ensure that all children who are looked after have an effective learning plan that ensures access to 		

	<p>appropriate and timely support to remove barriers and is in keeping with the Children and Young People’s Act.</p> <ul style="list-style-type: none"> To champion the educational needs of children who are looked after across the authority and those placed out-of-authority.
Measurement	Tracking and monitoring include: accurate information on Looked After Children (LAC) held by schools; joint procedures for school transitions; key questions relating to education in LAC reviews and a review of the Children Specialist Service Forum (CSSF) for out of authority placements.

Equality Outcome 12c			
General Duties:		General duty met:	Protected characteristic met:
GD1. Eliminating discrimination, harassment and victimisation. GD2. Advancing equality of opportunity between persons who share a protected characteristic and those who do not share it. GD3. Fostering good relations between persons who share a protected characteristic and those who do not share it.			
Protected characteristic supported through equality outcome:		GD1 GD2 GD3	ALL
A: Age, D: Disability, GR: Gender reassignment, M: Pregnancy and maternity, R: Race, RB: Religion and belief, S: Sex, SO: Sexual Orientation			
Equality Outcome	Improved awareness, knowledge and understanding of diversity and equality		
Evidence	*Grampian Race Equality Council (GREC) Creating a Fairer and More Equal Aberdeen – 2016 Report Stonewall Scotland Education Equality Index (EEI) 2015 and 2016 results		

Appendix 5.

<p>Outputs</p>	<ol style="list-style-type: none"> 1. Increased promotion of diversity and equality through all aspects of planned learning 2. Promoting the importance of diversity and equality to all staff 3. Submission of EEI 2015/16 4. Development of Lesbian, Gay, Bi-sexual and Transgender (LGBT+)/Alliance groups in secondary schools 5. Improve relations between communities in Aberdeen by developing more events and celebrations for all
<p>Measurement</p>	<ol style="list-style-type: none"> 1. All letting fees for Aberdeen City Council buildings for voluntary language schools have been removed 2. Development and increased distribution of newsletters to all staff – Professional learning, Inclusion, Improvement Service and Information for All News Collective 3. An increase in our percentage of marks against our EEI: <ul style="list-style-type: none"> • 2015 43% • 2016 60% 4. Development of LGBT+/Alliance groups in secondary schools: <ul style="list-style-type: none"> • 2015 – 1/12 academies • 2016 – 4/12 academies 5. *33% of LGBT+ respondents strongly agreed with the statement ‘There are good relations between communities in Aberdeen, compared to 51% of heterosexual respondents. *71% of respondents in the 18-24 year old age bracket agreed or strongly agreed with the statement ‘Equality and diversity are welcomed and celebrated in Aberdeen.

<p>Equality Outcome 12d</p>	
<p>General Duties: GD1. Eliminating discrimination, harassment and victimisation. GD2. Advancing equality of opportunity between persons who share a protected characteristic and those who do not share it. GD3. Fostering good relations between persons who share a protected characteristic and those who do not share it.</p>	<p style="writing-mode: vertical-rl; transform: rotate(180deg);">General duty met:</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Protected characteristic met:</p>
<p>Protected characteristic supported through equality outcome: A: Age, D: Disability, GR: Gender reassignment, M: Pregnancy and maternity, R: Race, RB: Religion and belief, S: Sex, SO: Sexual Orientation</p>	

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Equality Outcome	Gender stereotyping challenged to ensure that the promotion of diversity and equality permeates the curriculum	GD1 GD2 GD3	ALL
Evidence	<ul style="list-style-type: none"> • New Teaching Resource on Gender Equality and the Sustainable Development Goals • Europe Direct Aberdeen in partnership with Montgomery Development Education Centre have published a new teaching resource “Achieving Gender Equality in Scotland, Europe and the Rest of the World”. The combined booklet and website have been designed for use in upper primary to lower secondary school stages. Introducing the UN’s Sustainable Development Goals with a particular focus on Goal 5 Gender Equality it is filled with lesson and activity ideas. Topics covered include sustainability, gender stereotypes, fairness and equality, gender rights and gender based violence. • Aspiration survey 2015/16 developed to capture data from S4/S5 pupils part of which highlighted differences between gender and subject choices. • Girls in Energy course, sponsored by Shell. http://www.shell.co.uk/sustainability/society/supporting-stem/girls-in-energy.html We’re offering 3 of these next year. 		
Outputs	Supporting girls through Science		
Measurement	An increase in the number of girls accessing ‘Girls in Energy’ course.		

Education and Children’s Services Equality Outcomes 2017-21 (DRAFT)

Strategic Outcomes – Links to Local Outcome Improvement Plan (LOIP)			
Children have the best start in life – children in Aberdeen City are healthy, happy and safe, and enjoy the best possible childhood	Children and young people are safe and responsible – children and young people are safe from all forms of harm	Children are respected, included and achieving – children and young people are listened to, respected, valued and involved in the decision-making process	Investment in infrastructure - Aberdeen City is a robust and resilient economy providing a vibrant built environment and attractive place for residents, students, business and tourists. People friendly city - a city where people to choose to invest, live and visit

Education and Children’s Services Equality Outcomes

<p>Equality Outcome 1. Children and young people with a disability and their families are supported and included enabling them to achieve their full potential</p>
<p>Equality Outcome 2.</p> <ul style="list-style-type: none"> • Pre-birth children (unborn babies) at risk due to issues that parents are dealing with such as; mental health, substance use and domestic violence are identified at an earlier stage • Vulnerable pregnant women are identified and supported at an early stage
<p>Equality Outcome 3. LGBT+ pupils feel safe, respected and included in school</p>
<p>Equality Outcome 4. All children and young people in Aberdeen have an understanding of their rights and develop the ethos and culture to improve well-being and develop every child’s talents and abilities to their full potential.</p>
<p>Equality Outcome 5. External cultural organisations who receive investment from Aberdeen City Council actively promote and engage with those with protected characteristics in designing, planning and delivering activity.</p>

Equality Outcome 1		General duty met:	Protected characteristic met:
<p>General Duties: GD1. Eliminating discrimination, harassment and victimisation. GD2. Advancing equality of opportunity between persons who share a protected characteristic and those who do not share it. GD3. Fostering good relations between persons who share a protected characteristic and those who do not share it.</p> <p>Protected characteristic supported through equality outcome: A: Age, D: Disability, GR: Gender reassignment, M: Pregnancy and maternity, R: Race, RB: Religion and belief, S: Sex, SO: Sexual Orientation</p>			
Equality Outcome	Children and young people with a disability and their families are supported and included enabling them to achieve their full potential	GD1. GD2. GD3.	D
Improvement	a) Increase the number of children and young people with a disability who are supported (Reclaiming Social Work) b) Increase the extent to which pupils with a disability can take advantage of education and associated services.		
Evidence	<ul style="list-style-type: none"> Service descriptor aim :http://www.gov.scot/Resource/0044/00447850.pdf and http://www.fsd.org.uk/ 		
Outputs	<ul style="list-style-type: none"> A change to a mix of a team and Unit model for children who are disabled will ensure that the right support can be accessed at the right time for children with a disability. A unit and team for children who are disabled will provide holistic support to the children and young people they work with. Unmet needs will be recorded for review and planning purposes. Increasing the extent to which disabled pupils can participate in the curriculum The physical environment of schools to increase the extent to which pupils with a disability can take advantage of education and associated services. Communication of information to disabled pupils that is provided in writing for pupils who are not disabled, in appropriate alternative formats and taking account of any preferences expressed by them or their parents. 		
Measurement	<ul style="list-style-type: none"> National outcomes as agreed in line with the GIRFEC (SHANARRI indicators to measure outcomes) 21 indicators (Aberdeen 21) behind each of the 8 main outcomes. These are reviewed with service users and any change recorded. A baseline will be established during 2017 as the performance management framework is implemented. 		

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	<ul style="list-style-type: none">• The number of pupils identified as ASN being supported in mainstream education opposed to special schools• Accessibility Strategy - parent, pupil and staff questionnaire 2017• Accessibility Strategy – parent, pupil and staff questionnaire will be repeated 2020• Accessibility of school estate
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Equality Outcome 2		General duty met:	Protected characteristic met:
<p>General Duties: GD1. Eliminating discrimination, harassment and victimisation. GD2. Advancing equality of opportunity between persons who share a protected characteristic and those who do not share it. GD3. Fostering good relations between persons who share a protected characteristic and those who do not share it.</p> <p>Protected characteristic supported through equality outcome: A: Age, D: Disability, GR: Gender reassignment, M: Pregnancy and maternity, R: Race, RB: Religion and belief, S: Sex, SO: Sexual Orientation</p>			
Equality Outcome	<ul style="list-style-type: none"> • Pre-birth children (unborn babies) at risk due to issues that parents are dealing with such as; mental health, substance use and domestic violence are identified at an earlier stage • Vulnerable pregnant women are identified and supported at an early stage 	GD2. GD3.	M
Improvement	Identification of vulnerable pregnant women where existing factors may result in their child being considered as a child in need of additional support or protection Appropriate supports are in place for the family unit whilst ensuring the child's needs remain the focus of all interventions		
Evidence	Child Protection guidance, links to pregnancy and child protection. http://www.gov.scot/Resource/0045/00450733.pdf		
Outputs	A change in delivery of services at Aberdeen Maternity Hospital to 'Unit working' gives children a better start in life. The service will share information within the current named person service guidance at an earlier stage that can help identify the babies who may be in need and who may be at risk of significant harm when born. A pregnancy may be considered 'high risk' where one or more of the following exist: substance misuse, domestic violence, learning disability, serious mental health issues or previous history of abuse or neglect.		
Measurement	The reduction in the number of babies being taken into care or on the caseload of Permanence and Care Units		

Equality Outcome 3		General duty met:	Protected characteristic met:
<p>General Duties: GD1. Eliminating discrimination, harassment and victimisation. GD2. Advancing equality of opportunity between persons who share a protected characteristic and those who do not share it. GD3. Fostering good relations between persons who share a protected characteristic and those who do not share it.</p> <p>Protected characteristic supported through equality outcome: A: Age, D: Disability, GR: Gender reassignment, M: Pregnancy and maternity, R: Race, RB: Religion and belief, S: Sex, SO: Sexual Orientation</p>			
Equality Outcome	LGBT+ pupils feel safe, respected and included in school	GD1 GD3	SO, GR
Improvement	<ul style="list-style-type: none"> Eliminate Lesbian, Gay, Bisexual and Transgender (LGBT+) bullying behaviour and the use of homophobic language in schools 		
Evidence	<ul style="list-style-type: none"> The Teachers' Report (Stonewall Scotland, 2014) 91% of secondary school staff in Scotland hears inappropriate homophobic language used by pupils in school. 14% of these staff says they rarely or never challenge the use of this language. The School Report (Stonewall Scotland, 2012) 52% of LGBT+ young people experience homophobic bullying behaviour in Scotland's schools. 54% of LGBT+ pupils in Scotland don't feel 'part of their school community'. 		
Outputs	<ul style="list-style-type: none"> Support LGBT+/ Alliance groups in secondary schools Submit an annual Stonewall Education Equality Index Arrange train the trainer sessions for secondary school teachers in Aberdeen Continue to roll out Primary school training through train the trainer action plan Revision of the Education and Children's Services anti-bullying policy and subsequent development of school level policies 		

Appendix 5.

<p>Measurement</p>	<ul style="list-style-type: none">• Increased number of secondary schools with LGBT+/ Alliance groups – currently 4 out of 12• Improve on annual Stonewall Scotland Education Equality Index score (2015 – 43%, 2016 – 60%)• Increase the number of staff getting secondary school train the trainer training from Stonewall Scotland• Increase Primary school delivery of Stonewall Scotland training across Aberdeen using existing trained staff• Monitor anti-bullying reporting following on from the implementation of the anti-bullying policy
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Equality Outcome 4		General duty met:	Protected characteristic met:
<p>General Duties: GD1. Eliminating discrimination, harassment and victimisation. GD2. Advancing equality of opportunity between persons who share a protected characteristic and those who do not share it. GD3. Fostering good relations between persons who share a protected characteristic and those who do not share it.</p> <p>Protected characteristic supported through equality outcome: A: Age, D: Disability, GR: Gender reassignment, M: Pregnancy and maternity, R: Race, RB: Religion and belief, S: Sex, SO: Sexual Orientation</p>			
Equality Outcome	All children and young people in Aberdeen have an understanding of their rights.	GD1 GD2 GD3	ALL
Improvement	a) All Aberdeen schools will achieve level 1 Rights Respecting School status or equivalent status. b) Develop an alternative Rights Respecting programme which delivers the same outcomes to achieve an equivalent status in aspects of Children and Young People’s lives outside of school.		
Evidence	Existing data on ACC RRS status; Unicef; RRS assessment reports, HMle reports; Standards and Quality reports; schools audits; ACC’s own rights and participation award for schools that choose not to use RRSA.		
Outputs	<ul style="list-style-type: none"> • CPD offered to all schools from ACC staff; • Unicef presentations at Aberdeen Learning Festival 2017 • Opportunities for schools to network and share practice both face-to face and electronically and newsletters • Leaflets on effective participation issued to all teaching staff 		
Measurement	<ul style="list-style-type: none"> • Exclusion, attendance and attainment data • Responses in pupil / parental questionnaires • Unicef Impact evaluation forms • Increase the number of level 1 Rights Respecting Schools • Development of a mechanism to measure Rights Respecting impact outside of schools 		

Equality Outcome 5		General duty met:	Protected characteristic met:
<p>General Duties: GD1. Eliminating discrimination, harassment and victimisation. GD2. Advancing equality of opportunity between persons who share a protected characteristic and those who do not share it. GD3. Fostering good relations between persons who share a protected characteristic and those who do not share it.</p> <p>Protected characteristic supported through equality outcome: A: Age, D: Disability, GR: Gender reassignment, M: Pregnancy and maternity, R: Race, RB: Religion and belief, S: Sex, SO: Sexual Orientation</p>			
Equality Outcome	External cultural organisations who receive investment from Aberdeen City Council actively promote and engage with those with protected characteristics in designing, planning and delivering activity.	GD1 GD2 GD3	ALL
Improvement	Addressing board membership and diversity, commissioning and producing new work reflecting the diversity of the city, designing engagement programmes or establishing programming or production groups.		
Evidence	No existing data available		
Outputs	A clearer understanding of current board membership Increase where necessary equitable representation of board membership those with protected characteristics.		
Measurement	<ul style="list-style-type: none"> Existing board membership will be monitored and recorded from April 2017 to establish our benchmark. We will introduce two new monitoring forms – one to be completed by the recipients of cultural awards, and one by the core and regular funded organisations – differing level of detail. These will be developed in line with the Creative Scotland template. 		

Cultural report

Equality Outcome –

An accessible city: 1. People with protected characteristics making better use of cultural and sporting facilities

Creative Minds – Life is a Journey (Working with Alzheimer Scotland) 2015-16

- Intergeneration project with students from Gray's School of Art to work with people with dementia and produced pieces of artwork that represent all the interesting things they've done with their lives.

2016-17 - Aberdeen Multicultural Centre -Cultural & Linguistic Diversity Enhancement Project

- The aim of the project is to strengthen integration amongst diverse local communities through organizing inter-cultural events such as Asian Autumn Festival to celebrate vibrant cultural arrays and International Mother Language Day each year under a common umbrella of Aberdeen Multicultural Centre. Also to create opportunities to promote diversity and restore cultural heritage and languages of multi-ethnic communities of Aberdeen.
- A poetry reading programme every month for the Nepalese community members in Aberdeen. The major activities include poetry reading, singing, dancing and cultural activities. Grant requested to meetings could be held in hired venue, which will provide a positive boost to the program and help sustain the brotherhood and cultural sharing amidst Nepali ethnic minorities in Aberdeen City.

Our Creative Partnerships strand has a remit to address equalities issues. Eg Lift Project, Activity agreements, Gordon Highlanders Tapestry

All Creative learning projects are designed to be non-discriminatory in their accessibility. Monies are set aside each financial year to address issues if they arise. Artists working with Creative Learning are briefed regarding equalities. Artists and partners that work with us are expected to share commitment to equalities.

We updated equalities monitoring to include Non-binary in gender in line with gender recognition act.

Appendix 5.

MUSEUMS AND GALLERIES

Up to date progress for 2015-17

Launch of Aberdeen Treasure Hub in Northfield, November 2016. This museum store will make collections accessible to all, through the design of the building and programmes of activity, learning opportunities and events which will come on-stream during 2017.

BEACH BALLROOM

We welcome all at public events and run events for adults with learning difficulties (Cornerstone) work with NHS Grampian to encourage senior citizens to attend Tea Dances – Sing- A Longs and Christmas Lunches and encourage minority group to use our facilities by giving discounts when we can.

Disabled Access – new intercoms and signage has been updated to ease access to the building – additional disabled toilets were installed in 2015 and existing toilets upgraded. We would hope to have lift access to all floors sometime between 2019-2021.

LIBRARIES

Signed storytelling sessions in Central & Community Libraries for hearing impaired children – since April 2016 we have hosted sessions in school holidays with the support of a teacher from Aberdeen School of the Deaf (dependent on her availability). In November our Early Years Gifting Co-ordinator has been liaising with them with a view to introducing an element of sign language in Book bug sessions around the city.

#WriteCity creative writing festival - since 2014 we have been working with groups of young people and adults to help develop their creativity and writing skills. In 2015, there was a particular focus on disadvantaged groups

Signed storytelling sessions: <\\Accfp-data2-server\data2\Arts&rec\SHARED\Learning Development\ASN\Signed stories\Evaluation\Collated Feedback Form.docx>

#WriteCity creative writing festival - <\\Accfp-data2-server\data2\Arts&rec\SHARED\Learning Development\WriteCity\2015\Funding\Final Report\Cultural Awards 2015 - Final Report Template.doc>

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6- EHRIA Summary and Action Planning				
Report Title				
Assessment not required	Evidence			
Assessment completed	As a result of completing this assessment, what actions are proposed to remove or reduce any risks of adverse outcomes which were identified.			
Identified Risk and to whom:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:
Lack of awareness in Council services of legal requirement to the Equality Act (Scotland) 2010	Ensure that all services are aware of this new framework and to develop their new plans and actions based on Equality Outcomes.	S Howard / Head of Service / Comms	Ongoing throughout 2017-2021 period	2018
Lack of public awareness around equality issues the council's legal duties	Continue to build public awareness and work with Corporate Comms to deliver positive key equality messages, challenge negative and discriminatory language and behaviour and promote a culture of respect	S Howard / Head of Service / Comms	Ongoing throughout 2017-2021 period	2018

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7: Sign off

Completed by (Names and Services) :	Kelly Johnstone (Equalities)
Signed off by (Head of Service) :	Derek McGowan

Only sections 6 and 7 will be attached to the committee report

The full EHRIA will be published on Aberdeen City Council's website under
http://www.aberdeencity.gov.uk/xeq_EHRIA_Search.asp

Please send an electronic format of the full EHRIA without signature to: SHoward@aberdeencity.gov.uk

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