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To: Councillor Laing, Convener; Councillor Lumsden, Vice Convener; and Councillors Allard, Boulton, Cameron, Councillor Donnelly, the Depute Provost, Jackie Dunbar, Duncan, Flynn, Grant, Houghton, Nicoll and Yuill.

Town House,
ABERDEEN, 15 December 2017

URGENT BUSINESS COMMITTEE

The Members of the **URGENT BUSINESS COMMITTEE** are requested to meet in **Committee Room 2 - Town House** on **THURSDAY, 21 DECEMBER 2017 at 10.00am.**

FRASER BELL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

DETERMINATION OF URGENT BUSINESS

- 1 Determination of Urgent Business

DETERMINATION OF EXEMPT BUSINESS

- 2 Members are requested to determine that the exempt business be considered with the press and public excluded

DECLARATIONS OF INTEREST

- 3 Members are requested to intimate any declarations of interest (Pages 5 - 6)

REQUESTS FOR DEPUTATION

- 4 Requests for Deputation

GENERAL BUSINESS

- 5 Year of Young People Cultural Award Programme - ECS/17/071 (Pages 7 - 14)
- 6 Air Quality Low Emission Zones Update - CHI/17/277 (Pages 15 - 22)
- 7 Berryden Corridor Improvement - Compulsory Purchase Order - CHI/17/037
(Pages 23 - 36)

NOTICES OF MOTION

- 8 Notice of Motion by Councillors Laing and Lumsden

“That this Council (1) pledges its support to the Active Aberdeen Partnership’s campaign to **Activate the City** making 2018 the Year of an Active City; and (2) underlines its commitment to helping people take part in physical activity and sport, creating better lifestyles and improving wellbeing through being active more often.

For the **Activate the City** campaign to succeed, the commitment of everyone with the power to support transformational change is needed.

Local leaders and champions are needed to help transform physical activity and sport engagement in their city, neighbourhood and workplace; from strategic leaders to parents, teachers, friends and colleagues in every community.

Leaders across the system, in all sectors, can support the ambition to **Activate the City** and make Aberdeen the most active city in Scotland by 2020, by helping establish an active culture and making personal and organisational commitments to change.

Activate the City is set to be a transformational campaign; the beginning of a ground-breaking strategy that sets to improve the health and wellbeing of the local population for years to come.”

#activatethecity

EXEMPT BUSINESS

- 9 Waste Management Services Contract - Management Board and Third Party Recyclate - CHI/17/282 (Pages 37 - 50)

EHRIs related to reports on this agenda can be viewed at
[Equality and Human Rights Impact Assessments](#)

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Agenda Item 3

You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered. You should consider whether reports for meetings raise any issue of declaration of interest. Your declaration of interest must be made under the standing item on the agenda, however if you do identify the need for a declaration of interest only when a particular matter is being discussed then you must declare the interest as soon as you realise it is necessary. The following wording may be helpful for you in making your declaration.

I declare an interest in item (x) for the following reasons

For example, I know the applicant / I am a member of the Board of X / I am employed by...
and I will therefore withdraw from the meeting room during any discussion and voting on that item.

OR

I have considered whether I require to declare an interest in item (x) for the following reasons however, having applied the objective test, I consider that my interest is so remote / insignificant that it does not require me to remove myself from consideration of the item.

OR

I declare an interest in item (x) for the following reasons however I consider that a specific exclusion applies as my interest is as a member of xxxx, which is

- (a) a devolved public body as defined in Schedule 3 to the Act;
- (b) a public body established by enactment or in pursuance of statutory powers or by the authority of statute or a statutory scheme;
- (c) a body with whom there is in force an agreement which has been made in pursuance of Section 19 of the Enterprise and New Towns (Scotland) Act 1990 by Scottish Enterprise or Highlands and Islands Enterprise for the discharge by that body of any of the functions of Scottish Enterprise or, as the case may be, Highlands and Islands Enterprise; or
- (d) a body being a company:-
 - i. established wholly or mainly for the purpose of providing services to the Councillor's local authority; and
 - ii. which has entered into a contractual arrangement with that local authority for the supply of goods and/or services to that local authority.

OR

I declare an interest in item (x) for the following reasons.....and although the body is covered by a specific exclusion, the matter before the Committee is one that is quasi-judicial / regulatory in nature where the body I am a member of:

- is applying for a licence, a consent or an approval
- is making an objection or representation
- has a material interest concerning a licence consent or approval
- is the subject of a statutory order of a regulatory nature made or proposed to be made by the local authority.... and I will therefore withdraw from the meeting room during any discussion and voting on that item.

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FINANCE, POLICY AND RESOURCES COMMITTEE

06 December 2017

DECLARATION OF INTEREST

Councillor Donnelly declared an interest in relation to the following item of business by virtue of him being a member of the Aberdeen International Youth Festival, he considered that the nature of his business required him to leave the meeting and he took no further part in the Committee's deliberations thereon. Councillor Lesley Dunbar substituted for Councillor Donnelly.

YEAR OF YOUNG PEOPLE CULTURAL AWARD PROGRAMME – ECS/17/071

1. The Committee had before it a report by the Director of Education and Children's Services, which sought approval to commit £100,000 for a Year of Young People funding Award Programme for the financial year 2018/19 for groups and organisations to apply for funding for the delivery of youth led cultural projects and events in Aberdeen to celebrate the Year of Young People in 2018.

The report recommended:-

that the Committee approve a sum of £100,000 from contingencies or reserves for a Year of Young People Cultural Award Programme for the financial year 2018/19.

The Convener, seconded by Councillor Houghton moved:-

that the Committee approve a sum of £100,000 from contingencies or reserves within the Council's 2017/18 budget for a Year of Young People Cultural Award Programme to be made available from 1 January 2018 to coincide with the event.

Councillor Nicoll, seconded by Councillor Yuill moved as an amendment:-

that the Committee:-

- (1) note that the Aberdeen International Youth Festival (AIYF) has been an important part of Aberdeen's cultural offering for many years;
- (2) note the long term relationship that exists between Aberdeen City Council and Aberdeen International Youth Festival and the importance of maintaining the good brand name of the organisation and the close cultural aspirations of both organisations that have promoted many decades of local, national and international acclaim;
- (3) recognise that AIYF faces substantial reorganisation in the transition to operate as a Scottish Charitable Incorporated Organisation (SCIO) to assist in improving the governance and delivery of the organisation's ambitious aspirations for the future;
- (4) note the AIYF draft Business Plan and additional documents submitted to the Head of Education and Inclusion on the 29th September and asks that a final Business Plan, taking account of the above, is re-

- submitted to the Head of Education and Inclusion once approved by the AIYF Board of Trustees;
- (5) note that the committee is supportive of continued funding being made available to AIYF as part of the budget setting process for the year 2018/19 in the sum of £100,000 in order to assist the organisation to transition to a SCIO and seek alternative funding streams that will ensure their continued success on a self- sufficient model;
 - (6) note that the Committee is supportive of continued funding being made available to AIYF as part of the Budget setting process for the year 2019/20 in the sum of £75,000 for the reason outlined at 5 above;
 - (7) recognise that AIYF must move to a position where it does not rely on funding from the council to support its core activities;
 - (8) should the Chief Executive of AIYF be agreeable, invite them to a future meeting of the Finance Policy and Resources Committee in order that they may provide feedback of the completed transformation of the organisation; and
 - (9) approve a sum of £100,000 from contingencies or reserves for a Year of Young People Cultural Award Programme for the calendar year 2018.

On a division, there voted:- for the motion (9) – the Convener, the Vice Convener and Councillors Lesley Dunbar, Houghton, John, Laing, Macdonald, Reynolds and Wheeler; for the amendment (8) – Councillors Cameron, Flynn, Hutchison, Catriona MacKenzie, MacLellan, Nicoll, Townson and Yuill.

The Committee resolved:-
to adopt the motion.

In terms of Standing Order 31.1, Councillor Yuill intimated that he would like this matter to be referred to full Council in order for a final decision to be taken. Councillor Yuill was supported by Councillors Cameron, Flynn, Hutchison, Catriona MacKenzie, MacLellan, Nicoll and Townson.

ABERDEEN CITY COUNCIL

COMMITTEE	Finance, Policy & Resources
DATE	1st December 2017
REPORT TITLE	Year of Young People Cultural Award Programme
REPORT NUMBER	ECS/17/071
DIRECTOR	Gayle Gorman
REPORT AUTHOR	Fiona Clark

1. PURPOSE OF REPORT:-

- 1.1 The purpose of this report is to seek approval from Committee to commit £100,000 for a Year of Young People funding Award Programme for the financial year 2018/19 for groups and organisations to apply for funding for the delivery of youth led cultural projects and events in Aberdeen to celebrate the Year of Young People in 2018.

2. RECOMMENDATION(S)

- 2.1 It is recommended that the Committee:
- a) Approve a sum of £100,000 from contingencies or reserves for a Year of Young People Cultural Award Programme for the financial year 2018/19.

3. BACKGROUND/MAIN ISSUES / OTHER HEADINGS AS APPROPRIATE

- 3.1 At their meeting of 16th November Education & Children's Services Committee reviewed an updated Business Plan for 2017 - 2020 and various other documents submitted by Aberdeen International Youth Festival (AIYF). This followed the request made by Council at their meeting on 21st June 2017 to submit a detailed and comprehensive business plan including steps and detailed time line for transitioning to a SCIO.
- 3.2 At the above meeting committee agreed the following:

- (i) to note that the Committee was not supportive of funding being allocated to Aberdeen International Youth Festival as part of the financial year 18/19 budget setting process;
- (ii) to note that the Committee was supportive of funding of £100,000 from contingencies or reserves being approved by the Finance, Policy and Resources Committee at its meeting to be held on 1 December 2017 for a Year of Young People funding Award Programme for the financial year 18/19 for groups and organisations to apply for funding for the delivery of youth led cultural projects and events in Aberdeen to celebrate the Year of Young People;
- (iii) subject to the funding being approved by the Finance, Policy and Resources Committee on 1 December 2017:
 - 1. to instruct the Head of Education and Inclusion, following consultation with the Head of Finance, to set up a Year of Young People funding Award Programme for the financial year 18/19 for groups and organisations to apply for funding for the delivery of youth led cultural projects and events in Aberdeen to celebrate the Year of Young People;
 - 2. delegate authority to the Head of Education and Inclusion, following consultation with the Convener and Vice Convener of the Education and Children's Services Committee, to set the criteria for the awarding of funding from the Award Programme;
 - 3. delegate authority to the Head of Education and Inclusion to review and allocate the awards accordingly;
- (iv) subject to approval of recommendation (ii), to refer the approved recommendations in the report together with appropriate background detail by way of a report to the Finance, Policy and Resources Committee at its meeting be held on 1 December for consideration of funding allocation for the Award Programme, with the recommendation that (1) a sum of £100,000 from contingencies or reserves be allocated to the Award Programme for a one year period; and (2) the Head of Finance be delegated the power to account for this funding as appropriate; and
- (v) to instruct the Head of Finance and Head of Education and Inclusion to report to the Finance, Policy and Resources Committee on 1 December 2017 as part of the report approved at (iv) above detailing all of the in-kind support and non-core funding provided to Aberdeen International Youth Festival.

3.3 Information detailing the total support both financial and in kind given to Aberdeen International Festival is contained in the Appendix to this report . (see Appendix 1)

4. FINANCIAL IMPLICATIONS

4.1 The establishment of a Year of Young People Award Programme will be for 2018/19 only in recognition of the Year of Young People 2018.

5. LEGAL IMPLICATIONS

- 5.1 Legal Services will be required to help scope and agree the conditions of grant awards from the funding award programme for the Year of Young People.

6. MANAGEMENT OF RISK

- 6.1 The following risks and mitigations have been identified:
- 6.2 **Financial** – this report considers the risk attached to funding given to External Cultural organisations and the need to ensure value for the City Council's investment. – medium.
- 6.3 **Employee**- none – N/A.
- 6.4 **Customer/citizen** – with the focus on young people it is important that young people are fully involved in the development of funding bids, programming of events and activities and involved in the award process – medium.
- 6.5 **Environmental** - none – N/A
- 6.6 **Technological** – none – N/A.
- 6.7 **Legal** – conditions of grant for funding programme for the Year of Young People to be drafted as per agreed criteria. -low
- 6.8 **Reputational** – through the 365 Events programme, an in addition with the City Cultural Strategy, the Council has established a framework for the City of Aberdeen, through which to deliver high quality, ambitious and sustainable cultural offer. The Year of Young People Award funding programme will give young people in the city the opportunity to be directly involved in shaping the programme of events and activities throughout 2018 – medium

7. IMPACT SECTION

Economy

- 7.1 Cultural events and activities as part of a celebration of Year of Young People have the potential to attract local and visiting families whether in the city centre or across the city in the wider communities. There is also the potential for opportunities for artists and creatives to work in the city helping to retain talent. .

People

- 7.2 The aim is to offer opportunities which will have a positive impact on our young people, offering them opportunities to engage with, and participate in cultural and creative activities. The current work on the development of a tool

kit to evaluate impacts will assist in evaluating projects and activities to inform future work and assist the Council and grant recipients to understand the impacts of their work

Place

- 7.3 The Year of Young People Award programme has the potential for community cohesion and resilience. Young people will be encouraged to engage with the international visitors on collaboration, enabling relationships to be developed.

Technology

- 7.4 In particular the use of social media to engage local people in the planning and delivery of events and activities, and to provide opportunity to engage in collective sharing of their experiences, will be actively encouraged.

8. BACKGROUND PAPERS

Council Report – 16th November 2017: Aberdeen International Youth Festival updated Business plan 2017-2020. – ECS/17/055

9. APPENDICES (if applicable)

Appendix 1 – Funding and support granted to AIYF

10. REPORT AUTHOR DETAILS

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Aberdeen International Youth Festival Funding

The following table shows the funding allocated to AIYF for the current and preceding financial years.

	2015/16	2016/17	2017/18
Direct Funding	£	£	£
Common Good - Annual Funding	85,000	65,000	65,000
Common Good - Mary Garden Prize	1,500	1,500	1,500
Common Good - Aberdeen Mela	-	-	20,000
Common Good - Twinning Grants	-	-	-
Culture Budgets - Annual Funding	57,393	77,393	62,653
Sponsorship - Accord Card	1,750	900	-
Creative Funding grant	3,045	5,000	-
Internship support grant	-	1,000	-
	148,688	150,793	149,153
Indirect Funding/Subsidy			
Finance/Legal Staffing Subsidy	18,400	19,470	18,990
Total AIYF Funding	167,088	170,263	168,143

Note

1 There is a subsidy in terms of AIYF's use of 17B Belmont Street, but this is difficult to quantify due to the multiple occupancy of various parts of the building.

2 The council has guaranteed any pension liability in the event AIYF were to cease and be unable to meet this liability.

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COMMITTEE	Council
DATE	11 December 2017
REPORT TITLE	Air Quality Low Emission Zones Update
REPORT NUMBER	CHI/17/277
DIRECTOR	Bernadette Marjoram
REPORT AUTHOR	Aileen Brodie

1. PURPOSE OF REPORT:-

To advise Council of progress in the development of a Low Emission Feasibility Study as instructed at the meeting of 21 June 2107 and inform Council of progress in the development of the national Low Emission Zone (LEZ) regime.

2. RECOMMENDATION(S)

That the Council agree:-

- a) To instruct the Interim Director of Communities, Housing and Infrastructure to continue to progress the Low Emission Feasibility Study in accordance with the methodology detailed in the Technical Guidance and prescribed timescales and continue to inform the Council of the study outcomes at prescribed stages of the assessment process; and
- b) To instruct the Interim Director of Communities, Housing and Infrastructure to inform the Council of the implications of any new legislation, national policy and guidance relating to Low Emission Zones (LEZs) and air quality as they are published.

3. BACKGROUND/MAIN ISSUES

3.1 Background

- 3.1.1 The Council report of 21 June 2017 described the national arrangement for the development of a Low Emission regime and the roles and responsibilities of local authorities and partner organisations. The report further explained the steps involved in the development of a Low Emission Feasibility Study for the 4 main cities and the initial work carried out within Aberdeen. This report describes the progress in the development of the Air Quality Model for Aberdeen to support the Low Emission Zone (LEZ) feasibility study and progress in the development of a national LEZ framework. Note that the specific instructions of the meeting of 21 June were:

- (i) To instruct the Interim Director of Communities, Housing and Infrastructure to carry out a Low Emission Feasibility Study in accordance with the methodology detailed in the Technical Guidance and prescribed timescales;
- (ii) To instruct officers to inform the Council of the study outcomes and recommendations at prescribed stages of the assessment process as detailed in the Technical Guidance;
- (iii) To note the 'Next Steps' section explaining the Feasibility Study process and role of the partner organisations;
- (iv) To instruct the Interim Director of Communities, Housing and Infrastructure to bring a report back to Council detailing the outcomes of the feasibility study with a view to members determining whether Aberdeen City Council should volunteer itself as an early adopter.

3.2 National LEZ Framework Progress

3.2.1 Actions to improve air quality featured prominently in the Government's Programme for Scotland 2017-18. Key commitments to be taken forward in the next year by the Scottish Government are to:

- Introduce a Low Emission Zone (LEZ) in one city by the end of next year – and work with local authorities to introduce LEZs in the other 3 biggest cities by 2020 and to all Air Quality Management Areas (AQMAs) by 2023.
- Introduce an Air Quality Fund to support local authorities with Air Quality Management Areas to deliver transport-based mitigation as identified by the National Low Emission Framework.
- Work with the commercial and bus sectors, the Energy Savings Trust and the Low Carbon Vehicle Partnership to introduce an Engine Retrofitting Centre for Scotland to support the delivery of LEZs, creating new jobs and with the goal of winning business from outside Scotland.

3.2.2 Glasgow City Council approved plans to introduce a LEZ at the Council meeting of 28 September 2017. The LEZ will initially focus on retrofitting older buses to improve emission performance, or to replace them with Euro VI models where possible. Air quality modelling in Glasgow commenced earlier than Aberdeen, Edinburgh and Dundee, hence the feasibility study is at a more advanced stage and enabled the announcement of the intention to introduce a LEZ.

3.2.3 The "Building Scotland's Low Emission Zones" consultation was launched on 6 September 2017 with a closing date of 28 November 2017. The consultation describes the proposed process to deliver a national approach that ensures robust implementation of LEZs. Key questions include views on the enforcement process, funding, classes of vehicles to include, exemptions, lead-in times and sunset periods for vehicle types. The consultation can be accessed via <https://consult.scotland.gov.uk/transport-scotland/building-scotlands-low-emission-zones>. A response will be submitted by the Council.

3.2.4 A Senior Council spokesperson from each of the 4 biggest cities has been invited to join a LEZ Leadership Group that is being created by the Scottish Government and ministerially chaired to support the implementation of LEZs. Eric Owens, Interim Head of Planning and Sustainable Development will represent Aberdeen and inform the Council of any key developments emerging from the Group. The Leadership

Group is in addition to and will support the Cleaner Air for Scotland (CAFS) Governance Group which considers the implementation of all measures within the CAFS strategy. Aberdeen City Council is also represented on the CAFS Governance Group.

3.3 Aberdeen Air Quality Model

3.3.1 Development of the Aberdeen air quality model by SEPA is progressing. Data from the March 2017 traffic count has now been uploaded to the model and compared with the 2012 count data. Initial observations of 12 hour flows suggests a reduction in traffic flows along stretches of road next to the Market Street, Union Street, King Street and Wellington Road monitoring stations. Table 1.1 indicates the change in 12 traffic flows adjacent to the monitoring stations.

- Table 1.1. Changes in 12 hour traffic flows at Continuous Monitoring Stations

Location	Vehicle Classification					
	Cars		HGVs		LGVs	
	2012	2017	2012	2017	2012	2017
Market St	18013	18166	4212	3168	3143	4224
Union St	8825	7853	1816	1633	1319	1443
King St	16180	12332	2635	2244	2219	2136
Wellington Rd	15634	13993	3550	2994	2461	3030

- HGV: Heavy Goods Vehicles
- LGV: Light Goods Vehicles

The following points are noted:

- There was a significant reduction in the number of cars on most major city streets, with the exception of Market Street where the number of cars was similar in 2012 and 2017
 - On Union Street the number of buses was similar (1398 buses in 2012 compared to 1376 in 2017)
 - On Market Street and Wellington Road the number of HGVs decreased significantly although there was an increase in LGVs.
- Pollution concentrations at the monitoring stations have significantly reduced over the last few years which may be explained in part by the reduced traffic flows and associated reduced congestion.
 - The model has been further developed to include emissions from shipping. Initial observations indicate similar predictions to the 2011 Harbour study undertaken by AECOM. This study showed that, while shipping did contribute to the exceedance of the air quality objectives in limited areas close to the Harbour, road traffic was by far the greater source of the raised pollution levels.

3.3.2 The air quality data is now being used to source apportion the measured NO₂ (nitrogen dioxide) and PM₁₀ (particulate) levels to the various vehicle types. This is the first step in the feasibility study. The information will enable scenario testing to predict future concentrations from various potential interventions. It is anticipated the source apportioning work will be completed by the end of the year, and the scenario testing by early 2018.

3.4 Next Steps

- 3.4.1 Issues around resources both to local authorities and other stakeholders are still being considered nationally by the Scottish Government and partner organisations. Similarly guidance on the framework for key aspects such as the LEZ implementation process and enforcement regime is still being developed. Further updates on the implications for the Council will be provided once the outputs from the model scenario testing are available and national policies and processes are established.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications arising from the initial feasibility study actions using the air quality model other than staff time which can be met from existing resources. Potential other work streams including any health or economic appraisal, Business Case or stakeholder consultation process would require significant financial and staffing resources that cannot be met from existing Council budgets. These matters are being considered nationally by the Cleaner Air for Scotland (CAFS) working group. The role of local authorities in undertaking specific work streams and the support required is still under consideration. Transport Scotland is co-ordinating an assessment of potential costs to develop the infrastructure and enforcement regime for potential low emission schemes and will report on these costs to Scottish Ministers.
- 4.2 The economic impact of a low emission scheme, if implemented, could be significant depending on the nature of the scheme, location and vehicle classifications and will be assessed during the appraisal process. Estimated costs to develop a LEZ and provide the necessary infrastructure are £10M-£20M based on studies elsewhere in the UK. Further information on financial implications and the impact on services will also be reported to the Council in future reports. The potential economic impact on bus operators, haulage companies, business and the public would also require consideration.

5. LEGAL IMPLICATIONS

- 5.1 There are no legal implications in undertaking a low emission feasibility study. The legal implications of setting up and enforcing low emission zones in Scotland is likely to require new legislation and is being considered nationally by Transport Scotland and partners organisations. Legal implications to Aberdeen City Council will be dependent on whether a formally adopted low emission zone is adopted and the nature of any such enforcement regime. Further information on the legal implications will be reported to the Council should the feasibility study recommend the introduction of a low emission zone in Aberdeen. If Aberdeen is not adopted as a LEZ, Aberdeen City Council will still have a duty to meet the air quality objectives through the implementation of the measures Air Quality Action Plan 2011 and other Council initiatives such as the City Centre Master Plan.

6. MANAGEMENT OF RISK

6.1 Financial

- 6.1.1 There are no financial risks associated with the feasibility study. Financial risks may arise should the Scottish Government recommend the implementation of a LEZ in Aberdeen. These risks would be determined by the nature, size and location of the LEZ and enforcement regime and cannot be currently quantified; however, the

Scottish Government is committed to providing the resources it considers necessary to meet EU legal obligations to comply with the air quality objectives.

Risk: Low

6.2 **Employee**

6.2.1 Initial stages of the feasibility study can be accommodated by existing staff resources and risks are low. Complex economic, health and Strategic Assessment Guidance assessments would require additional resources. Transport Scotland and partner organisations are assessing the potential local authority resource required and delivery options. Risks are generally low provided the Scottish Government and partner organisations provide the necessary personnel/consultant resource to manage the process, however Council employee involvement will still be necessary to direct and support any project.

Risk: Medium

6.3 **Customer/citizen**

6.3.1 There are no risks associated with the feasibility study. Potential risks to citizens could arise should it be necessary to introduce a LEZ that includes restrictions on older diesel cars. The management of these risks would be considered during a public consultation process.

Risk: Low

6.4 **Environment**

6.4.1 There are no environmental risks. Measures to improve air quality will provide wider environmental benefits through reduced CO2 emissions and reduced damage to vegetation and ecosystems.

Risk: Low

6.5 **Technology**

6.5.1 The air quality model to support the feasibility process is via established technology and the risk of system failure is low. Potential technology risks could arise should a camera based enforcement regime be implemented. These risks will be specified in future reports should a LEZ be introduced.

Risk: Low

6.6 **Legal**

6.6.1 Member states have a legal duty to comply with EU air quality objectives. The legal implications of setting up and enforcing low emission zones in Scotland is likely to require new legislation and is being considered nationally by Transport Scotland and partner organisations. The implication of any new legislation will be monitored in order to understand the impact on Aberdeen City Council at the earliest opportunity.

Risk: Low

6.7 **Reputational**

6.7.1 There are no risks associated with the feasibility study.

Risk: Low

7. **IMPACT SECTION**

7.1 There are no direct impacts from undertaking a low emission feasibility study. Although the focus of a LEZ is to reduce pollutants that are harmful to health, the

upgrade of vehicle fleets would potentially also reduce CO2 emissions and support Empowering Aberdeen.

7.2 Economy

- 7.2.1 There are no direct economic impacts from undertaking a low emission feasibility study. The adoption of a low emission zone, if recommended by the feasibility study, would support the local economy by potentially reducing traffic and providing a more attractive environment to live, work and visit. However, the potential economic impact on haulage companies, bus operators and other businesses that could be adversely effected would require consideration.

7.3 People

- 7.3.1 There are no impacts on people from undertaking a low emission feasibility study. The adoption of a low emission zone and associated air quality improvements would provide short and long term health benefits to people living in Aberdeen. Improved air quality provides greatest benefit to vulnerable people, particularly the elderly, young children and those who already suffer pulmonary or cardiovascular illness. A public consultation process will be undertaken should a low emission zone be recommended.

7.4 Place

- 7.4.1 Improved air quality provides a more attractive environment to invest, live and visit. Depending on the location and vehicle classifications included, a LEZ has the potential to reduce vehicle numbers and congestion, complementing the objectives of the City Centre Masterplan and Smarter Cities to provide a people friendly City Centre.

7.5 Technology

- 7.5.1 The air quality model will enhance pollution information available across the city and enable the assessment of air quality impacts of proposed road infrastructure or planning developments. Transport Scotland is also exploring methodologies that could be used to link air quality and traffic models to enable the impact of traffic displacement from LEZs to be assessed as part of the feasibility study process.

8. BACKGROUND PAPERS

Building Scotland Low Emission Zones, A Consultation, Transport Scotland September 2017 (<https://consult.scotland.gov.uk/transport-scotland/building-scotlands-low-emission-zones>)

Cleaner Air For Scotland – the Road to a Healthier Future, Scottish Government, 2015 (www.scottishairquality.co.uk/air-quality/CAFS)

Aberdeen City Council Air Quality Progress Report 2016

Aberdeen City Council Air Quality Action Plan 2011

9. APPENDICES

None

10. REPORT AUTHOR DETAILS

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ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	11 December 2017
REPORT TITLE	Berryden Corridor Improvement – Compulsory Purchase Order
REPORT NUMBER	CHI/17/037
DIRECTOR	Bernadette Marjoram
REPORT AUTHOR	Mike Matheson

1. PURPOSE OF REPORT:-

- 1.1 This report requests that Council approve the recommendation to make the Compulsory Purchase Order (CPO) to facilitate the construction of the Berryden Corridor Improvement and seeks authorisation to apply for the necessary consents to deliver the Project.

2. RECOMMENDATION(S)

- 2.1 It is recommended that Council:
- a) resolves to make a Compulsory Purchase Order and instructs the Head of Legal and Democratic Services to implement the statutory procedures following on from the making of the Order; and
 - b) instructs the Head of Planning and Sustainable Development to apply for all necessary consents to progress the Project.

3. BACKGROUND/MAIN ISSUES

- 3.1 The Berryden corridor has been identified as a route that is operating beyond its capacity leading to significant congestion and journey time delays. The Project seeks to improve upon this as well as improve existing pedestrian and cycling facilities. In addition, the Project is also intended to provide additional capacity to support the delivery of the City Centre Masterplan and other city centre transport initiatives.
- 3.2 At its meeting of 14 December 2016 (ref CHI/16/240) Council resolved to:

- approve progression of the Project;
- instruct officers to prepare a CPO to acquire the necessary land that cannot be secured by voluntary acquisition;
- instruct officers to report to a future meeting of Council to seek a resolution to make the CPO; and
- instruct officers, in tandem with the CPO preparation, to continue to attempt voluntary acquisition using delegated authority as granted by Council on 17 August 2016.

3.3 Land acquisition

- 3.3.1 Officers have progressed the design of the Project and have further defined the land required to construct the transport corridor improvement and any proposed mitigation measures.
- 3.4 Over the past year the Council has acquired several of the individual residential properties that will be significantly impacted by the Project.
- 3.5 However a number of the required plots of land are jointly owned by multiple parties. The Council needs to control these plots to progress the Project but due to the number of owners it is unlikely that full voluntary acquisition will be possible through agreement. As a result, compulsory acquisition of these plots is the only option to ensure that they can be acquired outright and within an appropriate timescale.
- 3.6 In addition to these multiple ownership plots, numerous other plots are unlikely to be acquired by agreement in an appropriate timescale based upon contact made to date, and the number of plots involved. In other instances the compulsory purchase process will allow the extinguishment of rights, or the creation of new rights required for the Project.
- 3.7 Officers will continue to seek voluntary acquisition alongside the CPO process as it is more desirable to acquire land by agreement where possible. However, considering the above and given the importance of the Berryden corridor as part of the city centre infrastructure, it is now appropriate to commence the compulsory purchase process through the making of a CPO to acquire control over all of the necessary land that is unlikely to be secured by agreement.
- 3.8 Prior to the CPO being made, fresh title searches will be carried out and other enquiries made so that the schedules are up to date with the most accurate information that is available at that time. Based on current records, it is estimated that there are approximately 900 individuals and companies that will require to be notified.
- 3.9 Of that number:
- 2 individual residential properties (one flat and one house, both on Caroline Place) will be affected by the CPO and negotiations are ongoing for the voluntary acquisition of those properties;

- approximately 90-100 contacts relate to land adjacent businesses / commercial properties; and
- approximately 800 contacts relate to individuals holding common property interests in shared land adjacent to various residences along the corridor.

3.10 It should be noted that over 80% of the interests in land relate to common ownership rather than relating to individual ownership interests.

3.11 Preparation of the CPO

3.11.1 Work to prepare the CPO has been undertaken with input from in-house Estates and Legal teams supported by external resources.

3.12 Design work undertaken by in-house resources supported by external resource has continued on the corridor and while it is anticipated that there will be further minor changes as the detailed design and consent applications progress any such changes are not likely to increase the required land take.

3.13 The results of an environmental option appraisal were considered as part of the study undertaken in 2009 and the subsequent report to the Enterprise Planning and Infrastructure Committee (ref EPI/09/110) on 26 November 2009. After considering the report, Committee instructed officers to progress the detailed design upon which the current proposals are based.

3.14 It has been recognised that there is a need to update the core information due to the passage of time. As a result consultants have been appointed to undertake updated air quality and noise assessments. These assessments will be more fully scrutinised as part of the planning application process. However, the preliminary updated results indicate that the impacts will be acceptable, consistent with previous conclusions.

3.15 Given the physical constraints of the corridor together with the preliminary findings of the air quality and noise assessments it is proposed that all practical physical mitigation measures will be incorporated into the land that is either already available or proposed to be acquired as part of the CPO.

3.16 It is anticipated that the detail of the Project may evolve as part of the planning application process and the finished Project will be accommodated within the land that is currently under Aberdeen City Council ownership / control as well as that acquired as part of the CPO.

3.17 Planning Application

3.17.1 Dialogue has been undertaken with the Planning Authority as part of the pre-application process.

3.18 Statutory consents such as planning, listed building and conservation area consent have yet to be secured. However applications are planned to be submitted Spring 2018. The Public Local Inquiry (PLI) Reporter / Scottish Ministers may take this into consideration regarding whether or not to confirm

the CPO. It is therefore advisable to progress the planning application and other consents concurrently with the CPO process.

- 3.19 An Environmental Impact Assessment (EIA) Screening has been carried out. It was identified that while environmental impact assessment was not necessary, a number of issues will likely be considered by the Planning Authority when reviewing the planning application including noise, air quality, drainage, transport and archaeological assessments, bat surveys, heritage statement, and site investigation reports. The cost associated with this is covered within the Project's allocated budget.
- 3.20 As the Project is supported by national and local planning and transport policy, officers consider that prospects of obtaining the necessary consents are favourable.
- 3.21 **Timescales**
- 3.21.1 If Council approves the recommendations contained in this report, the CPO will be made, advertised and served on all relevant parties. It is proposed that service of the CPO will likely be carried out by Spring 2018.
- 3.22 Following notice being served, the CPO will be sent to Scottish Ministers for confirmation. The process allows for objections to be made to the CPO and the objection period must be a minimum of 21 days. Any objections are required to be sent to the Scottish Ministers in writing. Should Scottish Ministers receive objections they will contact the Council to ask if the objection can be resolved and subsequently withdrawn.
- 3.23 Should objections from landowners, tenants or occupiers be sustained the Scottish Ministers must arrange for a PLI to be held. If a PLI were to be held, Scottish Ministers will appoint an Independent Reporter who will consider the case being made by the Council and any objectors. On completion of the PLI the Reporter will submit a report to Scottish Ministers making a recommendation on whether or not the CPO should be confirmed. Scottish Ministers will then consider the report and make a final decision on whether or not to confirm the CPO.
- 3.24 There are no set time scales for these processes but they typically take between 12-24 months from the making of a CPO to decision by the Scottish Ministers.

4. FINANCIAL IMPLICATIONS

- 4.1 The financial implications are as reported to Council on 14 December 2016 (CHI/16/240).
- 4.2 The financial implications will be managed through the preparation of a more detailed budget estimate as the detailed design progresses along with ongoing cost monitoring thereafter.

5. LEGAL IMPLICATIONS

- 5.1 The relevant legislation for making the CPO for the purposes of the construction of a road Project is as follows:
1. Sections 103, 104 and 110 of the Roads (Scotland) Act 1984; and
 2. Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947.
- 5.2 There are likely to be claims arising from the Project from landowners and other affected parties based on the Land Compensation (Scotland) Acts 1963 and 1973 which may take several years after completion of the Project to settle.

6. MANAGEMENT OF RISK

6.1 Financial

- 6.1.1 The costs associated with the CPO process may have a potential impact on the budget. The potential impact will be managed through the preparation of a detailed budget estimate along with assessment of risks and ongoing cost monitoring. Aberdeen City Council is not in control of the requirement for a PLI, the timing or the length of time the CPO process may take. As a result, there will be a medium residual risk which will be managed through ongoing cost monitoring.
- 6.2 The compensation values as agreed or determined by the Lands Tribunal in due course may exceed the estimate and that of the budget set aside for the acquisition. At this stage it is difficult to predict to a high degree of accuracy the future market value of the properties that will be required for the Project. As a result, there will be a medium residual risk which will be managed through ongoing cost monitoring.

6.3 Employee

- 6.3.1 There are no risks identified directly affecting employees.

6.4. Customer / Citizen

- 6.4.1 There is a risk of objections from customers and citizens particularly from those directly affected by the Project and/or the compulsory purchase process. This will be mitigated by continued dialogue with those affected by the proposals. Compensation will also be payable under the statutory rules to affected landowners and other property interests. However, it may not be possible to satisfy all objections to the proposals and as a result, there will be a high residual risk.
- 6.5 There is a risk associated with not providing an improved transport network which does not reflect the needs of the economy and society. This will be

mitigated by progressing the Project. As a result, there will be a low residual risk.

6.6 Environmental

6.6.1 It is likely that the proposals will lead to some detrimental impacts in the locality of the corridor. These include noise, air quality, ecology, heritage and the impact upon the built environment. These are matters that will be considered as part of the planning application process. Following discussions with the Planning Authority and considering the preliminary updated findings of the noise and air quality assessments officers consider that the impacts are likely to be judged acceptable against the relevant standards. As a result, there will be a medium residual risk.

6.7 Technological

6.7.1 There is an opportunity to incorporate variable message traffic signs and traffic monitoring equipment within the corridor to help monitor and influence traffic movement along the corridor and over the wider area. As there is a lead in time between specifying such technology and the corridor becoming fully operational there is a risk that emerging technology may be more fit for purpose than that specified in the contract. This can be mitigated by allowing a sum in the contract for providing necessary apparatus to be specified at the time of installation. As a result, there will be a low residual risk.

6.8 Legal

6.8.1 The need for and duration of a PLI is a matter for Scottish Ministers and their appointed Reporter in accordance with statute. This will depend upon whether or not objections from landowners or other affected land interests are raised during the CPO process. This will be mitigated by continued dialogue with those affected by the proposals. However, it may not be possible to satisfy all objections to the proposals and as a result, there will be a high residual risk.

6.9 The CPO may not be confirmed if a suitably robust case is not made. This will be mitigated by the preparation of reports and supporting documents that will inform the process. As a result, there will be a low residual risk.

6.10 Statutory consents such as planning approval have yet to be secured, but the necessary applications are proposed to be submitted for determination by Spring 2018. The PLI Reporter / Scottish Ministers may take this into consideration on whether or not to confirm the CPO. However, as the Project is supported by national and local planning and transport policy, officers consider that prospects of obtaining the necessary consents are favourable. As a result, there will be a medium residual risk.

6.11 There is Crown land to be acquired for the purposes of the Project. Under section 146 of the Roads (Scotland) Act 1984 Crown land is exempt from compulsory purchase, except where such land is included in a CPO by agreement with the relevant Crown entity. Accordingly the Project may require to be modified if the relevant Crown land is not secured by agreement. This can be mitigated by continuing the discussions with the affected parties (NHS and Police Scotland) with a view to securing the land voluntarily. Ongoing discussions indicate that the prospects of securing the land by agreement are good. As a result, there will be a low residual risk.

6.12 Reputational

6.12.1 There is a risk that Aberdeen City Council will experience reputational damage from supporters of the Project if it does not proceed. This will be mitigated by progressing the Project. As a result, there will be a low residual risk.

6.13 There is a risk that Aberdeen City Council will experience reputational damage from objectors to the Project if it proceeds. This will be mitigated by trying to address issues raised by objectors but this may not be achievable in all instances. As a result, there will be a medium residual risk.

7. IMPACT SECTION

7.1 This section demonstrates how the proposals within this report impact on the strategic themes of Aberdeen City Council and Community Planning Aberdeen, as set out in the Aberdeen City Local Outcome Improvement Plan 2016-26 and the Aberdeen City Council Strategic Business Plan.

7.2 Compulsory purchase is only justified where there is a compelling case in the public interest, and where the impact on affected individuals is considered reasonable and proportionate. This involves a balancing of the public interest in the Project against those private interests.

7.3 As is often the case with significant infrastructure improvement in the built environment, there are positive and negative impacts associated with the delivery of the Project.

7.4 The corridor improvement will bring with it some localised negative impacts such as reduced air quality, increased noise and impacts upon the built and natural environment. These negative impacts need to be weighed against the positive impacts the Project will deliver such as improved movement of goods and people and improved walking and cycling facilities. The Project also contributes to wider network changes that seek to make the city centre a more attractive place for retail, recreation and business.

7.5 Overall it is considered that there is a compelling case in the public interest for the Project and the CPO which will enable it to happen. The compulsory

purchase is considered to be necessary; reasonable and proportionate in the circumstances.

- 7.6 Any impacts should be considered fully as part of the planning application process. However, there are no known negative issues that are considered to be insurmountable such that the Project should not progress.

7.7 Economy

- 7.7.1 The Local Outcome Improvement Plan (LOIP) affirms the Council's position to encourage a prosperous economy through the primary driver of 'Investment in Infrastructure':

"We are committed to investing in an infrastructure that caters for the needs of a high performing international city economy – roads with capacity to cope with the demands of business, extensive air and sea links, digital connectivity to develop competitive business, and a competitive and accessible public transport system".

- 7.8 The Council aims to support improvement in the local economy to ensure a high quality of life for all people in Aberdeen, and the relevant Regional Economic Strategy embraces this in the vision through the 'development of infrastructure for commuter, visitor and freight transportation – nationally and internationally'. As the Project has been developed to support the Local Transport Strategy (LTS), it will also aid economic development. The LTS recognises the increasing role that transport contributes, both positively and negatively, to the health agenda. Taking this into consideration the current vision for the Aberdeen LTS is:

"to develop a sustainable transport system that is fit for the 21st Century, accessible to all, supports a vibrant economy, facilitates healthy living and minimises the impact on our environment".

- 7.9 Using standard calculation methodologies based upon the current estimate and projected traffic movements, the Project is forecast to produce a positive cost to benefit ratio. This means that the Project is predicted to represent a beneficial investment for the city.

7.10 People

- 7.10.1 The content of this report relates to the general travelling public and how they move around the city, and also the local communities who are directly affected by the Project. This report will be of interest to residents/ proprietors/ businesses within Aberdeen City.

- 7.11 The report has the following links to the Local Outcome Improvement Plan.
- We will develop infrastructure for commuter, visitor and freight transportation
 - We will promote health and wellbeing in all policies by Community Planning Partners to maximise contribution toward prevention of ill health and reduction in health inequalities.

7.12 The use of compulsory purchase will have an impact upon individuals and its use is justified only where there is a compelling case in the public interest, as is considered to be the case here.

7.13 Place

7.13.1 The report links with the theme Prosperous Places, which includes the priority empowered, resilient and sustainable communities and both primary drivers of safe and resilient communities, and people friendly city.

7.14 It is intended that the Project will improve the existing carriageway alignment and network capacity whilst also improving the walking and cycling facilities. These improvements should make the corridor more attractive to non-motorised users aiding in the promotion of more sustainable travel options.

7.15 Sustainable urban drainage systems, including detention basins, are proposed to improve the quality of surface water runoff.

7.16 The proposals will have a direct impact on the built environment but this is often unavoidable in the case of significant urban infrastructure improvement.

7.17 Due to the nature of the Project, it is inevitable that existing 'greenspace' in the locale will be affected. Much of this greenspace land has historically been reserved for the corridor improvement and every effort will be made to provide additional suitable landscaping where feasible.

7.18 Technology

7.18.1 The use of the CPO has no direct implications for the advancement of technology.

8. BACKGROUND PAPERS

CHI/16/240 - Council - Berryden Corridor Improvements Scheme, Compulsory Purchase Order – 14 December 2016

CHI/16/100 – Council – Berryden Corridor Improvements – 11 May 2016

EPI/09/110 – Enterprise Planning and Infrastructure Committee – Berryden Corridor Transport Infrastructure Improvements – 26 November 2009

Compulsory purchase and compensation; A guide for owners, tenants and occupiers in Scotland <http://www.gov.scot/Resource/Doc/360922/0122046.pdf>

9. APPENDICES

Appendix 1 – CPO Plan

10. REPORT AUTHOR DETAILS

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HEAD OF SERVICE DETAILS

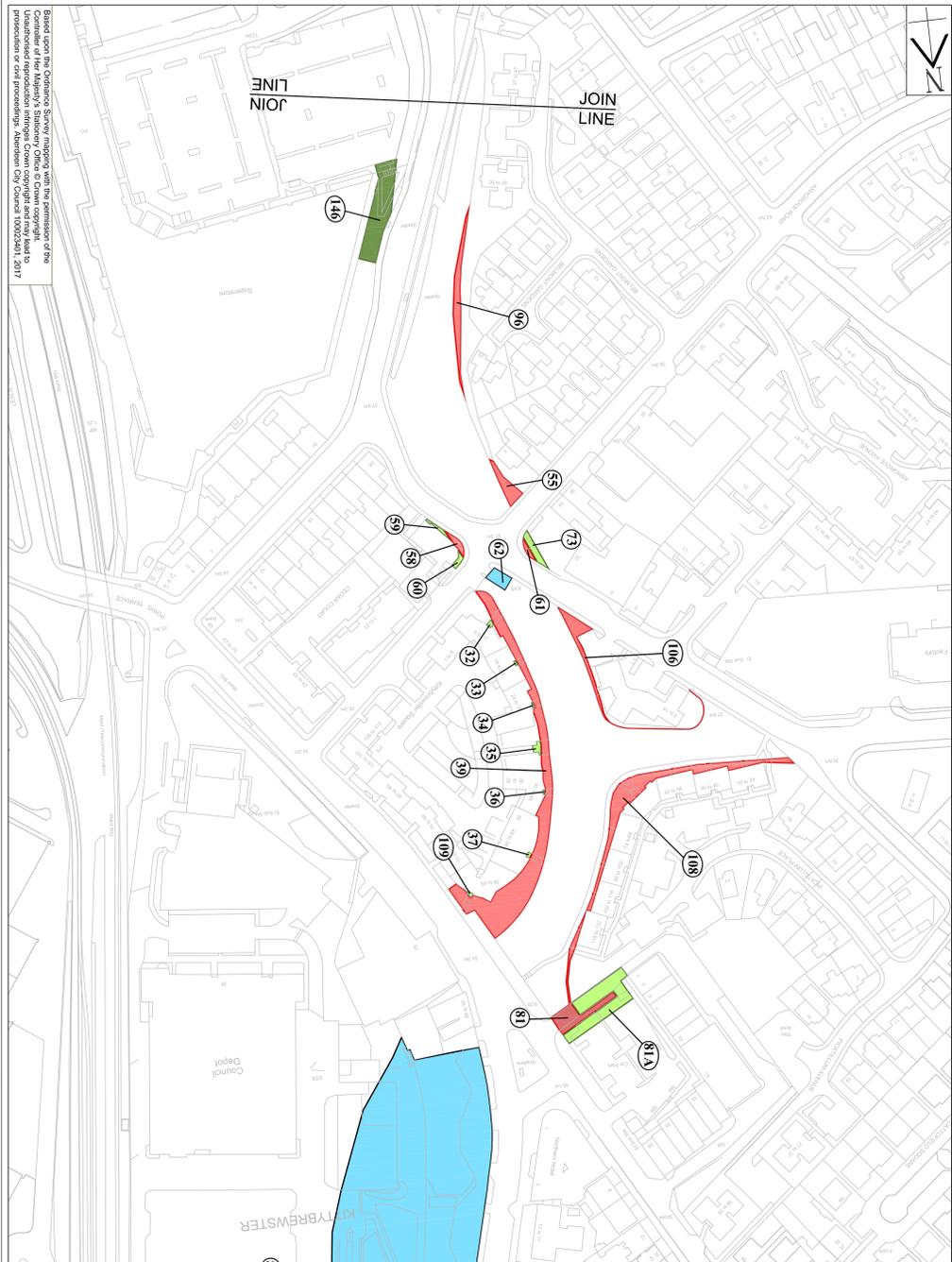
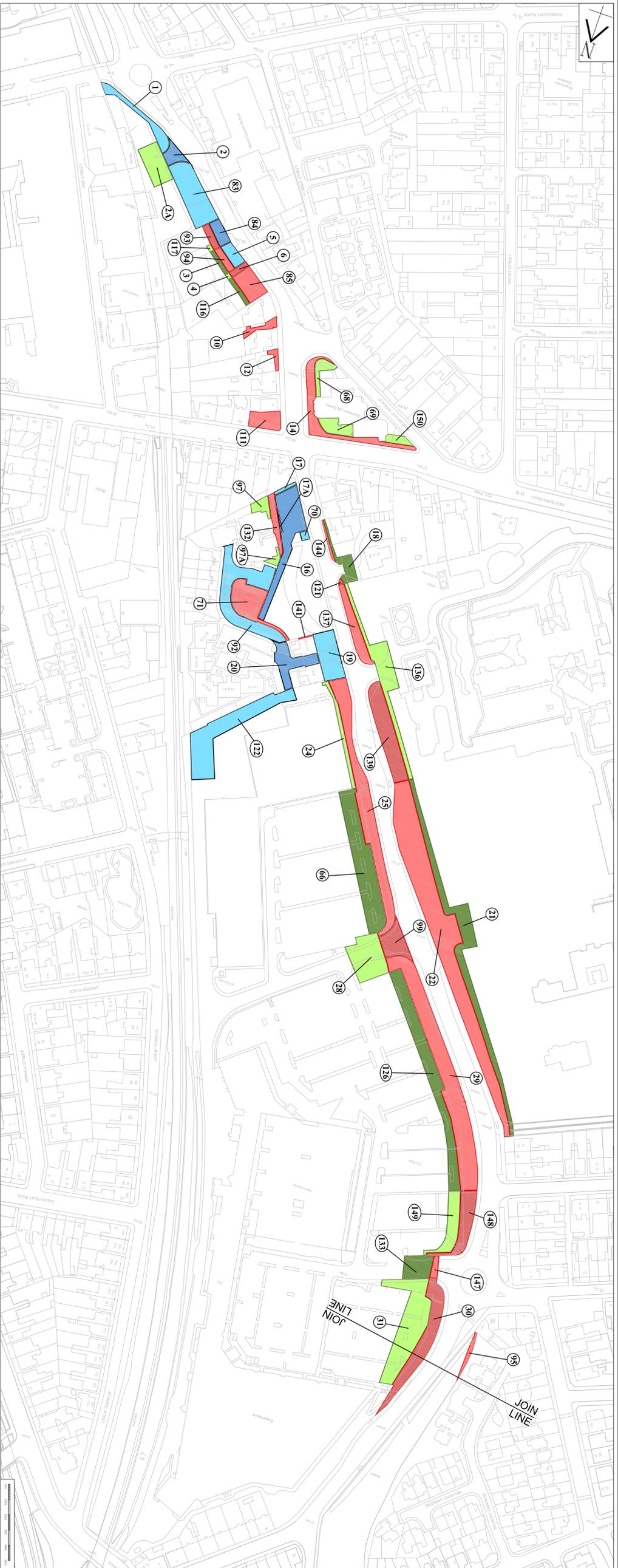
Eric Owens
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Appendix 1

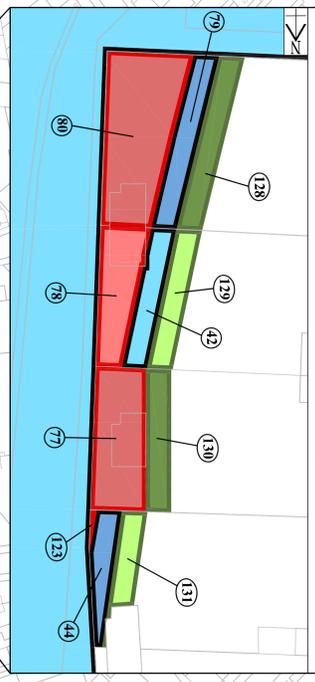
CHI/17/037

CPO Plan

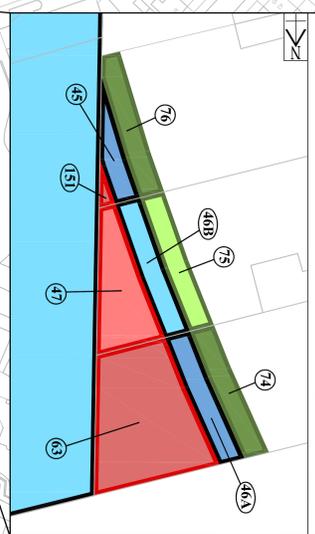
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(Scale 1:200 @ A0) Nos 54 to 68 Great Northern Road Back Gardens



(Scale 1:200 @ A0) Nos 100 to 104 Great Northern Road Back Gardens



KEY

- Land to be acquired
- Land over which a temporary possession or other rights is held to be acquired. Shaded green to indicate the extent of the acquisition.
- Land over which a permanent or other rights is held to be acquired. Shaded blue to indicate the extent of the acquisition.

Note: Different shades of colour have been used on the Map to differentiate between adjacent plots of the same colour as a higher ton typically in between boundaries.

<p>ABERDEEN CITY COUNCIL</p> <p>Communities, Housing & Infrastructure Marischal College, Broad Street, Aberdeen, AB10 1AB</p> <p>Client: ABERDEEN CITY COUNCIL</p> <p>Project: BERRYDEN CORRIDOR IMPROVEMENT</p> <p>Title: This is the Map referred to in The Aberdeen City Council (Berryden Corridor Improvement) Compulsory Purchase Order 2017</p> <p>Drawn (Ref: 14000) W.F. 28/11/17</p> <p>Checked (Ref: 14000) M.M. 28/11/17</p> <p>Scale: 1:1000 @ A0</p>	<p>Revised: </p> <p>Drawn: </p> <p>Checked: </p> <p>Approved: </p>
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