

ABERDEEN CITY COUNCIL

Town House,
ABERDEEN, 29 January 2018

MINUTE OF SPECIAL MEETING OF ABERDEEN CITY COUNCIL

Sederunt:

Lord Provost Barney Crockett, Chairperson;
Depute Provost Alan Donnelly; and

COUNCILLORS

YVONNE ALLAN
CHRISTIAN ALLARD
ALISON ALPHONSE
PHILIP BELL
MARIE BOULTON
DAVID CAMERON
JOHN COOKE
NEIL COPLAND
WILLIAM CORMIE
STEVEN DELANEY
JACQUELINE DUNBAR
LESLEY DUNBAR
SARAH DUNCAN
STEPHEN FLYNN
GORDON GRAHAM
ROSS GRANT
MARTIN GREIG
DELL HENRICKSON
RYAN HOUGHTON
MICHAEL HUTCHISON
CLAIRE IMRIE

FREDDIE JOHN
JENNIFER LAING
DOUGLAS LUMSDEN
SANDRA MACDONALD
NEIL MacGREGOR
AVRIL MacKENZIE
CATRIONA MacKENZIE
ALEXANDER McLELLAN
CIARÁN McRAE
M. TAUQEER MALIK
THOMAS MASON MSP
ALEXANDER NICOLL
JAMES NOBLE
GILLIAN SAMARAI
PHILIP SELLAR
JENNIFER STEWART
SANDY STUART
GORDON TOWNSON
JOHN WHEELER
and
IAN YUILL

Lord Provost Barney Crockett, in the Chair

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

<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=122&MId=6092&Ver=4>

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

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DECLARATIONS OF INTEREST

1. The following declarations of interest were intimated:-

- (a) Councillor Henrickson declared an interest by virtue of him being a season ticket holder with Aberdeen Football Club (the applicant) and also a shareholder for Aberdeen Football Club. Councillor Henrickson considered that the nature of his interest required him to leave the meeting and took no part in the Council's deliberations thereon.
- (b) Councillor Alphonse declared an interest by virtue of having had business dealings with Stewart Milne, Chairman of Aberdeen Football Club. Councillor Alphonse considered that the nature of her interest required her to leave the meeting and took no part in the Council's deliberations thereon.
- (c) Councillors Jackie Dunbar, McLellan and McRae declared interests as employees of Kevin Stewart MSP who had publicly supported the application, however they had not had any involvement in the matter;
- (d) Councillor Copland declared an interest as a substitute member of the Strategic Development Planning Authority (SDPA)
- (e) Councillor Hutchison declared interests by virtue of (1) his employment by Kevin Stewart MSP who had publicly supported the application, however Councillor Hutchison had not had any involvement in the matter; (2) his employment with the British Army in terms of their agreement with Aberdeen Football Club for their use of the training facilities at Gordon Barracks; (3) his membership of Foundations of Hearts who partly owned Heart of Midlothian Football Club; and (4) his small personal shareholding in Heart of Midlothian Football Club which had publicly supported the application;
- (f) Councillor Samarai declared an interest as an employee of Mark McDonald MSP who had publicly supported the application, however Councillor Samarai had not had any involvement in the matter;
- (g) Councillor Nicoll declared an interest as the former Company Secretary of Aberdeen Rugby Limited;
- (h) Councillor Catriona MacKenzie declared interests as an employee of Kevin Stewart MSP and Kirsty Blackman MP who had both publicly supported the application, however Councillor Catriona MacKenzie had not had any involvement in the matter;
- (i) Councillor Cooke declared interests by virtue of his membership of Aberdeen and Grampian Chamber of Commerce and the SDPA;
- (j) Councillors Allard, Delaney, Imrie and Jennifer Stewart declared interests by virtue of knowing a number of people who had made representation on the application (both for and against);
- (k) Councillor Yuill declared interests by virtue of his membership of the SDPA and as a substitute member of NESTRANS;
- (l) Councillors Boulton, Graham and Grant declared interests by virtue of their membership of the SDPA;
- (m) Councillor Macdonald declared an interest by virtue of her membership of NESTRANS;
- (n) Councillor Bell declared interests by virtue of his membership of the SDPA and NESTRANS; and

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- (o) Councillor Mason MSP declared interests by virtue of his position as a Member of the Scottish Parliament for North East Scotland and as a substitute member of the SDPA.

All Councillors considered that the nature of their interests did not require them to leave the meeting with the exception of Councillors Alphonse and Henrickson who left the meeting before any consideration was given to the application.

LAND AT WEST KINGSFORD (NORTH OF THE A944 ROAD), SKENE ROAD

2. The Council had before it a report by the Development Management Manager which recommended:-

That the Council (a) express a willingness to approve the application for proposed community and sports facilities, football academy (comprising outdoor pitches, pavilion and ancillary buildings), stadium (20,000 capacity), ancillary uses, formation of access roads, parking and associated landscaping and engineering works subject to the 36 conditions detailed below and conclusion of a planning obligation securing:-

- developer contributions relating to Core Paths; and
- set up and operation of a Public Transport Steering Group (including mechanism for monitoring and review); and

(b) notify Scottish Ministers under the Town and Country Planning (Neighbouring Planning Authorities and Historic Environment) (Scotland) Direction 2015.

Phasing

- (1) That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing by the planning authority full details of the phasing of the proposed development, which shall include a description of the elements to be delivered in each phase (Phase 1 - training facilities and Phase 2 - stadium) including structural landscaping, roads, car parking, access junctions, drainage and footpaths.

Reason - in order to ensure that each phase of development is accompanied by the appropriate infrastructure and landscaping, and to set the basis for the provision of information relating to other conditions.

Construction Environment Management Plan (CEMP)

- (2) That no development pursuant to Phase 1 (training facilities) or Phase 2 (stadium) of the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing by the planning authority a full site specific CEMP for the relevant phase (including details of construction-phase Sustainable Urban Drainage Systems (SUDS) and any waterbody works) and thereafter all works associated with the relevant phase of the development shall be carried out in accordance with the approved CEMP.

Reason - in the interests of pollution prevention.

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Environmental Management Plan (EMP)

- (3) That no development pursuant to Phase 1 (training facilities) or Phase 2 (stadium) of the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing by the planning authority an EMP for the relevant phase. Thereafter, each development phase shall be implemented in full accordance with the procedures, protocols, restrictions and mitigation measures specified in the agreed EMP for the relevant phase.

Reason - in the interests of ensuring that the environmental impacts of the development are appropriately mitigated, in accordance with the accompanying Environmental Statement.

Restriction on use within Class 11 (Assembly and Leisure)

- (4) Notwithstanding the provisions of Class 11 (Assembly and Leisure) of the Town and Country (Use Classes) (Scotland) Order 1997, the stadium hereby approved shall not be used for any purposes other than the holding of sporting events. For the avoidance of doubt, this would allow for conferencing and event-related hospitality, but would not permit use of the stadium as a venue for live music concerts or other uses within parts (a) to (d) of Class 11.

Reason - to ensure that the impacts associated within alternative uses within Class 11 can be fully considered in terms of compliance with the Development Plan, with associated impacts established through appropriate supporting information.

Controlled Parking Zone (CPZ)

- (5) That no development within Phase 2 (stadium) shall take place unless a Traffic Regulation Order (TRO) has been granted for the implementation of a Controlled Parking Zone (CPZ) extending to an area which covers all roads and streets within Westhill and Elrick which lie within a 30 minute walk-time of the application site. Thereafter, the stadium shall not be brought into use unless a CPZ has been so implemented.

Reason - in the interests of delivering the overall Transport Strategy relating to this development, and to control on-street car parking within the surrounding residential streets.

A944 Crossing (i)

- (6) That no development within Phase 2 (stadium) shall be undertaken unless a scheme detailing a safe means for pedestrians to cross the A944 between Arnhall Business Park and the application site has been submitted to and agreed in writing by the planning authority.

Reason - in the interests of pedestrian accessibility and safety.

A944 Crossing (ii)

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

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Reason - in the interests of pedestrian accessibility and safety.

Bus Laybys

- (8) That no development within Phase 2 (stadium) shall take place unless a scheme for the provision of bus laybys on the A944, between its junctions with the B9119 and Westhill Drive, has been submitted to and agreed in writing by the planning authority. Thereafter the stadium shall not be brought into use for matches/events unless the agreed bus laybys have been fully implemented and are available for use.

Reason - in the interests of promoting sustainable travel.

Widening of Cycle/Footway to East

- (9) That the stadium shall not be brought into use unless the existing cycle/footway between the application site and the access to Prime Four Business Park (Kingswells Causeway), to the east of the site, has been upgraded to achieve a continuous 3m width along its route.

Reason - in order to ensure that adequate pedestrian/cycle infrastructure is provided to facilitate travel by sustainable means and ensure pedestrian and cyclist safety.

Overall Landscape Strategy

- (10) That no development shall be undertaken unless a revised landscape masterplan for the entire site - including revised proposals to draw structural landscaping into the site, details of landscaped landforms to be set adjacent to site accesses (including plans and cross-sections that clearly demonstrate the extent of cut and fill) and the extent of site-wide structural planting to be carried out within the first phase of development has been submitted to and agreed in writing by the planning authority.

Reason - in the interests of ensuring that the development is integrated into an appropriate landscape setting.

Phased Landscaping Schemes

- (11) That no development pursuant to Phase 1 (training facilities) or Phase 2 (stadium) of the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing by the planning authority, a further scheme of landscaping for the relevant phase which complies with the overall landscape strategy secured by condition 10, which shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting, and riparian habitat proposals. Thereafter, all landscaping works shall be carried out in accordance with the landscaping scheme approved in relation to that phase.

Reason - in the interests of ensuring that the development is integrated into an appropriate landscape setting.

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Riparian Habitat

- (12) That no development within the application site shall be undertaken unless a scheme detailing proposals for the finalised riparian habitat within the identified 12m buffer to the Brodiach Burn has been submitted to and agreed in writing by the planning authority, in consultation with SEPA. These submissions should include clear plans and details for morphological improvements (i.e. measures to restore the watercourse to a more natural form), riparian planting (including of wetlands) and management proposals (including for, for example, control of non-native invasive species). The agreed scheme shall be implemented in accordance with the timescales specified therein.

Reason - in order to help compensate for the loss of the man-made pond and MG9 and MG10 wetland habitats on the site.

External Materials

- (13) That no development pursuant to Phase 1 (training facilities) or Phase 2 (stadium) of the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing by the planning authority a further scheme detailing all external finishing materials to the proposed buildings, along with associated boundary enclosures, hardscaping and wayfinding strategy for the relevant phase has been submitted to and approved in writing by the planning authority. Thereafter the development shall be finished in complete accordance with the approved scheme unless a written variation has been approved by the planning authority.

Reason - in order to ensure high design quality, as required by policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan 2017.

SUDS

- (14) That no development pursuant to Phase 1 (training facilities) or Phase 2 (stadium) of the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing by the planning authority a scheme of all drainage works for the relevant phase designed to meet the requirements of SUDS. Thereafter, all works shall be implemented prior to first occupation of any buildings within the relevant phase, in full accordance with the approved scheme.

Reason - to ensure that the development can be adequately drained.

Connection to Public Drainage Network

- (15) That neither Phase 1 (training facilities) nor Phase 2 (stadium) shall be brought into use until a connection to the public drainage network for the relevant phase has been made.

Reason - to ensure that the development can be adequately drained.

Land Raising

- (16) That no land raising of any part of the car park area shall be undertaken above the levels identified in plan 111644/2002 Rev B of the plans hereby approved.

Reason - in the interests of preventing flood risk.

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Site Remediation (1)

- (17) That no development pursuant to Phase 1 (training facilities) or Phase 2 (stadium) shall take place unless it is carried out in full accordance with a scheme to address any significant risks to the relevant phase from contamination on the site that has been submitted to and approved in writing by the planning authority. The scheme shall follow the procedures outlined in "Planning Advice Note 33 Development of Contaminated Land" and shall be conducted by a suitably qualified person in accordance with best practice as detailed in "BS10175 Investigation of Potentially Contaminated Sites - Code of Practice" and other best practice guidance and shall include:
1. an investigation to determine the nature and extent of contamination
 2. a site-specific risk assessment, including a gas risk assessment that considers both onsite and offsite receptors
 3. a remediation plan to address any significant risks and ensure the site is fit for the use proposed
 4. verification protocols to demonstrate compliance with the remediation plan
 5. a site-specific working plan detailing protocols to control/mitigate risks that may arise as a result of the remedial activities.

Reason - to ensure that the site is suitable for use and fit for human occupation.

Site Remediation (2)

- (18) That Phase 1 (training facilities) or Phase 2 (stadium) shall not be brought into use unless:
1. any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken for the relevant phase; and
 2. a report has been submitted and approved in writing by the planning authority that verifies that the remedial works for the relevant phase have been carried out in full accordance with the remediation plan, unless the planning authority has given written consent for a variation.

Reason - to ensure that the site is suitable for use and fit for human occupation

Noise and Vibration

- (19) That no development pursuant to Phase 1 (training facilities) or Phase 2 (stadium) of the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing by the planning authority a Construction Noise and Vibration Management Plan for the relevant phase and in accordance with BS5228-1:2009 and any noise attenuation measures identified in the report have been implemented in full.

Reason - in order to protect the amenity of residents in the surrounding area.

Dust

- (20) That no development pursuant to Phase 1 (training facilities) or Phase 2 (stadium) of the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing by the planning authority a Dust Risk

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Assessment and Dust Mitigation Plan for the relevant phase and any dust attenuation measures identified in the report have been implemented in full.

Reason - in order to protect the amenity of residents in the surrounding area.

Lighting

- (21) That no development pursuant to Phase 1 (training facilities) or Phase 2 (stadium) of the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing by the planning authority a scheme for external lighting (including both construction-related and operational lighting - including hours of use) for the relevant phase, including details of screening and alignment to avoid direct illumination of neighbouring land and property, and thereafter Phase 1 and Phase 2 of the development shall not be brought into use until the scheme has been implemented for that phase.

Reason - in the interest of the amenity of the surrounding area.

Shuttle Buses

- (22) That Phase 2 (stadium) of the development hereby approved shall not be brought into use unless there has been submitted to and approved in writing by the planning authority a further scheme for the provision of shuttle buses to and from the site when a match or other major event is taking place. Thereafter, use of the stadium for matches and major events shall not take place other than in accordance with the details so agreed, unless alternative arrangements have been agreed via the Public Transport Steering Group.

Reason - in order to encourage the use of more sustainable means of travel.

Travel Plan and Transport Management Strategy (1)

- (23) (a) The proposed development shall not become operational until a Travel Plan/Transport Management Strategy, which addresses inter alia, access by walking and cycling, public transport provision, car parking management and traffic management, has been submitted to and approved in writing by the planning authority, following consultation with Transport Scotland and Police Scotland.

The Transport Management Strategy shall incorporate a monitoring and review process to be undertaken for each match day/event held at the stadium. Where this review process identifies issues with the existing Transport Management Strategy, the applicant shall submit proposals to address these issues to the planning authority who, in consultation with the relevant roads authorities (Transport Scotland, Aberdeen City Council and Aberdeenshire Council) and Police Scotland, shall consider approval of amendments to the Transport Management Strategy for subsequent events.

(b) Specifically, with regards to the trunk road network, the Transport Management Strategy shall identify the procedures for managing queues before and after matches on the A90 slip roads at the AWPR/A944 Kingswells South Junction, for example, through traffic signal control or manual control by Police Scotland. Where permanent traffic signal control is proposed, the layout design

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and specification shall all be approved in writing by the planning authority, following consultation with Transport Scotland and Police Scotland, and thereafter installed to the agreed plans prior to the development becoming operational.

Reason - to minimise interference with the safety and free flow of traffic on the trunk road network.

Travel Plan and Transport Management Strategy (2)

- (24) That Phase 2 (stadium) of the development hereby approved shall not be brought into use unless the approved Travel Plan and Transport Management Strategy have been implemented.

Reason - in order to comply with the requirements of Scottish Planning Policy with regard to transport and to minimise interference with the safety and free flow of traffic on the trunk road network.

Road Signage

- (25) No part of the development shall become operational until details of match day advanced directional and warning signage have been submitted to, and approved by, the planning authority, following consultation with Transport Scotland, and thereafter erected in accordance with the agreed plans.

Reason - to minimise interference with the safety and free flow of traffic on the trunk road network.

Junction Details

- (26) That no development relating to Phase 1 (training facilities) or Phase 2 (stadium) shall be commenced unless details of the road access junctions with the A944 to serve that phase of development (as established via condition 1: Phasing), including inter alia: junction layout, traffic signals and timings, and interface with existing cycle/footways have been submitted to, and approved by, the planning authority, following consultation with Transport Scotland and Police Scotland. Thereafter, no buildings within that phase shall be brought into use unless the junctions have been constructed and made available for use in accordance with the agreed plans.

Reason - to minimise interference with the safety and free flow of traffic on the trunk road network.

Car Parking on Site (Phase 1)

- (27) That Phase 1 (training facilities) of the development hereby approved shall not be brought into use unless the car parking areas associated with Phase 1 hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with Drawing No. 10422-P(90)003 RevC of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval.

Reason - in the interests of public safety and the free flow of traffic.

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Car Parking on Site (Phase 2)

(28) That Phase 2 (stadium) of the development hereby approved shall not be brought into use unless the car parking areas associated with Phase 2 hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with Drawing No. 10422-P(90)003 RevC of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval.

Reason - in the interests of public safety and the free flow of traffic.

Energy Strategy

(29) That development relating to Phase 2 (stadium) hereby approved shall not be commenced unless details of the zero and low carbon equipment and water saving technologies to be incorporated into the stadium and predicted carbon emissions, using SAP or SBEM calculations, through an Energy Strategy have been submitted to and approved in writing by the planning authority. Thereafter the equipment shall be installed in accordance with those approved details prior to first occupation.

Reason - to ensure this development complies with requirement for on-site carbon emissions contained in Scottish Planning Policy (SPP) and specified in the City Council's relevant published Supplementary Planning Guidance, 'Reducing Carbon Emissions In New Development' and Policy R7 of the Aberdeen Local Development Plan 2017.

Cycle Storage

(30) That no development pursuant to Phase 1 (training facilities) or Phase 2 (stadium) of the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing by the planning authority a scheme for cycle storage for the relevant phase and thereafter Phase 1 and Phase 2 of the development shall not be brought into use until the scheme has been implemented for that phase.

Reason - in the interests of encouraging more sustainable modes of travel.

Plant noise

(31) That building services and plant shall not exceed noise rating curve 25 in the nearest residential dwelling (windows open).

Reason - in the interests of safeguarding residential amenity from noise nuisance.

Waste

(32) That Phase 1 (training facilities) or Phase 2 (stadium) shall not be brought into use unless provision has been made within the development site for refuse storage and disposal, including the provision of litter bins and recycling facilities, in accordance with a scheme for the relevant phase which has been submitted to and approved in writing by the planning authority.

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Reason - in order to preserve the amenity of the neighbourhood and in the interests of public health.

Use of Training/Academy Pitches

(33) That the training/academy pitches shall not be used outwith the hours of 0900 - 2100.

Reason - in the interests of safeguarding residential amenity from disturbance relating to noise.

Deliveries

(34) That deliveries shall not take place outwith the hours of 0700 - 1900.

Reason - in the interests of the amenity of the area.

Noise relating to Hot Foot stalls

(35) That sales of hot food shall not take place within 150m of any residential property unless appropriate noise mitigation measures, relating to noise arising from associated generators and plant, have been submitted to and agreed in writing by the planning authority and have thereafter been implemented in accordance with the approved scheme.

Reason - in the interests of the safeguarding residential amenity.

Weekday Matches

(36) That football matches played by Aberdeen FC, international football matches, and international rugby matches held on Mondays to Fridays shall not commence before 1900 hours unless otherwise agreed in writing by the planning authority.

Reason - in the interests of the free flow of traffic on the local road network.

The Depute Provost moved, seconded by Councillor Cooke:-

That the Council approve the recommendation contained within the report, and agree in the event that the applicant seeks to vary conditions following consideration of any matters by Aberdeenshire Council that this be submitted to Council for consideration rather than dealt with by officers under delegated powers.

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

That the Council -

(1) refuse the application on the grounds that it is contrary to the following policies:-

NE2 - Greenbelt

I1 - Infrastructure Delivery & Planning Obligations

T2 - Managing the Transport Impact of Development

T3 - Sustainable and Active Travel

SDP/LDP Local Transport Strategy, City Centre Masterplan

NC1 - City Centre Development – Regional Centre

NC4 - Sequential Approach and Impact

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- NC5 - Out of Centre Proposals; and
(2) instruct officers to enter into meaningful dialogue with Aberdeen Football Club to find alternative locations.

On a division, there voted:-

For the motion (32) - Lord Provost; Depute Provost; and Councillors Allan, Allard, Cameron, Cooke, Copland, Cormie, Jackie Dunbar, Lesley Dunbar, Duncan, Flynn, Graham, Grant, Houghton, Hutchison, Imrie, John, Laing, Lumsden, MacGregor, Catriona MacKenzie, McLellan, McRae, Malik, Nicoll, Noble, Sellar, Jennifer Stewart, Sandy Stuart, Townson and Wheeler.

For the amendment (9) - Councillors Bell, Boulton, Delaney, Greig, Avril MacKenzie, Macdonald, Mason MSP, Samarai and Yuill.

Absent from the division (2) - Councillors Alphonse and Henrickson.

The Council resolved:-

- (i) to adopt the motion;
 - (ii) to approve the minute of meeting of the Planning Development Management Committee Pre-Determination Hearing of 17 January 2018; and
 - (iii) to thank the officers involved with the application for their considerable efforts.
- **BARNEY CROCKETT, Lord Provost.**