
Representation to proposed retail development at Prime Four Business Park, Kingswells (Ref: P161429/PPP)

On behalf of Union Square Developments Ltd

The Savills logo consists of a solid yellow square positioned above the word "savills" in a lowercase, sans-serif font. The text is a dark red or maroon color.

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Executive Summary

The site at Prime Four Business Park is allocated as Opportunity Site OP40 within the adopted LDP, which accommodates 50 ha of employment land over the period 2007–2023. The emerging LDP maintains this allocation, subject to the designation of the subject Prime Four site as a Specialist Employment Area (2017–2026), situated within the Green Space Network.

Contrary to the adopted and emerging LDP allocation and wider retail strategy, and supplementary City Centre Masterplan provisions, proposals have been submitted for significant levels of retail floorspace (c. 30,000 sq.m gross of Class 1), the majority of which will be utilised for comparison goods (26,013 sq.m).

The LDP is clear in its direction that proposals with a city-wide (or larger) catchment should be located in the City Centre. The supporting case incorrectly concludes that there are no suitable sequentially preferable sites / opportunities available, utilising a narrow assessment without sufficient flexibility, based on an unjustified quantum of retail floorspace.

The proposals would have a material impact on the vitality and viability of Aberdeen City Centre: the predicted turnover of the proposals and associated quantitative impacts have been underestimated and, moreover, the proposals will compete with the active proposals at Union Square and Bon Accord and the wider delivery of the City Centre Masterplan.

The socio-economic case put forward in support of the proposals is considered to overestimate the construction employment generated by the proposals, whilst confirming that the proposals will be of a high street nature (by way of the operational employment estimate). The population growth quoted fails to provide justification for the quantum of retail floorspace proposed at this location and at this time, ahead of the proper LDP process.

In transportation terms, the proposals are clearly less accessible than the City Centre and are largely car dependent. A review by Dougall Baillie Associates of the submitted Transport Assessment, drawing also on commentary by Transport Scotland, has concluded that the operational assessment carried out is fundamentally flawed, representing a significant under-estimation of likely traffic generation.

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1. Introduction

Introduction

- 1.1 This representation has been prepared on behalf of **Union Square Developments Limited** in order to formally **object** to the proposals at **Prime Four Business Park, Kingswells, Aberdeen (Ref: P161429/PPP)** for:

Major Development mixed use commercial (up to 30,000m²) including retail (class 1), food and drink (class 3), other ancillary uses (such as offices) and associated landscaping, infrastructure and access works

Background

- 1.2 The Council has recently approved a City Centre Masterplan (CCMP) to seek to improve and enhance retail, leisure, office and residential accommodation in Aberdeen City Centre. The application at Prime Four Business Park is wholly contrary to the aims of the City Centre Masterplan and planning policies contained in the adopted and emerging Local Development Plan (LDP / Proposed Plan). If these proposals are allowed to proceed they would wholly undermine the Council's approved strategy to reinvigorate Aberdeen City Centre.
- 1.3 In light of the strategy set out in the CCMP, and in accordance with its retail strategy and retail policies contained within the LDP, there are currently a number of retail proposals being brought forward in Aberdeen City Centre. As part of these, Union Square Developments Limited (a wholly owned subsidiary of Hammerson plc, a major owner and operator of city centre shopping centres in the UK and around Europe) has submitted an application for Planning Permission in Principle to improve the retail and leisure facilities at Union Square (planning application ref: P152005).
- 1.4 The Union Square proposals actively meet the prevailing LDP policy and CCMP objectives and the sustainable economic growth objectives which underpin the planning policy hierarchy, delivering significant economic, social and environmental benefits via substantial levels of investment and jobs; an improved choice of facilities which can be sustainably accessed by all; utilisation of existing infrastructure; and, a positive impact on the surrounding urban landscape through high quality architecture. The multiple benefits are evident.
- 1.5 In contrast, the proposals at Prime Four Business Park are wholly contrary to the objectives and policies contained throughout the planning policy hierarchy, constituting – to all intents and purposes for the city of Aberdeen – not only 'out-of-centre' but 'out-of-settlement' development. This will undermine Local Development Plan and City Centre Masterplan objectives, and create a facility which ultimately is not accessible for all and will undermine progress on improving public transport infrastructure within the City / City region.

2. Submitted Supporting Documentation

- 2.1 Given the scale of that proposed – mixed use commercial (up to 30,000m²) including retail (class 1), food and drink (class 3), other ancillary uses (such as offices) – the application was screened under The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011.
- 2.2 As no formal EIA was required for the development of the previous Prime Four development phases, Aberdeen City Council considered it unlikely that there would be significantly different effects upon the environment which would require a formal EIA. The Council noted in its Screening Opinion that a series of supporting documents should be submitted with the application. These were listed (and submitted on) as:
- Transport Assessment (19/10)
 - Retail Impact Assessment (3/10)
 - Tree Survey Report (3/10)
 - Protected Species Survey (24/10 Geo-Environmental Desk Study)
 - Flood Risk Statement (19/10)
 - Drainage Statement (19/10)
 - Landscape Statement (08/11)
 - Design and Access Statement (20/10)
 - Pre-Application Consultation Report (03/10)
 - Supporting Planning Statement (20/10).
- 2.3 In addition to those reports, the applicant has submitted additional information to support the application in the form of:
- Socio-Economic Report (19/10)
 - Utility Infrastructure Design Statement (03/10)
 - Planning Sustainability Statement (03/10)
 - Archaeological Desk Based Assessment (03/10).
- 2.4 The sections below focus on the key areas of concern in respect of the potential impact of the proposals on Aberdeen City Centre, planning policy context and highways concerns.
- 2.5 Notwithstanding that, the recently submitted Landscape and Visual Impact Assessment identifies a number of major impacts on the current setting of the area without suggesting any significant mitigation of these. Whilst the area is allocated for a different type of development the current proposals will be of an alternative form and scale to those previously envisaged. There is of course no guarantee that the current allocation will be delivered and that should, in our opinion, not be an excuse to remove the requirement for mitigation measures to be proposed to reduce the significance of the identified major visual impacts.
- 2.6 It is also notable that the only design parameters set out in the design and access statement stated that building heights will be less than 16m, with retail warehousing normally being constructed with eaves heights of 8m and roof heights of 10m. It is considered that for a development of this scale, further indicative design

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details should be provided in order that the potential impacts on the landscape setting in this area can be properly assessed and any required mitigation measures agreed with the Council.

3. Planning Context

Adopted Aberdeen Local Development Plan (2012)

- 3.1 Within the context of the adopted Aberdeen Local Development Plan (2012)(LDP) the site is allocated as Opportunity Site OP40, to accommodate 50 ha employment land over the period 2007 – 2023 under policy LR1: Land Release.

Policy LR1: Land Release

- 3.2 Housing and employment development on sites allocated in Phase 1 will be approved in principle within areas designated for housing or employment. Development on an allocated site or in close proximity to an allocation that jeopardises the full provision of the allocation will be refused.
- 3.3 The site sits within Masterplan Zone 2: Kingswells, where there is a requirement for a Masterplan covering sites OP40, OP41 (50 houses) and OP42 (120 houses) to ensure joined up delivery of essential infrastructure.

Emerging Aberdeen Local Development Plan (2015)

- 3.4 The **Proposed Aberdeen Local Development Plan (2015)** (Proposed Plan) maintains the opportunity site allocation (OP29 Prime Four Business Park, Kingswells – 50ha) but designates the Prime Four site as a Specialist Employment Area (2017 – 2026), situated within the Green Space Network. The plan notes that OP29 is covered by an approved Development Framework, as well as Masterplans for previous phases 1, 2 and 3 of the business park. It is explicitly recognised that the site holds the opportunity to attract high quality businesses or be suitable for company headquarters.
- 3.5 The plan stipulates that the allocation ‘provides employment opportunities in a part of the city where there is little employment land. A further extension to this is proposed’, identified as site OP63, to the north-west of the OP29 site. A Masterplan is required for OP63 Prime Four Extension, which comprises a further 13 hectares of employment land in period from 2017 to 2026.
- 3.6 The proposed land use mix is therefore contrary to both the adopted and emerging site allocations.

Local Development Plan Preparation Process (2012 – 2016)

- 3.7 Drum Kingswells Business Parks Limited (Drum) promoted 3 bids for inclusion in the forthcoming LDP through its statutory consultation process, including a bid to alter the existing zoning for the application site (formerly phase 4). Following assessment this proposal was identified as undesirable in the Council’s Main Issues Report (2013). Drum’s response was that the site was already zoned for employment uses and that retail allocation would help diversify the range of uses and ensure that Prime Four remains a successful and attractive business location, with all of the economic benefits that brings to Aberdeen. The suggested mix of uses included: business, retail, leisure, service and food and drink uses and in particular it could accommodate the new convenience retail identified as a requirement for west Aberdeen.

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- 3.8 The response highlighted the requirement for 5,500sqm convenience retailing to the west of the city (zone 29N) in the **Aberdeen City and Aberdeenshire Retail Capacity Study** (2013) (ACARS), with a quantum to be provided at Countesswells. Drum suggested that this would be more sustainable located at Prime Four, due to its proximity to the AWPR junction and that it was already an established location (Paragraphs 10.2 and 11.3). At no point was a case made for the scale of comparison retail floorspace now sought. (Clearly, local convenience retail should be convenient to access on foot – Prime Four is not a location ‘in’ a settlement, as Countesswells would be; similarly, there are more accessible locations in zone 29N than Prime Four.)
- 3.9 The site was carried through to the Proposed Plan (2015) and amended from an ‘employment’ designation to ‘Specialist Employment Areas’, reflecting the high quality of the business park.
- 3.10 In their response to the Proposed Plan consultation, Drum stated that they ‘fully support site OP63’s inclusion as a Specialist Employment site and extension to the existing allocation (identified as OP29). The letter recaps the success of the park, the mix of uses; and that the first three phases were now at capacity. It goes on to state that further land was ‘now required in order that occupier demand can continue to be met’, this was ‘in spite of recent reports regarding the impact of the fall in oil price’.
- 3.11 In Schedule 4 of the Reporter’s Report, the Council defended the allocation of OP63, a formerly ‘undesirable’ option in the MIR, saying that subsequently ‘several factors have come to light and been considered which have led to the designation of this site for development. The south west corner of site OP29 is constrained and undevelopable at present due to access issues. The Prime Four Business Park has been exceptionally successful, bringing a significant positive economic impact to Aberdeen over the last 3 years. The developable land has been built out and demand for plots is continuing’.
- 3.12 In his examination report, the Reporter concludes that Prime Four is ‘a high quality business park to the west of Kingswells’, which is ‘clearly a successful development in terms of its economic benefit to the city region and the attractive working environment it provides. The first three phases of the business park are complete, and a fourth phase remains to be developed within Site OP29. This area is carried forward from the adopted plan and is not subject to any representations before this examination’.
- 3.13 Indeed, the future development of Prime Four is subject of an approved Development Brief and several approved Masterplans. The Development Brief provides a strategic framework and sets landscape and design parameters for the overall development, to ensure continuity of design and that all phases remain focussed on the vision for the development. The Masterplans cover individual phases of development and provide more detail on the design of each particular phase which now conflicts with what is proposed for this site
- 3.14 The Reporter understood that ‘the particular reasons for the release of Site OP63 relate to the exceptional demand for employment land in this area, and access constraints on part of the existing site’, but noted that ‘despite issuing a further information request (partially) regarding the supposed access constraints on the final phase of the existing site, (he remained) unclear as to the nature of these constraints. Plans included within the draft development framework for the OP63 site show access arrangements within the established OP29 allocation that appear workable without requiring additional land in OP63’.

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- 3.15 The Reporter assumed that the allocation of OP63 'is intended to provide a short term alternative to the development of the final phase of Site OP29', despite not being 'fully satisfied that a convincing and coherent case has been made either that OP29 suffers from serious access constraints or that the release of OP63 is required to compensate for an inability to develop the remainder of OP29'.
- 3.16 Whilst the Reporter could identify no strategic need for the allocation of OP63, given the fact that the AWPR would alter the landscape in that part of the greenbelt, its location as an extension to the existing business park and 'the economic success and quality of the existing Prime Four Business Park, (he considered) it likely that development would deliver a significant economic benefit. Scottish Planning Policy (required him) to give due weight to the economic benefit of development, and for this reason, on balance, (he concluded) that the allocation should be maintained'. Thus OP63 was allocated on the basis that this would allow the continuous development of the existing business park for 'Specialist Employment' purposes, as a prelude to the development of OP29 for the same use.
- 3.17 The site has therefore been assessed through the relatively recent review of the LDP with the potential for retail facilities put forward and discounted through this process. It remains allocated for employment uses and should be brought forward in line with the adopted policy, Development Brief and approved Masterplans.
- 3.18 Given this planning context, the only means by which the proposals can be assessed is against the retail policies within the prevailing planning policy context as an out of centre site. We consider these matters in detail in the following section.

4. Retail Matters

Introduction

- 4.1 The emerging Aberdeen Local Development Plan (LDP) 2016 is now at an advanced stage having been through formal examination by the Scottish Government. The modified LDP is being presented to Full Council on 14 December where approval to adopt is expected. The Scottish Ministers will be notified thereafter, commencing the statutory 28 day period (during which time the Council cannot adopt the Plan and the Scottish Ministers may make a response).
- 4.2 As such, the 2016 LDP is a strong material consideration for development management purposes alongside the existing adopted 2012 LDP.

The Prime Four Business Park Proposals

- 4.3 The Supporting case set out in the LSH Retail Capacity Study clarifies that the proposals comprise *“development of up to 26,013 sq.m (gross) of class 1 retail floorspace which would be occupied by a range of comparison goods retailers, with a likely focus on clothing and fashion retailers in response to confirmed market demand. In addition, the proposals would be complemented by a 3,716 sq.m (gross) foodstore and ancillary food and drink premises”*. (Paragraph 2.1)
- 4.4 This clearly constitutes a significant quantum of non-local Class 1 retail floorspace to introduce to an out-of-centre location in sequential terms, which is wholly outwith the established retail hierarchy.

City Centre Masterplan

- 4.5 The City Centre Masterplan was commissioned in light of the recognised need to address the challenges facing Aberdeen City Centre and improve its quality for all, allowing it to better compete with other City Centres in Scotland and become a global City Centre in line with its economic context. The process included extensive public and stakeholder engagement, with more than 4000 people living and working in Aberdeen involved, concluding with a multi-million pound regeneration plan for Aberdeen City Centre.
- 4.6 Proposed LDP Policy NC1 explicitly states that city centre development must contribute towards delivery of the vision for the city centre as a major regional centre as expressed in the City Centre Masterplan. Appendix 4 clarifies that *“New Masterplans and/or Development Frameworks for the following developments will be adopted as Supplementary Guidance ... [inter alia including] City Centre Masterplan and Delivery Programme”*. Appendix 5 includes the Masterplan within the full suite of Supplementary Guidance documentation, further confirming it to be a material consideration for development management purposes.
- 4.7 The Masterplan sets eight objectives to provide a framework for delivering it’s vision, which include:
- Growing the City Centre Employment Base – the Masterplan cites that the service sector, with particular emphasis on retail *“will play a fundamental role in Aberdeen’s future success”* and sees *“increasing the breadth and depth of this offer alongside a step-change in quality”* as *“critical to delivering the vision”*. (Page 19)

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- A Metropolitan Outlook – in recognising that proposals for the city centre have a wider metropolitan context, the City Centre must meet the needs of the wider population (i.e. not just local), including business interests of the City, Shire and beyond, by developing appropriate business, entertainment and transport infrastructure and programmes.
- 4.8 Within Section 8, the Masterplan recognises the investor and retailer focus on ‘quality’ and top performing UK retail centres. The current retail offer is described as *“bland in both range of shops and shopping environments”*, with acknowledgment that there is *“un-met retail capacity and scope to expand the Bon Accord and Union Square shopping centres, the opportunity to create diversity and distinctiveness in Aberdeen’s retail offer lies in those areas that connect these anchors”*. (Page 40)
- 4.9 The Masterplan promotes a range of projects linked to economy, environment and infrastructure aim to enhance the attractiveness and viability of the City Centre core. It identifies that there is the opportunity to create a higher quality retail circuit via increased provision, enhanced experience, diversity of retail, complementary uses (e.g. food & drink) and improved public realm. (Page 40)
- 4.10 The City Centre Masterplan Executive Summary document identifies that the 49 projects identified have the potential to accommodate 66,960 sq.m retail and leisure floorspace (including upgrade of existing accommodation). (Page 39)
- 4.11 Clearly, the proposal for c. 30,000 sq.m of major retail floorspace at Prime Four will have a major adverse effect undermining the entire foundation of the Masterplan. It is highly illuminating that the LSH Retail Capacity Study makes no attempt to address the issue and show how the City Centre Masterplan delivery would not be compromised. Its inability to do so can only lead to the conclusion that there can be no logical outcome other than compromise of the City Centre Masterplan delivery.

Planning Policy Assessment

- 4.12 The key adopted 2012 LDP policies for assessment of the Prime Four proposals are largely mirrored by the corresponding emerging 2016 LDP policies. In commenting on the key criteria of each:

Adopted LDP Policy RT1 Sequential Approach and Retail Impact / Emerging Policy NC4 Sequential Approach and Impact

- 4.13 The Policy begins by directing that all development appropriate to town centres should be located in accordance with the identified hierarchy and sequential approach (as set out in the Policy and associated detailed in the Hierarchy of Centres Supplementary Guidance).
- Comment: The Prime Four proposals fall completely outwith the identified hierarchy of centres defined within adopted and emerging planning policy.
- 4.14 Policies RT1 / NC4 specify the Council’s clear position on the sequential approach, stating that *“Proposals serving a catchment area that is city-wide or larger shall be located in the city centre”*, and preferably in the City Centre Business Zone (adopted policy) or City Centre Retail Core (emerging policy).

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- Comment: the proposals are significant in scale with a corresponding city-wide reach. They are in locational terms wholly divorced from the City Centre, whilst also detracting from aspirations to maintain its current offer and expand in line with the LDP and City Centre Masterplan. The proposals are contrary to this policy provision.
- 4.15 Both adopted and emerging policy is clear that in all cases, proposals shall not detract significantly from the vitality or viability of any centre listed in the Supplementary Guidance, and shall accord with all other relevant policies in the Plan, including those relating to design, access and amenity. Those proposals over 2,500 sq.m not in accordance with the LDP should be supported by a Retail Impact Assessment (RIA).
- Comment: The Retail Capacity Study prepared in support of the Prime Four application concludes that the *“overall impacts of the proposed development on the city centre will be benign”*. This is contested (see commentary on Policy RT2 / NC5 Criterion 2 below).

Adopted LDP Policy RT2 Out of Centre Proposals / Emerging Policy NC5 Out of Centre Proposals

- 4.16 Adopted and emerging policy is explicit in stating that proposals for town centre uses – such as that proposed at Prime Four – should be refused where they do not satisfy all the policy criteria requirements relating to the sequential approach to site selection; retail impact; quantitative and qualitative deficiencies; accessibility; and, travel patterns/air quality. In considering each in turn:

(1) No other suitable site in a location that is acceptable in terms of policy RT1 [or emerging Policy NC4] is available or is likely to become available in a reasonable time

- 4.17 The sequential approach to site selection is well established at all levels of the planning policy hierarchy. In line with the provisions of Scottish Planning Policy (SPP), both adopted and emerging local planning policy direct development in accordance with the defined retail hierarchy, requiring sequentially preferable alternative sites to be discounted as unavailable or unsuitable.
- 4.18 In this respect, the applicant proposes almost 30,000 sq.m of Class 1 retail floorspace at an ‘out of centre’ site located well outwith the urban area of Aberdeen and on the very periphery of the Council area. As established, the (wholly unjustified) scale of that proposed; the corresponding city-wide reach; and, the location means the proposed development site is itself not acceptable in terms of LDP Policy RT1 / Policy NC4 given the clear conflict with the adopted and emerging strategy contained therein.
- 4.19 The sequential assessment undertaken on behalf of the applicant asserts that in order to deliver a development which meets the specific identified retailer requirements a site of 10.05 ha is required, and attempts to justify this narrow and inflexible approach via select passages from the Supreme Court’s Judgement in Tesco Stores Ltd v Dundee City Council (2012). The sentence quoted has to be read in context. That broad proposition was qualified in paragraphs 28 and 29 of his judgement. Paragraph 28 refers to the sequential approach set out in NPPG 8, referring to the need for “flexibility and realism” and that developers and retailers as part of such an approach: *“are expected to consider the scope for accommodating the proposed development in a different built form, and where appropriate, adjusting or subdividing large proposals in order that their scale may fit better with existing development in the town centre.”* Paragraph 29 of the judgement explains that, following the foregoing in paragraph 28 *“it would be an oversimplification to say that the characteristics of the proposed development, such as its scale, are*

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necessarily definitive for the purposes of the sequential test.” Moreover, there is of course a substantial body of supplementary case law on the sequential approach, presenting a number of further nuances depending on the corresponding proposal / development context.

4.20 In addition, the current SPP, which was published 2 years after the Dundee decision, acknowledges that *“Planning authorities, developers, owners and occupiers should be flexible and realistic in applying the sequential approach”*. (Paragraph 69) It goes on to clarify that out-of-centre locations should only be considered for uses which generate significant footfall where *“the scale of development proposed is appropriate, and it has been shown that the proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location”*. In this regard, it is our contention that the scale is excessive and could easily be reduced to accommodate fewer retailers – this is quite distinct from forcing individual retailers to operate in formats which they do not wish to operate.

4.21 The sequential assessment considered eight sites:

- Site 1: Land at Denburn / Woolmanhill;
- Site 2: Land at Schoolhill, Robert Gordon College and University;
- Site 3: Land at George Street / Crooked Lane, Aberdeen;
- Site 4: 73-149 Union Street, Aberdeen;
- Site 5: Aberdeen Market, Union Street, Aberdeen;
- Site 6: Land at Virginia Street / Regent Quay, Aberdeen;
- Site 7: Union Square Surface Level Car Park, Aberdeen; and,
- Site 8: Union Square South, Palmerston Road, Aberdeen.

4.22 It is submitted that the narrow sequential assessment carried out by LSH does not consider all the sequentially preferable LDP Opportunity Sites in sufficient detail, nor, all sites / locations within or on the edge of the hierarchy of centres in Aberdeen which can accommodate the retail floorspace proposed at Prime Four. There has been a lack of flexibility shown in the failure to consider the scope of disaggregating the proposals. Clearly, when a scheme of this scale is predominantly a speculative, comparison goods proposal, there is great scope to sub-divide the proposal (see for example, the Reporter’s conclusions at the Atholl House Appeal, East Kilbride [Ref: PPA-380-2031] and the cases R v Cambridge City Council, 2000 WL 1274079, Scottish Widows plc v Cherwell DC [2013] EWHC 398 and Truro City Council v Cornwall City Council [2013] EWHC 2525).

4.23 In addition to the sites listed above, one example is proposed opportunity site OP75 Denmore Road, which is not included in the applicant’s sequential assessment. In line with the policy designation, a good level of (bulky) retail floorspace can be provided at the 4.56ha site in line with the retail hierarchy. While the sequential assessment claims that a site of 10.05ha is required, this is based on the unjustified quantum of retail floorspace proposed and takes no account of potential mezzanine floorspace. Reducing the proposal in scale and utilising maximum site efficiencies would go a long way in making the Denmore Road site suitable for development. This coupled with just some of the city centre opportunities would more than account for the identified retail capacity within Aberdeen.

4.24 With regard to Site 7 Union Square, the LSH commentary accepts that *“there is no question that the Union Square site has the ability to accommodate additional retail floorspace.”*

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4.25 It is however considered incorrect to claim that the proposals are “*fundamentally different in their form and nature to what is being proposed at Union Square and our client’s proposals are incapable of being altered or reduced to fit onto the existing car park at Union Square, even if one allowed for some degree of flexibility. To accommodate the proposed retail floorspace at Union Square it would be necessary to develop our client’s proposals over multiple levels something which would not meet with retailer requirements.*” The applicant’s argument concludes by stating that the extensive development proposals have been “*tailored to address a specific requirement from retailers, many of whom already have a presence in Aberdeen City Centre. These retailers do not require additional city centre representation and instead wish to invest in other parts of the city region. This is important as the proposals will not prejudice the delivery of sites identifies for retailing in the city centre*”. (Paragraph 9.5)

4.26 In response to these assertions, it is clear that:

- the quantum of floorspace *could* be accommodated at Union Square alone
- it is not credible to assert that the floorspace proposed is ‘fundamentally different’ to that being proposed at the likes of Union Square (or Bon Accord or otherwise) – unrestricted comparison/convenience goods retail floorspace is proposed and would be permitted without being limited to individual retailers. Large, modern floorplates are capable of being provided at locations such as Union Square alongside all other expected retailer requirements (i.e. that proposed does not relate to bulky goods retailing, and the associated requirements for e.g. high shelving)
- there is a lack of evidence to demonstrate that the demand from retailers within the City Centre is significant, especially when this is presented as justification for an out of centre proposal of this scale. Moreover, those occupiers who have been identified to be in agreement to open units at Prime Four already have representation across the retail hierarchy in Aberdeen and a new significant floorplate at Prime Four may well result in a consolidation of their existing operations (via a reduction in locations and/or scale).

4.27 In discussing these points in greater detail:

(1) **The quantum of floorspace proposed could be accommodated at Union Square alone**, as is demonstrated by the current planning application which includes for floorspace of c. 38,500 sq.m (gross)

(2) While much is made of the Prime Four proposals having been shaped by “*retailer requirements, many of whom already have a presence in Aberdeen City Centre*”, only Boots and Next have been claimed as tenants, with recent press reports that the applicant is in active discussions with retailers new to Aberdeen (<https://www.pressandjournal.co.uk/fp/news/aberdeen/1046717/designs-for-100million-retail-park-on-outskirts-of-aberdeen-revealed/>). **This brings the out of centre proposals at Prime Four into direct competition with the active City Centre proposals and wider LDP / City Centre Masterplan provisions**, with Prime Four seeking to divert retailers from the new floorspace being delivered in the City Centre. None of these are bulky goods retailers with any such associated retailing requirements.

(3) Indeed, at section 2.2 of the LSH report, it states that the development of up to 26,013 sq.m (gross) of Class 1 retail floorspace “*would be occupied by a range of comparison goods retailers, with a likely focus on clothing and fashion retailers in response to confirmed market demand*”. Clearly, this type of retailing can be accommodated in a range of unit sizes (as is provided for at Union Square and elsewhere within the City Centre).

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(4) Even if the Prime Four scheme consisted primarily of retailers who already have representation in the City Centre / wider hierarchy (i.e. who were seeking additional representation) (which is not the case), the applicant or for that matter, the retailers themselves, will be unable to provide any guarantee of their continued city centre or retail hierarchy presence beyond their current leases. Clearly, retail is a dynamic sector and there are ongoing changes in the way people are shopping. Even a reduced presence of key retailers in the City Centre i.e. whereby they opt for smaller stores in the City Centre and substantially larger (cheaper) floorplates in out of centre location(s), such as Prime Four, would result in the dominance of the City Centre being challenged. This scenario is unacceptable in terms of the sequential approach and there have been notable decisions where the Scottish Government has upheld the appropriate retail hierarchy (for example, Fort Kinnaird in Edinburgh Ref: PPA-230-2113).

(5) The retail element of the proposals is for unrestricted Class 1 floorspace and can only be assessed as such. As set out within Circular 4/1998: The Use of Conditions in Planning Permissions, conditions restricting occupancy to a particular occupier should only be used when special planning grounds can be demonstrated and where the alternative would normally be refusal of permission (paragraph 91). A permission personal to a company is generally inappropriate. Conditions of this type will scarcely ever be justified in the case of permission for the erection of a permanent building (paragraph 92).

Moreover, as concluded by the Scottish Government at the Debenhams appeal in Edinburgh (Ref: PPA-230-2113):

“54. If a permission were subject to a condition requiring Debenhams to be the occupier, a proposed change in occupier after initial occupation by Debenhams might nevertheless be difficult to resist. For example, it might be argued that, without a change in occupier, the building would be left empty, contrary to the principle of making efficient use of existing capacities of buildings (Scottish Planning Policy, paragraph 29).

55. I find that government policy in circular 4/1998 and the possible difficulty in seeking to enforce an occupancy condition cast great doubt on the appropriateness of imposing an occupancy condition on any permission for the proposed development. The most that might be done is imposition of a first occupancy condition, but I find it hard to view such a condition as being much more than a token gesture. I therefore conclude that any permission should not be subject to an occupancy condition.”

In supplementing the above, the High Court decision in Mansfield states at paragraph 35 that “*“suitable” and “available” generally mean “suitable” and “available” for the broad type of development which is proposed in the application by approximate size, type, and range of goods. This incorporates the requirement for flexibility ... and excludes, generally, the identity and personal or corporate attitudes of an individual retailer. The area and sites covered by the sequential test search should not vary from applicant to applicant according to their identity, but from application to application based on their content. Nothing in Tesco v Dundee City Council, properly understood, holds that the application of the sequential test depends on the individual corporate personality of the applicant or intended operator.*” (Aldergate Properties and Mansfield District Council, High Court of Justice, Case No CO/6256/2015)

(6) Comments on the availability of the car park site at Union Square are not positive grounds supporting the Prime Four proposals; the Union Square site is of course available for development in that they are already the subject of alternative, competing proposals by our client. Floorspace will be developed and made available in a reasonable timeframe. These proposals however will be compromised by the approval of

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substantial levels of retail floorspace at Prime Four, leading to a dilution of the retail offering in the City Centre and undermining the City Centre Masterplan.

- 4.28 Given the foregoing i.e. that planning permission will be granted for Class 1 retail units, not for individual retailers, and the fact that Union Square and other City Centre sites can accommodate the retailers mentioned or courted, it is untrue to assert that the proposals are “*fundamentally different in their form and nature to what is being proposed at Union Square*”. **As such, there is clear conflict with the delivery of sites identified – and being actively progressed – for retailing within the City Centre.**
- 4.29 Paragraph 7.27 of the LSH report also concludes that “*what separates Prime Four from other opportunities is the issue of effectiveness and deliverability.*” Again, this is contested. The development proposals at Union Square – as currently being assessed by Aberdeen City Council – are wholly effective and deliverable. Similarly, proposals are being advanced by Bon Accord at George Street / Crooked Lane, and are expected to be approved and built out in a reasonable timeframe (delivering 10,000 sq.m of new floorspace across a range of uses). Marischal Square is also on site in the process of delivering 2,193 sq.m of class 1 retail floorspace by June 2017.
- 4.30 In combination with Union Square and Bon Accord, there is considered to be a good supply of quality new retail floorspace in Aberdeen City Centre, which will combine to significantly improve the quantitative and qualitative retail offer. Moreover, sites like Aberdeen Market are now considered to be more developable following the freeing up of the anchor store floorspace (formerly BHS). Granting further floorspace in an unsustainable location will not only undermine the progress of these three sites, but also undermine the delivery of the LDP and wider City Centre Masterplan provisions.

(2) There will be no significant adverse effect on the vitality or viability of any retail location listed in Supplementary Guidance: Hierarchy of Retail Centres.

- 4.31 Vitality and viability is affected in both quantitative and qualitative terms.
- 4.32 The LSH assessment concludes that the “*overall impacts of the proposed development on the city centre will be benign*”.
- 4.33 The retail impact calculation predicts comparison goods impacts within the City Centre of 9% (Bon Accord), 18% (St Nicholas) and 11% (Union Square). The corresponding predicted total diversion of trade (£48m, from a total predicted turnover of £110.29m) and effects are not considered to be ‘benign’, and will be of greater impact. Indeed, if the proposed floorspace is calculated to trade at £6,000 per sq.m, this generates a total turnover of some £124.86m. In addition, the quantitative assessment makes substantial assumptions with regard to clawback of leaked expenditure which is highly questionable when key anchors are identified to be retailers already with comprehensive representation in the City. This again would simply lead to greater impacts.
- 4.34 Moreover, the convenience turnover figure appears to be subject to error, whereby the net floorspace is shown to be only 40%. For a supermarket of this scale, the net figure is likely to be 55%-65% or even higher, depending on the operator. Accordingly, and in also utilising a more robust sales density, this could mean the new supermarket could have a turnover of closer to £27.78m, as opposed to the £14.86m shown in the LSH assessment. Clearly, this would produce different (greater) retail impacts.

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- 4.35 Indeed, clearly, the retail impact estimations made show just one possible scenario – no sensitivity analysis has been provided testing alternative scenarios where higher sales densities are achieved by the proposed floorspace with improved gross to net efficiencies or, where there is an increased level of trade diversion from existing stores/centres within the catchment (i.e. less clawback). As such, the submitted quantitative assessment is considered to be fundamentally flawed and insufficient for a proposal of this magnitude.
- 4.36 Regardless of the retail impact figures, the fact that the new development would (a) rely on existing town centre retailers opening new stores (with no guarantee that their City and District Centre stores would continue (or, continue with the same scale of store, and an inevitable loss of trade from the City Centre) and (b) compete with the City Centre (as exists and is proposed) for new retailers looking to open their first stores in Aberdeen, means that there will be an adverse effect on the vitality (and to some degree, viability) of the City Centre. Moreover, spin off trade normally spent in the City Centre will then also be diverted away and lost.
- 4.37 The quantum of development proposed will compromise the planned investment in and improvement of the City Centre and, by extension, delivery of the City Centre Masterplan. There are active City Centre proposals which are already the subject of formal planning applications (i.e. at the two main shopping centres in Aberdeen), whilst new retail floorspace is being delivered at Marischal Square. Beyond this immediate pipeline, there are other available sites (as set out above) which should not be held back from being taken forward by inappropriate out of centre development.
- 4.38 Moreover, as stated, there is no way to control that the proposed occupiers for Prime Four would each retain their town centre stores (or other stores within the retail hierarchy), in the current format and extent. Development of this scale would simply draw footfall away from the City Centre and undermine attempts to attract new retailers to the City, which would ordinarily lead to an improvement in the quality of the retail offer (and not simply aiming to replicate it and diffuse the retail spend and City Centre vitality).
- 4.39 In conclusion, there would be clear impact on the LDP and City Centre Masterplan delivery, competing for retailers and trade, thereby undermining vitality and viability. Quantitative retail impacts are also likely to be substantially higher than suggested.

(3) There is, in qualitative or quantitative terms, a proven deficiency in provision of the kind of development that is proposed

- 4.40 The Aberdeen City and Aberdeenshire Retail Study (ACARS) establishes a quantitative and qualitative retail deficiency in Aberdeen. Notwithstanding, this deficiency is accounted for in quantitative terms by the provisions of the recently approved City Centre Masterplan, which the Union Square proposals are fully in accordance with and an immediate result of. In qualitative terms, the operators signed up so far to the scheme are not considered to meet this qualitative deficiency, given that both have stores already in the City Centre or existing retail parks within the established (protected) retail hierarchy. It is unclear as to how a fourth Next or Boots store – the two tenants announced thusfar – would materially improve the shopping provision within Aberdeen, especially to such an extent as to justify a new out of centre retail location, with the risks that this poses and implications that this has across a number of planning considerations.
- 4.41 Moreover, in working towards the SDP aim of maintaining Aberdeen as a top 20 retail destination, clearly, new high quality retailers are best accommodated within the City Centre, the only place where an

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appropriate critical mass of quality can be achieved to maintain (and improve on) this status. Disparate shopping facilities at extremely peripheral – and currently non-existent – locations such as Prime Four will not best achieve this aim.

(4) The proposed development would be easily and safely accessible by a choice of means of transport using a network of walking, cycle and public transport routes which link with the catchment population. In particular, the proposed development would be easily accessible by regular, frequent and convenient public transport services and would not be dependent solely on access by private car.

4.42 Transportation issues are dealt with at Section 6 and Appendix 1 of this objection. Despite the attempts to argue to the contrary, there can be no question that the site is a poor relation in accessibility terms to those which exist within the City Centre, including Union Square. The site is not readily accessible to the majority of the catchment and is reliant upon the private motor car.

(5) The proposed development would have no significantly adverse effect on travel patterns and air pollution

4.43 Transportation issues are fully dealt with at Section 6 and Appendix 1 of this objection. Clearly, the floorspace as proposed will result in significantly changed traffic flows, and will be much less accessible than the City Centre for most shoppers.

Proposed LDP Policy NC1 City Centre Development – Regional Centre

4.44 The policy states that “*the city centre is the preferred location for retail, commercial, leisure and other significant footfall generating development serving a city-wide or regional market*” in delivering the City Centre Masterplan vision. Moreover, supporting paragraph 3.22 specifically states new development should be directed to City Centre Retail Core.

- Comment: proposals of the scale submitted are contrary to the aspirations of Policy NC1 at the site location, and will directly undermine both active proposals and immediate opportunities for new retail development in the City Centre.

Proposed LDP Policy NC2 ‘City Centre Retail Core and Union Street’

4.45 This policy reinforces the Council’s position that the City Centre Retail Core is the preferred location for major retail developments, and where such sites are not available, within the wider City Centre.

- Comment: proposals of the scale submitted are contrary to the aspirations of Policy NC2 at the site location, and will directly undermine both active proposals and immediate and future opportunities for new retail development in the City Centre.

5. Socio-economics

Introduction

5.1 The socio-economic case for retail development at Prime 4 Business Park has been prepared by Rettie & Co.

5.2 In commenting on the key conclusions reached:

Prime Four Business Park Context

5.3 While it is acknowledged that Prime Four is a top ranking business park, it is not accepted that retail uses of the scale proposed are required to enable it to continue to grow and reach its full potential. The cherry picking of business parks throughout the UK is not considered to provide sufficient justification for this approach – clearly, each have their own set of economic, political and spatial drivers which have resulted in local decisions being taken to allow retail as part of the development mix.

5.4 Any new centres should be properly planned and come forward through the LDP process, and it is likely that any eventual, new (and modest) levels of comparison retail in the area will form part of the eventual Countesswells development. The Prime Four proposals constitute speculative development proposals which conflict with the existing strategy, and should not be supported at this time.

Aberdeen Retail Offer

5.5 It is fully accepted that the retail offer in Aberdeen could be improved. Notwithstanding, the City Centre must lead the way in delivering significant improvements. This is already being addressed by the redevelopment proposals at Union Square, Bon Accord and Marsichal Square, with an extensive complimentary strategy set out within the newly prepared City Centre Masterplan. This emerging floorspace is not accounted for within the pipeline data quoted in the supporting case.

5.6 Aberdeen is in this regard well placed to achieve the balance of retail which is clearly led by the City Centre and less focused on out of town retail parks than is the case in other cities within Scotland and the wider UK, all in line with the planning principles of supporting a defined hierarchy of centres and securing high levels of vitality and viability.

Retail Tenants

5.7 It is not disputed that some large retailers such as Next – at the current time – operate within a city centre and retail park concurrently. Indeed, this is already the case in Aberdeen, with Next having representation at both Bon Accord and Union Square within the City Centre and at Berryden Retail Park.

5.8 Clearly though, retailing is a dynamic sector and should Next open at Prime Four, there could be no guarantees that they would not consolidate their existing presence within the retail hierarchy. Regardless though, as set out in detail in the previous section, planning permission would not be made personal to an individual retailer.

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Population Growth

- 5.9 The projected population growth quoted is substantial and additional facilities will be required, but only in the medium to longer term, which should be properly planned for and not the subject of speculative development proposals. There was no corresponding case made to the emerging LDP process to support retail uses at this location.
- 5.10 Moreover, convenience retailing will be a significant part of any new local requirement. Population growth to the west does not justify local comparison goods facilities of the scale proposed in conflict with the existing LDP and City Centre Masterplan strategy.
- 5.11 While the points regarding increased population catchments due to the AWPR are noted, it is important to recognise that the large scale comparison retailing being assessed would in any case benefit from an extensive North East catchment.
- 5.12 Moreover, the statistics are considered to only emphasise the car based nature of the proposal.

Retail Impact

- 5.13 Retail impact assessment for out-of-centre proposals of this scale should incorporate sufficient sensitivity testing. This is discussed in greater detail within Section 5.

Job Creation

- 5.14 Clearly, retail development generates new direct and indirect jobs at different levels, both during construction and in operation.
- 5.15 While such estimations are by their nature broad, the submitted socio-economic case however appears to over-estimate the job creation associated with the proposals.
- 5.16 A range of jobs will be generated through the construction phase of the proposed development, which would include a number of stages including site preparation, building construction, roads and access work and engineering works. The level of temporary construction employment generated can be estimated by dividing the capital cost estimate for the project (£65m) by the gross average output per construction industry employee per annum (£37,727). The forecast number of temporary construction jobs supported nationally by the project would be 1,723 job years. This can be converted to a permanent full time equivalent (FTE) job figure using the standard ratio of ten construction job years to one FTE job. The gross generation of 1,723 job years thus translates to 172 FTE jobs over the construction period. This equates to 1,084 jobs (non FTE) when utilising a conversion rate of 6.3 (see Hammerson et al, Demonstrating the True Value of Shopping Centres, 2013, p.5).

Direct Construction Employment Generation	Capital Costs	Job Years	Full Time Equivalent
	£65m (estimate)	1,723	172 FTE (Savills estimation)
			400 FTE (Applicant estimation)

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- 5.17 In addition there will however be wider economic impacts, known as the ‘multiplier effect’. Indirect impact / employment will be created amongst suppliers as a result of purchases from the new activity generated by the project (supply chain impacts of construction and their knock on effects, i.e. increase in output and income up and down the supply chain). **Induced impacts** occur as construction workers and suppliers’ employees spending on local goods and services, thereby bringing further benefits in terms of new jobs/skills, and increases in household income, leading to an increase in spending and demand / output in the economy).
- 5.18 Research commissioned by the UK Contractors Group in 2012 showed that the construction industry is a key contributor to the economy. Every £1 spent on construction output is estimated to generate £2.84 in total economic activity (i.e. GDP increase) as a result of direct impacts, indirect impacts and induced impacts. (Calculated using Input – Output data from the ONS, *Construction in the UK Economy*, May 2012)
- 5.19 Lastly, the following provides an estimation of the level of operational employment arising from the proposals, calculated in accordance with the Employment Densities Guide (3rd Edition) (2015):

Direct Operational Employment Generation from Proposals	Retail Floorspace	Area (sq.m) per FTE (estimation)	Full Time Equivalent
	29,729 sq.m	20 (if solely high street retailers)	1,486 FTE (Savills estimation 1)
	29,729 sq.m	55 (estimation, if equal mix of high street and non high street retailers)	540 FTE (Savills estimation 2)
	29,729 sq.m	90 (if retail warehouse)	330 FTE (Savills estimation 3)
			c. 1,500 FTE (Applicant estimation)

- 5.20 The above calculations therefore strongly suggest that the proposals are anticipated by the applicant to be of a fully high street nature (i.e. non-bulky, and competing with the City Centre).

Conclusion

- 5.21 In summary, the socio-economic case for the proposals is considered to overestimate the employment generated in construction while confirming that the proposals will be of a high street nature (by way of the operational employment estimate). While the population growth referred to is noted, this does not justify comparison retailing of the scale proposed at this new location and at this time, in advance of the proper LDP process. The case for incorporating new uses – based on the experiences elsewhere in a number of select locations – is considered to be overly simplistic and unconvincing, with a failure to acknowledge the planning, economic, spatial and political contexts within such locations.

6. Transport

Introduction

- 6.1 The applicants have submitted a Transport Assessment (TA) prepared by Fairhurst. In order to properly review this, we instructed Dougall Baillie Associates, Highways Engineers of long standing and experience to review the TA.
- 6.2 Their key concern is that the submitted TA appears to significantly under estimate the likely traffic generation from the proposals and in turn misrepresents likely impacts on the road network. Their general comment is that the two week period from the issuing of the Scoping Proposal for the TA (5th October 2016) to the receipt of comments from Transport Scotland (14th October) to the submission of the TA to Aberdeen City Council (19th October) is an extraordinarily short period of time for all parties to properly consider matters and for the applicants to finalise a TA suitable for a development of this scale.

Development Details

- 6.3 In para. 3.1.4, the TA notes that ' the proposed Aberdeen Local Development Plan (2015) recognises the success of the existing Prime Four Business Park and has proposed a further 13 hectares of employment land identified as 'OP63 – Prime Four Extension'. Further research indicates that part of the case made for the extension was due to the success to the existing employment site and the difficulty in accessing the part of the site now proposed for the retail development.
- 6.4 Under Parking the TA notes that '*Parking provision within the site would be in accordance with ACC parking standards. This could include a reduction in car parking to allow for linked trip aspects which are common within retail parks. Detailed car parking proposals would be discussed in connection with future detailed planning applications.*' The TA does not include any assessment of parking provision in line with ACC standards or include any indication of the proposed reduction in parking.

Existing Transport Conditions

- 6.5 The TA makes the link between residential, employment and retail development and the potential to minimise vehicle trips if these uses are in close proximity to each other.
- 6.6 We would question the walking catchment identified in the TA which suggests that the retail development would have a walking threshold of 2,400m. The TA suggests that this catchment is supported by the TAG however, it clearly contradicts PAN 75 which notes that local amenities should be within 1600m. TAG does suggest that walking journey times of up to 20-30 mins are appropriate however, it also notes that '*The choice of time-band may vary in response to the use and scale of the development. People may be prepared to travel further for some activities, for example, to a sports stadium than to a shop.*'
- 6.7 Our view is that people are less likely to walk to a retail development when they will be required to carry home any purchases. In our view the 1600m remains the most appropriate distance to apply to retail development. The TA identifies that only a very small area of Kingswells lies within this distance.

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- 6.8 We would note that while the TA makes the case for the 2400m walk-in catchment, the trip generation does not reflect this to any particular extent.
- 6.9 The assessment of public transport identifies the relative proximity of existing bus stops at between 750m and 1000m. This exceeds the generally accepted limit of 400m.

Trip Generation and Distribution

- 6.10 The trip generation characteristics of the development site were issued to TS and ACC as part of the Scoping Proposals document. The TS response of 14th October accepts the proposed trip generation characteristics however, our view is that the assessment underestimates the vehicle trip generation of the food retail element.
- 6.11 The TA indicates vehicle trip generation equivalent to those indicated in Table 5.1. These rates are based on data from the industry standard TRICS database but are based on multi-modal survey of sites sized between 1,825m² and 11,101m².
- 6.12 It is the case that retail visitor trip rates tend to decrease with increasing GFA, the inclusion of a site of 11,101m² will influence the resulting trip rates. For comparison purposes, we have undertaken an assessment of potential vehicle trips rates based on sites between 1000m² – 6000m² and 1000m² – 8000m². The results of this assessment are also included in Table 6.1, below.

	Weekday AM		Weekday PM		Saturday	
	Trip Rates		Trip Rates		Trip Rates	
	Arrivals	Departures	Arrivals	Departures	Arrivals	Departures
Fairhurst TA	1.911	1.507	4.117	4.279	4.575	4.575
1000m ² -6000m ²	3.746	2.751	9.989	10.116	7.063	7.343
1000m ² -8000m ²	3.143	2.495	6.565	6.721	4.771	4.759
	Trips		Trips		Trips	
	Arrivals	Departures	Arrivals	Departures	Arrivals	Departures
Fairhurst TA	71	56	153	159	170	170
1000m ² -6000m ²	139	102	371	376	262	272
1000m ² -8000m ²	117	93	244	250	177	177

Table 6.1 – Vehicle Trip Generation Comparison

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- 6.13 As indicated the vehicle trip rates for the smaller range option are significantly higher and during the weekday evening peak would result in approximately 200% of the trip generation used in the TA. The larger range option is also significantly higher than those used in the TA resulting in approximately 160% of the trips used in the TA.
- 6.14 We are of the view that the development vehicle trip generation and therefore road network impact are significantly underestimated. Whilst the trip generation figures have been accepted by Transport Scotland, given the length of time taken to review the scope of the TA the Council should ask Transport Scotland to re-confirm this position.
- 6.15 With regard to the distribution of trips TS have commented that they consider a higher proportion of trips should travel to and from the site via the AWPR (south) this, in turn, increases the impact of the development on this new junction. This TS comment is not addressed in the TA.
- 6.16 It is noted that the TA discounts new trip generation by 20% to account for linked trips. It is our experience that there is little justification for discounting trips between food stores and non-food stores. TS reflects this view but accept a 10% discount on the basis that research indicates that 11% of car shoppers bought durable goods as part of their main food shopping trips. Our view is that the durable goods are bought in large supermarkets where they form part of the retail offer

Traffic Modelling and Capacity Testing

Base Traffic Flows

- 6.17 The TA notes that base traffic flows have been sourced from Countesswells New Community Development TA. In response to the Scoping Proposal document, TS question why this data is to be used when Fairhurst have previously used traffic flows extracted from the Aberdeenshire Council's 2023 Paramics Model in their assessments of the Prime Four employment and Aberdeen FC proposals. TS notes that the flows proposed for use are significantly lower than those in the Aberdeenshire Paramics Model. TS has suggested that use of the flows presented in the TA would not reflect a robust assessment of the road network. Our view would be that it would be good practice for the assessment to be consistent with the approach taken in Prime Four assessment. Furthermore, given the proximity of the development site to the AWPR, it would be prudent to use a robust base traffic data set. In both cases this would be the data extracted from the Aberdeenshire Paramics Model
- 6.18 The TA notes that base traffic flows have been sourced from Countesswells New Community Development TA. In response to the Scoping Proposal document, TS question why this data is to be used when Fairhurst have previously used traffic flows extracted from the Aberdeenshire Council's 2023 Paramics Model in their assessments of the Prime Four employment and Aberdeen FC proposals. TS notes that the flows proposed for use are significantly lower than those in the Aberdeenshire Paramics Model. TS has suggested that use of the flows presented in the TA would not reflect a robust assessment of the road network. Our view would be that it would be good practice for the assessment to be consistent with the approach taken in Prime Four assessment. Furthermore, given the proximity of the development site to the AWPR, it would be prudent to use a robust base traffic data set. In both cases this would be the data extracted from the Aberdeenshire Paramics Model.

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Committed Development Traffic

- 6.19 The flows used in the TA include traffic generated by the Countesswells and Prime Four development sites. In responding to the Scoping Proposals, TS suggest that an assessment of the traffic generation of both Aberdeenshire and Aberdeen LDP's be included in the TA along with the traffic generation of the Aberdeen FC proposals. TS note that the interaction of the AFC proposals and the proposed retail site be considered particularly during the Saturday afternoon peak. This has not been addressed in the TA.
- 6.20 The omission of a cumulative assessment, together with an inconsistent use of base traffic data would result in an assessment that does not address the impact of the proposed development in a robust way.

Junction Capacity Analysis

- 6.21 The TA includes only summary tables of the analysis results however, based on our observations of development trip generation together with TS's comments on base traffic flows and committed development we would comment as follows:

Proposed A944 / AWPR Kingswells South Roundabout Junction

- 6.22 The analysis summary indicates impacts on each of the main junction approaches with a maximum Ratio of Flow to Capacity (RFC) of 118% predicted to occur during the morning peak on the AWPR Nbd Off Slip. This is predicted to result in an increase in queue of 15 vehicles (approx 90m) compared to the base reference case. The maximum RFC predicted during the evening peak is 115% with a queue of 157 vehicles, an increase of 63 vehicles compared to the base reference case.
- 6.23 The TA proposes capacity improvements to the junction layout which would see three lane entries introduced on all main approaches. These are currently indicated as two lane entries. This is proposed without any widening of the circulatory carriageway or indication as to how the circulatory carriageway would be marked to accommodate the additional lanes.
- 6.24 Entry path radius is noted in the Design Manual for Roads and Bridges (DMRB) as '*the most important determinant of safety at roundabouts*'. We have carried out an assessment of entry path radii resulting from the capacity improvements proposed in the TA. With regard to the improvements to the A944 approaches and the AWPR Sbd Off Slip, we do not anticipate that the proposals would significantly affect the entry path radii. Our assessment indicates that there would be a significant impact on the AWPR Nbd Off Slip. Our view is that the proposed improvement increases the entry path radius to such a degree that it exceeds the parameters set down in the DMRB. We would anticipate that this would not be acceptable to TS.
- 6.25 As noted previously, we are of the view that the development traffic impact is significantly underestimated. TS have also queried the base traffic data used. On the basis of this we do not consider the analysis to reflect a robust assessment of the operation of this junction.

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A944 / Prime Four Access Junction and Kingswells Roundabout

- 6.26 The analysis summary of this linked signal network indicates a maximum Degree of Saturation (DoS) of 92.1% on the A944 Ebnd approach. The TA notes that this junction currently operates on a MOVA control which the LINSIG analysis cannot reflect. This is correct however as noted previously, we are of the view that the development traffic impact is significantly underestimated. TS have also queried the base traffic data used and identified a requirement for a cumulative assessment including Aberdeen FC proposals and LDP traffic. Based on this we do not consider the analysis to reflect a robust assessment of the operation of these two junctions.

A944 / New Countesswells Access 'Jessiefield' Signal Junction

- 6.27 The analysis summary of this signal controlled junction indicates a maximum Degree of Saturation (DoS) of 84.1% on the Lang Stracht Westbound approach. This would indicate that the junction operates within capacity however, as with the other junctions we consider the development traffic generation to be significantly underestimated. This, together with the base traffic data used and omission of a cumulative assessment has in our view resulted in an underestimation of demand on the road network and an assessment that would not reflect a robust assessment of the operation of this junction.

Proposed A944 / Prime Four Phase 5 Signal 'All Movements' Junction

- 6.28 The analysis summary of this signal controlled junction indicates a maximum Degree of Saturation (DoS) of 81.9% on the A944 Eastbound approach. This would indicate that the junction operates within capacity however, as with the other junctions we consider the development traffic generation to be significantly underestimated. This, together with the base traffic data used would not reflect a robust assessment of the operation of this junction.
- 6.29 As part of a wider timetable recast, Transport Scotland are currently working to dual the line between Aberdeen and Inverurie, to provide a new half-hourly service (15/ 20 min peak), with a new station at Kintore, by March 2019. This will combine with the new hourly Aberdeen – Montrose service (Aberdeen Crossrail).
- 6.30 Prime Four relies solely on the road network for access, with high car ownership in the North East; 85% of households in Aberdeenshire have access to a car; and Aberdeen City has the highest number of cars per household of all Scotland's principal cities. Rail usage in the North East increased significantly, with a net increase in rail passengers between 2004/05 and 2012/13 of 90% - significantly higher than the national growth of 47% over the same period. Over the same period bus patronage only increased by 6.5% over the same period. As such, in terms of promoting a sustainable location it would be remiss of the Council; and a backward step to allow such a substantial retail development to occur in an out of centre location with such convenient access by private car, but no rail access. Certainly it would be counter to the substantial rail investment in the region.

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Summary Highways Position

- 6.31 The proposed development is located on a site currently identified for employment use.
- 6.32 The site is located to the west of Kingswells. We consider it an Out of Town Centre location.
- 6.33 The TA overestimates the walk-in catchment of the development.
- 6.34 A scoping document was issued on the 5th October. A response from Transport Scotland, dated the 14th October, is included in the TA. The TA dated the 19th of October does not address any of the points raised in the Transport Scotland response. On this basis alone, we consider that the TA fails to reflect a robust assessment of the development impact on network operation and should be updated to take account of the Transport Scotland response.
- 6.35 The TA identifies that the development will have a significant impact on the operation of the AWPR Kingswells roundabout. While the TA proposes increasing the number of lanes entering the roundabout on the main approaches to the junction, no markings of the circulatory carriageway are included to demonstrate how the junction would operate.
- 6.36 We consider the proposed widening of the AWPR Nbd off slip approach would increase the entry path radius to be outwith the parameters set out in the DMRB. We would anticipate that this proposed capacity improvement would be unacceptable to Transport Scotland on safety grounds.
- 6.37 Transport Scotland consider that base traffic data extracted from the Aberdeenshire Paramics model would be more appropriate than the traffic data used in the TA. Transport Scotland have requested clarification on why this data has not been used when Fairhurst have previously used this model data in assessments of other development proposals in the vicinity of the development.
- 6.38 Transport Scotland note that the Aberdeenshire Paramics model traffic data is significantly higher than that used in the TA. They have expressed concern that the TA will not reflect a robust assessment of road network operation.
- 6.39 We consider that the TA underestimates the vehicle trip generation of the proposed development. The TA discounts the trip generation to account for linked trips. We consider that there is limited justification for this reduction in vehicle trip generation.

7. Summary & Conclusions

7.1 Union Square Developments Limited formally object to the proposed significant levels of Class 1 retail floorspace (26,013 sq.m of comparison and) at Prime Four Business Park proposals on the following grounds:

- The proposals are **contrary to the adopted and emerging LDP site allocations** which support employment uses.
- The proposals are **contrary to the adopted and emerging LDP retail strategy**, which is clear in its direction that proposals with a city-wide (or larger) catchment should be located in the City Centre. The City Centre Masterplan delivery would be further compromised.
- The proposals **fail to meet with the requirements of the sequential approach**, as set out within SPP, the adopted Aberdeen City Local Development Plan 2012 and the emerging Aberdeen City Local Development Plan 2016 (Proposed Plan), incorrectly concluding that there are no suitable sequentially preferable sites / opportunities available, utilising a narrow assessment without sufficient flexibility, based on an unjustified quantum of retail floorspace.
- The supporting case attempts to justify the proposed significant retail floorspace by citing the circumstances of **individual retailers**, which has been demonstrated by case law and appeal decisions to be inappropriate.
- The proposals would have a **material impact on the vitality and viability of Aberdeen City Centre**, contrary to adopted LDP policies RT1 and RT2 and emerging LDP policies NC4 and NC5: the turnover of the proposals and associated quantitative impacts have been underestimated; and, the proposals will compete with the delivery of the LDP/Proposed Plan and City Centre Masterplan, seeking to divert retailers (who are new to Aberdeen) to Prime Four, away from the active proposals at Union Square and Bon Accord.
- The **socio-economic** case for the proposals is considered to overestimate the employment generated in construction whilst confirming that the proposals will be of a high street nature (by way of the operational employment estimate). While the population growth referred to is noted, this does not justify comparison retailing of the scale proposed at this new location and at this time, in advance of the proper LDP process. The case for incorporating new uses – based on the experiences elsewhere in a number of select locations – is considered to be overly simplistic and unconvincing, with a failure to acknowledge the economic, spatial and political contexts within such locations.
- The proposals are detached from the urban form of both Aberdeen and Kingswells. In **transportation terms**, the site is **inaccessible**, being unreachable by rail and reliant on the private car and infrequent and distant bus services (the site is currently between 750 and 1,000 metres from a bus stop without any proposals to improve this provision).

Representation to proposed retail development

Prime Four Business Park, Kingswells (Ref: P161429/PPP)



- A review by DBA of the submitted **Transport Assessment**, drawing also on commentary by Transport Scotland, has concluded that the operational assessment carried out is **fundamentally flawed** and that the conclusions drawn from this assessment cannot be justified.
- The supporting case is not supported by a sufficiently detailed Landscape and Visual Impact Assessment (LVIA), whilst the low rise development is in any case out of sync with the Development Framework provisions.

7.2 We trust that the representation will be given full consideration in the assessment of the Prime Four proposals.