

p10-1299.

N I G G C O M M U N I T Y C O U N C I L

A B E R D E E N

Aberdeen City Council
Planning Department

16th September 2010

Dear Sir,

Re. App. ref 101299. Proposal for 21,000 capacity sports & leisure stadium, incl. assoc. car parking, access arrangements & landscaping – detailed planning permission.

This objection to the above planning application for a sports and leisure stadium at Loirston Loch is made by Nigg Community Council.

Before detailing our grounds for objection it is useful to provide some context to the formation of the community council. In 1998, residents in Nigg were made aware that a planning application had been submitted for a Football Stadium to be built within the area. At that time, the closest Community Council was that of Cove and Altens, and it was after attending one of their meetings, that several residents of Nigg, decided to firstly form an action group against the proposal, and to pursue the idea of forming a Community Council which would represent the area of Nigg.

The Nigg Community Council was established in 1999, and continues to hold meetings every second Thursday of the month, to discuss all matters pertaining to the Nigg area. Our members attended drop-in sessions held by ACC in connection with The Main Issues Report, on the proposed new Local Development Plan which included proposals for large scale developments around Loirston Loch, and our views were made known. Members also attended the Pre-Application Consultation meetings which we will refer to later in this letter.

Please reply to -

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Nigg Community Council has acted on the views of local residents, by continuing to voice their objections to this proposal and to that end, we now wish to register our formal objection to this development as detailed below.

We submit that this proposal for a major development in the greenbelt is, in fundamental terms, not in accordance with development plan policy and that there are no (or no sufficient) material considerations which outweigh that clear conflict with development plan policy. For those reasons, this application should properly be refused by the local planning authority.

There are a number of other relevant matters that we wish to raise in relation to this application.

Registration of application and consultation.

At the outset, we wish to make clear that we are dissatisfied with the manner in which this application has been registered by the local planning authority. It is clear from the City Council website, that the application was registered prior to the submission of several key documents which form part of the application; and several of those documents have only recently been available for public inspection on the website.

This is an application of great significance and complexity, comprising a number of detailed studies and reports. The local residents have had little or no opportunity to digest and consider this complex material within a proper and reasonable time frame; and we query the decision by the local planning authority to register this application at a time when it appears clear that it was incomplete in several material respects.

Clearly, as a result of this failure by both the applicant (to submit a complete application) and the local planning authority (to register an incomplete application), the proper consultative process of this application has been compromised and curtailed.

We therefore invite the local planning authority to (a) reconsider its decision to register this application for planning permission, and (b) resolve that the application was not properly registered in light of the significant omissions from the original submission, and (c) only to consider the re-registration of the application when it is properly satisfied that the application has been properly submitted in a complete fashion so as to enable proper consultation to take place within an appropriate time scale for an application such as this. We submit, that anything less than this approach will not enable the local planning authority to conclude that there has been a lawful consultation exercise in relation to this application.

In the event that the local planning authority does not adopt the course that we have proposed, we hereby give notice that, in the event of a grant of planning permission, an application for judicial review will be advanced on the

basis of the procedural deficiencies in the handling of the consultation on this application.

Further, in the event that the local planning authority proceeds to determine this application in light of the current inadequate consultation, we will closely examine, the extent to which the material within this application has been properly and fully examined and considered by the local planning authority. Clearly, any such inadequacies will also be relevant to any claim for judicial review.

The pre-application consultation exercise.

The pre-application consultation exercise is inadequate in a number of material respects. It is very far from being the "*comprehensive consultation exercise*" which is referred to in the "Aberdeen Community Arena – Options Appraisal and Site Selection" report ("the site selection report") at section 3.3.

In particular, the "Feedback" form, which was distributed to members of the public and was available to download, was drafted in such a way that it did not properly facilitate expressions of the opinion as to whether proposed development is appropriate in this specific location. Rather, the Feedback form set out a series of specific questions which were peripheral to the core issues with regard to this proposed development. The opportunity for individuals to submit any view which might be contrary to the interests of the developer was limited to the generality of "any further comments" at the end of the Feedback form. The Feedback form does not enable a true and accurate reflection of the public opinion to be expressed.

However, even accounting for those inadequacies, it is clear that a very significant proportion of responses by means of the feedback form were opposed to the development (29.1%) and that a significant proportion of those who objected, did so on the basis of location (as will be seen below, the issue of alternative locations has not been properly addressed in light of this consultation response). Further, 32.6% of the feedback forms were undecided. It is abundantly clear that there is no significant support for this proposal in this location; the application has failed to readdress and substantiate the selection of this site for the proposed development upon the basis of this consultation response. Indeed, the CBRE consultation report, wholly fails to address the issue of location, despite acknowledging that there were many objections based upon location. Those objections are all the more compelling, given that the feedback form did not include a specific entry or "tick box" for location.

In this material respect, the consultation exercise was inadequate; further the response to the consultation compounds this inadequacy, by failing to address and justify the selection of this site for the proposed development; and especially so, when a clear preference has been expressed for other locations within the city (and, indeed, when such alternative locations are identified in the local plan).

Further, the consultation exercise with the local community councils, in our opinion, consisted of an abbreviated and condensed exercise, which sought to give the appearance that proper consultation had been undertaken, but without any real engagement in the actual issues. The forum with Nigg Community Council was abbreviated at short notice because of double booking of a similar session with the Cove Community Council. This is not an appropriate way in which to conduct community consultation.

These inadequacies are all the more worrying, when one considers that this a major proposed development on green belt land, and thereby constitutes a very significant departure from existing development plan policy. For experienced advisers to consider that this is an appropriate way in which to conduct a consultation exercise in relation to such a development is a worrying state of affairs. It is a matter which the local planning authority should not endorse by the grant of planning permission. Adopting a recently coined but very apposite expression, what has occurred in this case is not a consultation but a "*nonsultation*".

In light of what we submit has been a self-evident failure to engage in the real issues with regard to this proposed development, it is our view that this proposed application has failed to have any, or any proper regard, to the relevant views of local residents and the wider population of Aberdeen.

The proposed development – contrary to the development plan.

The proposed development is contrary to existing adopted local plan 'Green Spaces - New Places' 2008, in fundamental and widespread respects. We do not propose to list every relevant policy which the development is contrary to, save to observe that it is contrary to a raft of relevant policies. For present purposes it is sufficient to observe that the site is currently designated as green belt. The significance of this designation cannot be understated. Indeed, the conclusions of the Reporter at the previous development plan inquiry made clear the importance of preserving this "*effective wedge of green belt*".

The adopted local development plan, identifies the King's Links site as the only location for a community arena. It is a site that "*received significant public support*" (consistent with the pre-application consultation in relation to this application). In development plan terms, there is a clear preference for the community stadium to be located at this alternative Kings Link site.

Whilst it is accepted that the Structure Plan identifies the Loirston site as a "potential community stadium" location, such development would conflict with other policies in the Structure Plan which are designed, for example, to ensure sustainable development and the quality of the environment. Consistent with the adopted local development plan, the Structure Plan also

identifies the King's Links site for a community stadium. The Structure Plan is specifically silent, as to which of the two sites is the preferred location. It is our considered view, that when the alternative potential sites are considered by reference to Structure Plan Policy, the site which is clearly more in keeping with development plan policy is the King's Links site. Further, on a proper interpretation, the Structure Plan envisages that the preferred location, as between the sites identified within the Structure Plan, will be identified as part of the now emerging local development plan process (as is set out in detail below, we submit that this application for planning permission, is premature and should be refused on such grounds).

In summary, if the proposed application is to be properly determined in accordance with the development plan, it should be refused. There are no, or no sufficient material considerations, which militate in favour of this development so as to displace the clear infringement of policy and obvious harm that this development would cause.

Site selection.

There are no very special circumstances, which have been identified which would support proposed development at Loirston. Indeed, the "Aberdeen Community Arena – Options Appraisal and Site Selection", is singularly lacking in any clear evidential basis for preferring Loirston to any other potential site.

In fact, a proper analysis of the SIAS Transport Feasibility Study, (prepared as a comparative exercise), reveals that the King's Links is a better location for the stadium in transport terms. This is the case, even without taking account of certain failures in the SIAS report e.g. the overstatement of number of people within walking distance of the Loirston site (which includes large sections of Kincorth with no suitable pedestrian access across the privately owned farm land on the south side of Kincorth Hill).

In any event, as the SIAS report makes clear, when compared with the King's Links site, the Loirston site is remote; it has a significantly lower catchment in material categories; it will place additional stress on the already congested – and polluted - Wellington Road; it depends upon the construction of the AWPR, which is presently far from assured in light of existing and lengthy legal proceedings; and it will require significantly greater public transport investment.

Of course, there is the further point that location of the site at the King's Links is a known quantity (in that there will be little difference in transport terms between the current use of Pittodrie and that which would transpire if the nearby King's Links site were developed). The Loirston site, on the other hand, is very much an unknown quantity, and there is no guarantee, that the current transport assessment is sufficiently accurate, to provide assurance that the transport implications of this proposal, might not be worse than is

presently predicted (detailed criticism of the assessment submitted with the application is set out below). There are, of course, good recent examples of development within the city, where the transport consequences have proved to be far worse than were originally predicted at the time planning permission was granted.

An analysis of the comparative Environmental Appraisal (March 2009), also demonstrates that the Loirston site is less appropriate for the proposed development than the King's Link site. In terms of existing land uses, development of Loirston, will result in the permanent loss of rural green belt land. The existing uses at the King's Links (i.e. golf driving range and other sports facilities), can be accommodated elsewhere - at the very least, it has not been demonstrated that they cannot be accommodated elsewhere). In terms of landscape and visual assessment, the importance of the Loirston green belt area has already been referred to above, and was confirmed by the Reporter at the last local plan inquiry. By contrast, the King's Links site has already been designated as appropriate for stadium development (and has significant public support). In terms of ecology and nature conversation, the balance against development lies firmly in favour of the Loirston site, for the reasons set out in para 7.6 of the comparative Appraisal. The Loirston site is also more sensitive in terms of cultural heritage and archaeology, water quality, drainage and flooding. In terms of noise impact, there will inevitably be a greater impact upon the Loirston site and its surroundings when compared with the existing uses at both sites. In terms of air quality, the Appraisal concludes that the King's Links is the preferred site for development of a stadium.

The approach to this matter in the Environmental Statement (ES) submitted with the application does nothing to address the real issues, save to observe that "Loirston provides the optimum location" (para 1.2). The consideration of alternative sites (at para 2.5.1) is unforgivably brief: it is restricted to one paragraph and a table, which provides no clear distillation of why Loirston is said to be the optimum location. There is no map; no overall comparative evaluation. This is a wholly inadequate response to the consultation responses referred to above. The statement in para 2.5.1 that the appraisals (i.e. including the environmental and transport appraisals) revealed Loirston was the preferred location is simply untenable, i.e. the transport and environmental appraisals, for the reasons set out above, demonstrate the opposite. Para 2.5.1 is therefore wholly misleading, in terms of consideration of alternative sites and any decision based upon such a misleading assessment of this key aspect of this application is likely to be unlawful.

Further, the cross-reference to the full business case study in para 2.5.1 of the ES is wholly inadequate. The case for this site should be fully set out in the ES itself, otherwise the relevant factors in favour (and against) this development, cannot be fully evaluated and properly consulted upon. It is our view that the omission of a robust consideration of alternative sites is so significant as to render the ES incompetent for the purposes of informing determination of the planning application.

Significantly, the ES omits reference to the fact, that Kings Links is the only site identified in the extant Aberdeen local development plan as appropriate for a stadium (OP51). The table at para 4.2 of the ES simply fails to address this important aspect of development plan policy. There appears to be no reference to OP51 within the ES. It is difficult to see how the ES can be said to have been properly evaluated relevant to development plan policy.

In summary, upon examination of all of the separate criteria by which to judge the relative environmental acceptability of the proposed stadium development, there is not one criterion in which the Loirston site emerges as the preferred location. Indeed, in all material respects, the comparative appraisals demonstrate that the King's Links site would be less environmentally harmful. Further, the present application, wholly fails to present any, or any convincing case, for the selection of this site in preference to others.

Other matters relevant to site selection.

In relation to other considerations relevant to site selection, no clear case for the Loirston site has been demonstrated. In terms of land assembly, the King's Links site may be more problematic (although this is not particularised), but there is no evidence to suggest that any such problems would be insuperable. Advice from leading Counsel has not suggested that Common Good issues are a real obstacle – on the contrary, the considered and senior legal opinion confirmed that there was no difficulty presented by that issue.

Although mention is made in the ES of size limitations in relation to the Kings Link site, this is wholly unparticularised and unsubstantiated.

Further, no case has been made to suggest, that the existing uses at the King's Links site could not be relocated elsewhere. Even if the development of the King's Links would be more prolonged than the development of the Loirston site, there is no evidence to suggest that the differential would be significant (the Aberdeen Community Arena – Options Appraisal and Site Selection suggests that it would take an extra year to complete the King's Links site – see para 12.0). In terms of site costs, the difference between the costs of the two sites is marginal (circa 10%); it has not been demonstrated that the extra expense of the King's Links site makes it impossible to deliver. Nor has it been demonstrated that the present site at Pittodrie is on the verge of imminent collapse – it has a lifespan of at least another 5 years.

Further, whilst it is clear that the applicants propose an edge of city stadium development, it does not appear that the logical consequence of this approach has been fully analysed. If it is considered that an edge of city site is appropriate, it is difficult to see, why consideration should not be given to more appropriate locations in Aberdeenshire. It appears that the developer invites fundamental conflict with existing green belt policy, without exploring more suitable sites which are, in real terms, no worse in terms of their location and environmental impact.

In summary, the decision in relation to site selection, has been arrived at when there are preferable sites in terms of planning, environmental and transport considerations; the only features which appear to militate in favour of the Loirston site, is that it is cheaper (by a marginal amount) and can be delivered sooner (by a marginal period). These are wholly inadequate material considerations (even allowing for the concession that they amount to lawful and legitimate material considerations) and they do not displace the clear conflict with development plan policy, which is at the heart of this application. In any event, wholly inadequate consideration has been given to this issue in the ES, submitted in support of this application.

Cumulative Impacts.

The ES contains very little, by way of detail in relation to cumulative impacts (see para 3.4.6). Given that there is an ongoing emerging plan process, it is more appropriate for the issue of the location of the stadium, to be determined within the context of the emerging local plan process. It is submitted that this lends significant weight to the prematurity issue set out below. Moreover, although there is no detailed assessment of cumulative impacts it should be noted that at various stages in the ES the consultants posit benefits which they claim will derive from the anticipated large scale development in the area (such as the claim that public transport links to the area will improve as a result of the anticipated housing development at Loirston).

Landscape & Visual Impact.

Table 6.3 of the ES makes clear that the landscape impact of the proposed development will be in the Moderate to Major Adverse category; those are ratings which are defined as significant and it is clear that the development would therefore be harmful in terms of landscape impact. Indeed, it is accepted in the conclusions to Chapter 6 of the ES, that "*both Loirston LCA*

and Kincorth and Tullos Hills LCA are predicted to experience significant adverse impacts after mitigation measures are taken into account. Loirston LCA, will be directly affected by the replacement of open agricultural land with the Arena development."

As regards visual impact, the position is equally bleak (again, see the conclusion to Chapter 6 of the ES): "*of the nine viewpoints assessed, seven are predicted to experience significant adverse long term impacts for at least one of the receptor types at each of the seven locations.*"

It is accepted, that there will be significant landscape and visual harm; it follows that the proposal is clearly contrary to development plan policy.

Noise.

It appears that no noise analysis has been conducted with regard to the impact of the proposal, upon existing farming activities in close proximity to the stadium, including Parkhead Farm. There are concerns that cattle may be subject to harm.

Bats – Habitats Directive.

Despite conclusions in the ES which would tend to suggest the contrary (see Chapter 8), we are aware that bats frequent the Loirston Loch area. We are able to make this assessment having lived in the area for decades. We understand that bats have the highest degree of protection under the Habitats Directive. We have also been informed that a recent case before the Court of Appeal (*R (on the application of Morge) v Hampshire County Council*) confirms that interference with the flight path of bats, contravenes the European Habitats Directive. In our view, the ES gives inadequate attention to this aspect of the development and the mitigation measures are inadequate to address the harm that will flow from the proposed stadium.

Transport assessment.

The Transport Assessment (TA) submitted as part of the application is deficient in a number of significant and material respects.

Firstly, the TA is posited on the basis that the AWPR will be constructed. There is currently a legal challenge in relation to the AWPR and there is doubt as to realistic delivery of this major transport project, which is considered to have a major impact upon accessibility to the proposed stadium at Loirston (it should be noted that this is a further factor in support of the prematurity argument set out below).

Secondly, the TA is advanced, on the basis that given the restricted parking spaces at the proposed site, there will need to be an utterly unrealistic modal change i.e. that 72% of supporters currently travel to Pittodrie by car, but that this will reduce to 26% travelling by car to the Loirston site. Such a complete change in the transport habits of supporters is extremely unlikely in our view. We specifically request the Council, to enquire whether there is any comparative data which suggests that such a change has been achieved at any similar stadium development in the short to medium term. It is also pertinent to note that, although there will be restricted parking, at and around the development site, there are any number of large private business sites in reasonable proximity to the site which will no doubt offer parking facilities on match days.

There is plenty of anecdotal evidence from around the UK of private companies letting out their car parks to car-borne sports fans on match days. Of course, the availability of such ad hoc private parking arrangements, does not appear to have been considered in the TA when assessing the traffic

impact of this development. Obviously, the Council will have little, if any, ability to control the availability of such ad hoc private parking. Further, it is also likely that private householders in the areas around Loirston will rent out their driveways for spectator parking. Such practice is common, for example, by residents in Edgbaston (Birmingham) during cricket test matches. It is our view that the failure of the TA to give consideration to these matters is, on its own, more than a sufficient basis for refusing the application since we believe that it will be inevitable that fans will continue to travel to matches by private car and so render the applicant's bus based transport strategy utterly irrelevant.

Thirdly, and perhaps most significantly, the model which has been used to determine the projected traffic of the proposal (see TA part 7) is accepted as being inadequate in fundamental respects (see TA paragraph 7.1.4). It is of grave concern, that Council officers appear to have connived, or consented in the production of the TA traffic modelling assessment in relation to this proposal, when it is conceded that the model used is outdated. In particular, the model takes no account of the effect of committed future significant developments in the vicinity. The TA concedes (at paragraph 7.1.5) that despite the efforts of the experts, it has proved impossible to account for the effect of those committed development.

Further, the TA goes on to observe (at paragraph 7.1.6) that there are profound traffic issues associated with the Brig O'Dee. Indeed, the TA states that there are *"... no agreed set of mitigation measures resulting in sufficient improvements in this part of the network capable of accommodating the wider impacts of even the phased implementation of the committed developments in advance of the implementation of the WPR."*

As result, on the basis that the wholly spurious conclusion that Brig O'Dee is considered *"sufficiently remote"* from the proposed development, the TA proceeds on the basis, that the up to date impact upon the Brig O'Dee, will simply be ignored for the purposes of the TA (see paragraph 7.1.7 of the TA). It is, we repeat, of grave concern that this inadequate approach, appears to have been endorsed by the Council officers.

In our submission, such a state of affairs is wholly unacceptable for a development of such significance, where the traffic impact of the proposal is one of the key features under consideration, and where the proposal demands a complete change in modal transport choices, in order to operate without significant harm to the existing stressed traffic system. Of course, the concession that the model being used to determine the traffic impact of the proposal is inadequate, calls into serious question, all of the data and estimates produced by application of the model. Clearly, we will expect the Council, in the consideration of what is conceded to be an inadequate TA, to demonstrate that very close scrutiny has been applied to this key aspect of the TA. At present, Council officers seem prepared to condone an analysis which is based upon no more than a leap of faith.

We would also submit that the conclusion that the Brig O'Dee is "sufficiently remote" is fatuous and is at odds with the applicant's own data on the place of residence of fans. This shows that a large proportion of Aberdeen FC fans live north of the city. We submit, for reasons given above, that these fans would travel to Loirston by car and would, in all probability, travel south around the city along Anderson Drive to the Brig O'Dee before turning left and heading towards the car parks at the industrial estate at Altens.

What is also evident, is that more accurate and up to date modelling data will be available by 2011 (see TA paragraph 7.1.4). The availability of such data within the very near future, lends further significant weight, to the prematurity argument set out below. In summary, given the parlous state of the TA, based as it is on an inadequate model, the appropriate course, is for this application to be refused, and for the issue of the location of the stadium to be addressed in the proper context of the emerging local plan process and considered in light of up to date modelling data.

Fourthly, it is clear that a significant factor in the proposed transport strategy contained within the TA, is the use of Park and Ride facilities. It is proposed that these would account for almost one third of home supporters (i.e. nearly 5,000 individuals) at Old Firm games (see Table 6-5 of the TA). It is to be observed that current use of Park Ride facilities are estimated to attract 1.9% of supporter (i.e. a maximum of 380 individuals at full capacity games). It is, with all due respect to the experts, wholly incredible that there will be a 20 fold increase in the use of such facilities.

This is especially the case when one considers the availability of Park and Ride facilities. The TA is based upon the availability of four sites (TA table 5-1), which are not in existence. There is no guarantee that any of these sites will be developed in time for the opening of the stadium; indeed, it is unlikely that any progress will be made in relation to those sites, until the AWPR decision is positively resolved. Of course, those "hoped for" P & R sites account for 60% of the available P & R capacity (i.e. 2,500/4,100) upon which the TA relies in seeking to achieve a transformational change in modal transport habits. In blunt terms, it is wholly unrealistic. Once again, these are matters best determined and addressed within the context of the emerging local plan and lend further weight to the prematurity argument set out below.

Fifthly, we have significant concerns about the use of the Kincorth Hill, by young fans attempting to get to the stadium from Kincorth. This seems to us to be very likely, and will involve them trespassing on private property (Parkhead Farm in particular). This is an existing problem which will be seriously aggravated on match days if the development proceeds. The TA fails to address this very real concern.

Sixthly, we would observe that the TA, proposes an extremely widespread area of parking restriction; it is difficult to see how this will be properly enforced across such a wide area. Additionally, it will cause widespread inconvenience for the friends and family of local residents in the area.

Finally, we would question the accuracy of the pedestrian isochrones identified in Appendix E of the TA. We suggest that the walk times have been significantly overstated (i.e. that the isochrones have been drawn too tightly) with the consequence that the likelihood that the number of fans driving to areas that will not be the subject of parking restrictions such as Torry (as opposed to taking the bus) before walking the rest of the way to Loirston has been significantly underestimated. As an example of the level of overstatement of the walk times we would point to the implicit assertion from the map that it would take a pedestrian around 25 minutes to walk to Loirston from the northern end of Redmoss Road. We contend instead that it would take around 10-12 minutes.

In summary, the TA submitted as part of the application, suffers from fundamental inadequacies. There is the clear and obvious risk of significant harm to the existing traffic system as a result of this proposal and, on that basis, it is contrary to planning policy and should be refused. The proper course of action, is for the stadium to remain in its present location in the short term, until traffic impact can properly be assessed as part of the emerging local plan process and the outcome of other proposed development (such as the AWPR).

“Call in” by Ministers.

We submit that this application for planning permission, should be “called in” in accordance with the circular 3/2009. We understand that the local planning authority retains an interest in the proposed development site. Further, this proposal amounts to a significant departure from development plan policy. In any event, this application should not be determined without a local hearing at which local residents and interested parties can state their case to the council.

Comparisons with other stadia.

It is appropriate to note, that a number of new stadia have been held up by the developer as examples of development which is said to be similar to the Loirston proposal. It is submitted that those analogies are wholly inappropriate. By way of demonstration, the Aberdeen Community Arena – Options Appraisal and Site Selection contains reference to the following stadia:

- KC Stadium, Hull – built on a previous athletic track within walking of the city centre and the mainline city station.
- Ricoh Arena, Coventry – built on a former gasworks.
- Liberty Stadium, Swansea – built on a former copper works.
- Madejski Stadium, Reading – built on a former household waste dump.

Patently, the planning history for none of these stadia, provides any support for what is proposed at Loirston. On the contrary, they demonstrate the

obvious: that a green belt site is wholly inappropriate for development of this type, when other options are available.

It is not unreasonable to observe, that the developer should know this, given that their professional advisers were involved in the development of at least one these other stadia which are referred to in the Appraisal document.

Prematurity.

The emerging local development plan is at an important stage, and is soon to be the subject of examination. The submission of this proposed application at this stage in the emerging local plan process, will run the clear risk of pre-empting the proper consideration of the possible location of Aberdeen community arena, as part of the local development plan process (especially when the existing local plan identifies the King's Links site as the appropriate location for this development).

There have been a series of local 'drop in' sessions held around the city, including Cove, to which local residents, were invited and positively encouraged by the City Council, to express their views on various developer bids. Residents and representatives of Cove CC and Nigg CC participated in that process in good faith and made representations to the City Council in relation to various development bids within their areas. Those representations were generally resistant to any form of development in the Loch Loirston area.

Approval of the current planning application would be 'premature' to the finalisation of the local development plan, in that it would prejudice the legitimate rights of land owners, local residents and other affected parties in the determination of the site selection for the new community football stadium. It is understood that there are a number of possible alternatives for a community football stadium, including land at Duffs Hill to the south of the City boundary, as well as the King's Links site identified in the current local plan (OP51).

It is clear from the various appraisals referred to above, comparing the suitability of the Kings Links site and Loch Loirston sites that, at the very least, no definite conclusions were arrived at regarding the relative planning merits of the sites, save that Kings Links was more appropriate.

It is an essential element of natural justice, that local residents and other affected parties, including any competitor land owners, should have the opportunity to present their case for and against various potential sites within the context of a local plan process.

It is clear, that the proposed application in this case would have the effect, if it were permitted, of pre-determining the outcome of the local plan process in relation to one of the single most significant site specific issues which will

need to be (and should properly be) addressed as part of the local plan process. For that reason alone this application should be refused on the grounds of prematurity.

Conclusion.

In summary, when proper consideration is given to this application, it is clear that the proposal is in fundamental conflict with local development plan policy and there are no very special circumstances which militate in favour of development in Loirston. The application should be refused.

Yours Faithfully

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Alan Strachan (Chair)
Nigg Community Council

N I G G C O M M U N I T Y C O U N C I L

A B E R D E E N

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Aberdeen

21st December 2010

Subject :- P101299 -- Addendum TA
(Aberdeen FC stadium at Loirston)

Dear sirs,

I attach a copy of Nigg CC's response, in respect of the Addendum Traffic Assessment which was submitted in support of the above planning application. We would appreciate an early response to the attached.

Yours faithfully,

Alan Strachan (chair)

for and on behalf of Nigg Community Council

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Imp	Strategy	Build Con	Admin
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21st December 2010

Dear Sir,

Re: P101299 – Addendum TA – Nigg CC Response

On behalf of Nigg Community Council I write to comment on the Addendum to the Transport Assessment submitted in support of the planning application by Aberdeen FC for a new football stadium at Loch Loirston.

As you will see we consider the current Transport Assessment to be methodologically deficient to the extent that it does not permit the Council to make an informed and safe consideration of the traffic issues relevant to the relocation of the football stadium. For this reason we believe that the planning application should be withdrawn until such time as a more robust TA is prepared. We set out what we would want to see included in such a revised TA towards the end of this letter. With the above points in mind – given the need to revise the TA and consult further - we would suggest that the Hearing scheduled for 14th January 2011 be postponed.

Nigg CC wishes to make clear that it is highly unimpressed that some of the matters raised in the addendum were not included within the initial Transport Assessment. Although it is not stated in the Addendum it is clear that the submission of the Addendum was in large part prompted by observations and comments included in our letter of objection to the planning application. We consider the shortcomings of the Transport Assessment highlighted in that letter to cast significant doubt upon the ability of the firm in question to undertake this type of work.

We turn now to section 5 'Parking Strategy' and in particular to 5.2 'Off-Site car parking'. In our letter we highlighted the very real possibility that fans would drive in private cars to the Loch Loirston area and park in some of the surrounding industrial estates. We wish to remind the Council that Aberdeen FC's defence for selecting a Greenfield site on the periphery of the city - as opposed to a city centre site such as King's Links - was premised almost entirely on its stated belief that it would be able to affect a complete about turn in the modal usage of fans from car to bus through a strategy of parking restrictions applied across the Nigg and Cove residential areas. In short it amounted to a view that Loch Loirston is not, on first principles a suitable location, but that it can be made to be so through forcing a change in the travel behaviour of fans. Such a change would be vital if the application were to comply with stated policy objectives on the need to reduce car based emissions and the need to avoid locating development where it will materially add to traffic congestion

levels.

Aberdeen FC, through its consultants, has now acknowledged that there are around 1,700 car parking spaces potentially available on the Altens Industrial Estate. However, we believe that this figure is almost certainly an understatement of the true position.

First, we doubt that it includes all of the areas of land available at Altens Industrial Estate for parking. We are aware that there is an area known as 'Altens Lorry Park' to the south east of the Shell Head Quarters. Through casual observation we believe that this rough area of land, which has long been used for lorry parking, could accommodate around 300-400 cars. We are aware of other areas of land between units on the Altens Industrial Estate where fans will be able to park – off the road and pavements – without the fear of fines or clamps.

Second, it is our view that the West Tullos Industrial Estate will also be used by fans for vehicle parking. We note that according to Appendix E of the Transport Assessment this area is just outwith the 30 minute walk time from the site of the proposed stadium. According to our own 'time trials', allowing for varying levels of fitness, we estimate that the West Tullos industrial estate is within 30 minutes of the stadium. But irrespective of the precise time we have no doubt that this area will be used by fans for parking. There are no highway parking restrictions on the industrial estate and again, many firms that we believe would be willing to hire out parking to football fans. We have not produced an estimate of the number of parking spaces available at West Tullos but it is safe to say that it would be several hundreds.

Third, it is our view that some fans will be willing to walk from East Tullos Industrial Estate although this is a little further. Again, we believe that there is capacity for several hundred cars around this area.

Fourth, it is our view that the new Aberdeen Gateway Business Park located due east of the Charleston grade separated junction on the A90 will also be used by football fans for vehicle parking. Again, according to our own 'time trials' we estimate that this area is comfortably within the 30 minute walk time set as a limit by Aberdeen FC's consultants. It is no more than 20-22 minutes walk from the site of the proposed stadium. We do not believe that the need to cross the Wellington Road dual carriageway will act as a barrier to fans. As per West Tullos Industrial Estate we have not produced an estimate of the capacity of the area but again we believe that it would be several hundreds of vehicles.

Central to our views is our experience of visiting football matches and our own

research on the subject matter via fans web sites. It is clear that for many fans part of the ritual of watching live football is walking back to a car after the match to put on the radio and hear the other results and comments from around the grounds. What one might call 'informal' car parking is now the norm at many football stadia and other sports arenas around the UK. Large scale bus use is not evident. You will recall that in our initial submission we requested evidence of such a dramatic modal shift from car to bus from elsewhere in the UK. It is telling that the consultants acting on behalf of Aberdeen FC have not been prepared to adduce any such evidence.

Perhaps more significantly, Aberdeen FC fans have also indicated that the majority of them would travel to a new stadium at Loch Loirston by car. Our analysis of the findings of a survey conducted in 2009 by Aberdeen FC – and posted on its web site – shows that just over 50% would continue to travel to the stadium by car. It is our view that these fans would inevitably find areas to park, such as those noted above, within walking distance of the new stadium.

We believe that the use of these areas by fans for parking on match days / match evenings will critically undermine the transportation strategy which is central to the stated rationale of Aberdeen FC for selecting the Loch Loirston site. It will inevitably lead to extraordinarily high levels of traffic congestion at bridges over the River Dee and along the Wellington Road corridor and bring the network to a halt.

Evidence for this view is found in the data supplied by the consultants acting on behalf of Aberdeen FC. If we turn to Tables 1 and 2 of Appendix K of the Transport Assessment we find ratio-flow capacity (or RFC) readings for the current levels of traffic congestion at the Garth Dee north and Garth Dee south roundabouts (commonly known as Bridge of Dee). We are not traffic experts but we understand that traffic engineers generally regard an RFC of around 0.85, which provides for a certain amount of leeway in poor conditions, as being the upper end of acceptability. We understand that an RFC of greater than 1.0 is problematic. We understand that RFC readings of above 1.5 are cause for very serious concern since they show that a junction has to operate at a level well beyond its design or operational capacity.

According to Tables 1 and 2 in Appendix K it is clear that both the Garth Dee roundabouts are currently overloaded on Saturdays 1200-1300 and 1700-1800. This is most acute on the Garth Dee south junction with Great Southern Road (which leads in the direction of Altens). These levels would be exacerbated very significantly by the proposed football stadium at Loch Loirston.

Notably, we do not find any comparable data for either the Wellington Road /

Queen Elizabeth Bridge roundabout or the roundabouts located either side of the King George VI Bridge. The Council must remember that according to Aberdeen FC the majority of its fan base is located north of the City and so would have to travel through the urban core en route to Loch Loirston.

In the light of the above we are of the view that the original Transport Assessment submitted by Fairhurst is critically deficient and is fundamentally unsound for the purposes of determining the planning application. It is premised upon travel decisions which – as we have shown and is now acknowledged by Aberdeen FC – are not safe to assume given the many parking options in the Loch Loirston area available to fans. Since it is not possible to predict travel behaviour with any certainty – nor force change simply through the implementation of planning conditions or agreements - we believe a different, more sophisticated approach should be used.

A completely revised Transport Assessment should be prepared. It should include a full audit of the amount of off-site car parking available in the broad vicinity of the Loch Loirston including the industrial / business parks at Altens, West Tullos, East Tullos and Aberdeen Gateway. It should include revised RFC calculations for the roundabouts adjacent to the Bridge of Dee and RFC calculations for the roundabouts adjacent to the King George VI Bridge and Queen Elizabeth Bridge. It should include RFC calculations for roundabouts and junctions along the Wellington Road corridor.

The revised TA should include RFC calculations for each arm of the above named roundabouts under each of the following transportation scenarios:

70% travel by bus / 30% travel by car (for each different crowd attendance scenario);

50% travel by bus / 50% travel by car (for each different crowd attendance scenario);

30% travel by bus / 70% travel by car (for each different crowd attendance scenario);

10% travel by bus / 90% travel by car (for each different crowd attendance scenario).

By incorporating the above 'sensitivity' tests the Transport Assessment will provide a far more robust analysis than the current version which does no more than assess one extremely optimistic – and highly unlikely - transport scenario which it asserts, with little or no supportive evidence, can be implemented. It does not allow transport planners to assess the implications for the transport network of the (likely)

failure to affect such a modal transfer. This failure to consider the risks inherent in such an application is not acceptable and it would not be sensible or responsible for the Council to judge the application on this basis.

It is our view that the bus based transportation strategy put forward by Aberdeen FC is simply not credible. If the current application is approved then we have no doubt that there will be traffic gridlock at the various bridges over the River Dee and along the Wellington Road corridor as fans travel in their cars to park at business premises located on any one of a number of industrial estates in close proximity to Loch Loirston. This state of gridlock will not be in the interests of the local communities, Aberdeen FC or the Council.

Yours faithfully

Alan Strachan

Chairman – Nigg Community Council

Aberdeen City Council,
Planning and Infrastructure,
8th Floor,
St. Nicholas House,
Broad Street,
Aberdeen.

17th January 2011

Subject :- P101299 – Addendum SEA objection
(Aberdeen FC Stadium at Loirston)

Dear sirs,

Nigg Community Council contends, that there was very little attempt to seek the opinion of the public, with respect to the contents of the draft Strategic Environmental Assessment. The document was not evident on the Council's website. We are not aware, of any reference being made to it by the Council's Officers at any of the local 'drop-in sessions'. There was no attempt by the Council, to raise the public's awareness of it through the local press. There was no attempt, to explain to the public what it's purpose was. There was no attempt, to explain what the requirements of the SEA were. There was no attempt, to explain the techniques that were used to collect and assess data that underpins the document. Nigg CC contends, that this is a fundamental failing, in particular in the context of a major development proposal such as a proposed new stadium, since this is where we would expect to find some justification for the proposal, consideration of alternative sites, and an explanation of why they were rejected. The document fails to achieve these objectives.

We respectfully request this Addendum be added to our previous objections.

Regards,

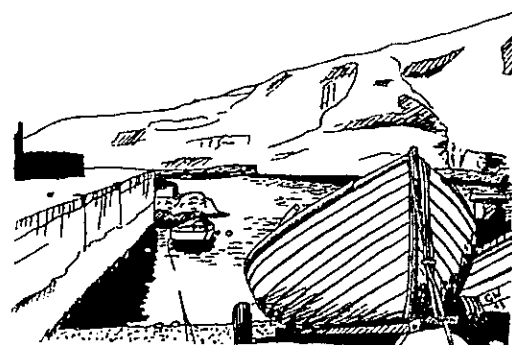
Alan Strachan (chair)
for and on behalf of Nigg Community Council

COVE AND ALTENS COMMUNITY COUNCIL

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Cove Bay
Aberdeen AB12 3PU

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16 September 2010

Planning and Infrastructure
Aberdeen City Council
St Nicholas House
Broad Street
Aberdeen AB10 1BW

Dear Sirs,

101299
Planning Application P171 / 299

New Stadium for Aberdeen Football Club at Loirston Loch Aberdeen

Cove and Altens Community Council wish to object to the above Planning Application on the following grounds:

Period for Comments

1. The period of time allowed for Community Councils and the general public to submit their comments is wholly inadequate considering the amount of plans and documents submitted in support of the application all of which have to be studied in depth before any comments can be made. This seriously disadvantages lay people wishing to make comments.

General

2. The site is part of the Loirston Recreational Area, a District Wildlife Site and designated Green Belt in the current Local Plan.
3. The current proposals for the stadium are totally different from that considered in the feasibility study which identified the area at Loirston Loch as the preferred site. This means that its findings are invalid and it needs to be repeated based on the current stadium design and include community involvement which was absent from the original study.

4. Public consultations on the scheme were very limited and wholly inadequate considering the impact of this major and complex project on the Community. The continuing ongoing variations to the proposed scheme helped to confuse the issue. Consultation appeared rushed to accommodate the developers self imposed deadlines and was more of a tic box exercise rather than a genuine attempt to gauge public opinion.
5. All publicity, particularly in the media, was very strongly biased to favour the project which clouded the public perception of the scheme.
6. There is a total dearth of facilities for supporters at Cove unlike the City Centre /Pittodrie area.
7. It is unacceptable that a valuable Green Belt site will be lost to accommodate a private company profitably selling off its existing facility.
8. There is a strong feeling that the City Council had already, prior to the planning application, given the nod to this scheme. This was highlighted during a joint meeting with Cove and Altens and Nigg Community Councils by a statement from D. Fraser Director of AFC that they had been directed to the Loch of Loirston site by Aberdeen City Council.
9. Aberdeen City Council as one of the landowners and also the planning authority should not have been promoting this scheme
10. A Public Enquiry or at the very least a Departure Hearing is requisite because of the nature, magnitude and impact of this major application.

Environmental

1. It is the only remaining natural landscape location within this area and of immense benefit to wildlife and local residents.
2. The loch and its environs are a District Wildlife Site in which the Royal Society for Protection of Birds and Scottish National Heritage have an interest. It is a haven for wildlife, a regular overnight roost for migratory geese and is frequented by local residents and anglers. All this will be lost if the stadium with its associated infrastructure and impact is allowed to proceed
3. An Environmental Impact Assessment must be impartial and this can only be achieved if it is carried out by an independent body.
4. The Environmental Impact Assessment submitted in support of the development was paid for by the developer and in consequence is heavily biased in his favour. The report is littered with statements such as of minor impact, not significant or will be covered by the mitigation measures. Where is the proof of these statements?

5. The natural land drainage to the loch will be totally destroyed by the development and this will have a detrimental effect on the ecological balance within the loch.
6. Surface water run off from the roof and hard standing, notwithstanding the suds basins, will have a detrimental effect on the quality of water in the loch.
7. Pollution of the loch will arise from the major earthworks necessitated by this development.
8. There is no analysis of the invertebrates living on the site or the effect of the development on their habitat
9. This development will result in the loss of a valuable community recreational amenity area despite Government agencies policies stressing the need, from a health point of view, to participate in outdoor activities It is currently used by walkers, bird watchers and anglers.
10. The development will result in the loss of a valuable educational facility
11. The development will result in the loss of a variety of wildlife habitats.
12. Concern is expressed that the noise generated by the development will have a detrimental effect on both existing and proposed housing.

Transportation

1. There was no "*extensive*" consultation with local communities.
2. It is wholly unacceptable that in order to accommodate the Transport Strategy requirements for the proposed new stadium a whole Community will be subjected to parking restrictions and its inherent charges.
3. The Transport Strategy is an aspiration but unlike to be practical in real life.
4. There is no indication of parking availability at the suggested City Centre Hub location.
5. First Bus state that they will work closely with AFC to develop a transport strategy but there is no guarantee from them that they will provide all the services outlined in the transport assessment.
6. There is no control over the provision of Public Transport as it is run by a private monopolistic company
7. The parking provision for the proposed stadium is totally inadequate

8. There does not appear to be any origin and destination data for supporters other than season ticket holders. This needs to be addressed.
9. We trust you will give full consideration to our objections when determining this Application.
10. It is environmentally undesirable to increase the distance that supporters have to travel to reach the stadium
11. The change of travel patterns will increase congestion in the City Centre and at the River Dee Crossings particularly at Bridge of Dee.
12. There will be considerable additional congestion on Wellington Road with its Bus Lane and numerous traffic light and roundabout junctions.
13. AFC will have little control over match times as these will be dictated by TV companies and Football Authorities.

Yours faithfully

A.W.Finlayson
pp Cove and Altens Community Council