

ABERDEEN CITY COUNCIL

COMMITTEE	Communities, Housing and Infrastructure
DATE	27 th August 2015
DIRECTOR	Pete Leonard
TITLE OF REPORT	Strategic Transport Fund
REPORT NUMBER	CHI/15/190
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

1.1 The purpose of this report is to advise Members that on 25th June 2015 the Strategic Development Planning Authority (SDPA) resolved to adopt the revised Strategic Transport Fund as Supplementary Guidance to the Aberdeen City and Shire Strategic Development Plan (2014).

2. RECOMMENDATION(S)

2.1 It is recommended that Members:

- Note the decision of the Strategic Development Planning Authority on 25 June 2015 as provided for in the relative minute to that meeting being Appendix 2 to this report.
- Ratify the use of the new statutory Supplementary Guidance Strategic Transport Fund from 28 August 2015.

3. FINANCIAL IMPLICATIONS

3.1 There are no direct financial implications arising from this Report. Nestrans as the Regional Transport Partnership for Aberdeen City and Shire would continue to hold and administer contributions from the Strategic Transport Fund.

4. OTHER IMPLICATIONS

4.1 As a major landowner in the city, proposals for the development of land and assets owned by Aberdeen City Council will, where this is applicable, be subject to assessment in line with the principles and

standards set out in the Supplementary Guidance. This may have financial implications for the Council as a developer.

5. BACKGROUND/MAIN ISSUES

- 5.1 The Strategic Transport Fund is informed by the Aberdeen City and Aberdeenshire Cumulative Transport Appraisal (CTA), as carried out by Nestrans and the SDPA, in partnership with Aberdeen City Council, Aberdeenshire Council and Transport Scotland in 2010. A package of defined transport projects was identified by the CTA to mitigate the cumulative impacts of new development. These projects include road and public transport interventions in a variety of locations where the cumulative impact of new housing and employment uses is likely to cause increased congestion. The purpose of the Strategic Transport Fund is to provide a mechanism for securing contributions from development to fund the delivery of this infrastructure.
- 5.2 The Strategic Transport Fund was adopted as non-statutory Supplementary Planning Guidance by the SDPA in December 2011 and subsequently ratified by Aberdeen City Council in January 2012 and Aberdeenshire Council in March 2012.
- 5.3 Following the approval of the Aberdeen City and Shire Strategic Development Plan by Scottish Ministers in March 2014, the SDPA began to review the non-statutory guidance with the aim of subsequently adopting it as statutory guidance and making it a formal part of the Development Plan. This process ensures the weight afforded to the guidance is strengthened in determining planning applications and appeals.
- 5.4 Consultation on the draft guidance took place between December 2014 and February 2015 and at a meeting of the SDPA in April 2015 it was agreed to make amendments to the guidance in light of the consultation responses received.
- 5.5 The proposed Supplementary Guidance was subsequently submitted to Scottish Ministers on 6th May 2015 and a response was received from Scottish Ministers on 2nd June 2015 directing that the Supplementary Guidance may not be adopted until an additional sentence was added to paragraph 6.1, as set out below:

6.1 *A planning obligation or other legal agreement will normally be used to secure contributions, although in appropriate cases up-front contributions will also be acceptable. In such cases, the receipt will set out the circumstances under which it will be used.*

The use of any planning obligation shall follow the guidance in Circular 3/2012: Planning Obligations and Good Neighbour Agreements. These will be paid into a dedicated strategic transport fund.

- 5.6 At their meeting of 25th June 2015 the SDPA adopted the Supplementary Guidance with the relevant sentence incorporated.
- 5.7 Members should note that Aberdeenshire Council were asked to note this decision at their Infrastructure Services Committee on 20th August 2015. A verbal update will be provided to Committee on the outcome of this meeting.

6. IMPACT

- 6.1 The Supplementary Guidance contributes to “Aberdeen – The Smarter City” Vision by promoting Aberdeen as a great place to live and visit. It will ensure that the cumulative impact of transport infrastructure resulting from allocations identified by the Strategic Development Plan and the Local Development Plan can be mitigated by sharing the financial implications of necessary interventions. The Supplementary Guidance also promotes the Smarter City high level priority Smarter Mobility by supporting sustainable transport.
- 6.2 The Supplementary Guidance contributes to the following Single Outcome Agreement priorities:
 - Safer Communities – safer roads.
 - Economic Growth – the city is recognised as a good place to invest, live, work, visit and export from.
 - Integrated Transport – Aberdeen is easy to access and move around in.
- 6.3 The Guidance supports the Council’s 5 year Business Plan in terms of focusing investment for long-term, sustainable, economic growth of the city and surrounding area.
- 6.4 Consultation with the Equalities Team has confirmed that there is no need for any Equalities and Human Rights Impact Assessment (EHIRA) to be undertaken. There is also no need for any Privacy Impact Assessment to be undertaken.

7. MANAGEMENT OF RISK

- 7.1 While substantial investment in transport infrastructure is planned by the public sector over the next 15 years, planned growth set out by the Aberdeen City and Shire Strategic Development Plan creates the need for additional infrastructure on top of what would otherwise be required. The cost of the required mitigation totalled £86.6m at 2011/12 prices. If Members were to decide not to ratify the use of the Supplementary Guidance then an alternate way of raising such funds would have to be identified by both Aberdeen City and Aberdeenshire Councils.
- 7.2 Members should note that a legal challenge has recently been lodged in the Court of Session by the Elsick Development Company against

the newly adopted statutory Supplementary Guidance. The SDPA has an initial 21 days to respond to the challenge and are instructing Senior Counsel to do this. The challenge, by itself, does not prevent the guidance coming into force on 28 August 2015. Once the guidance comes into force, it shall remain in operation unless the Court suspends or quashes the guidance.

8. BACKGROUND PAPERS

- Appendix 1 - Supplementary Guidance: Strategic Transport Fund (2015)
- Appendix 2 - Draft Minute of Meeting of Strategic Development Planning Authority, 25th June 2015

9. REPORT AUTHOR DETAILS

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