

ABERDEEN CITY COUNCIL

COMMITTEE	Communities, Housing and Infrastructure
DATE	24 th May 2017
REPORT TITLE	Nigg Harbour – Dual Use Path
REPORT NUMBER	CHI/17/149
DIRECTOR	Bernadette Marjoram
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1. PURPOSE OF REPORT:-

This report is seeking approval to accept funding from Sustrans (sustainable transport charity promoting walking and cycling) in order for Aberdeen Harbour Board to deliver a Sustrans standard dual use (walking and cycling) path to Nigg Harbour, and to note that officers intend to purchase private land to facilitate the delivery of the project.

2. RECOMMENDATION(S)

It is recommended that the Council:

- a. Instruct the Interim Head of Planning and Sustainable Development, subject to confirmation of no relevant State Aid limitations, to accept the part-funding from Sustrans to deliver the dual use path on the basis that the Council will claim the funding from Sustrans after being invoiced by Aberdeen Harbour Board for the extent of the works, once the works have been completed in terms of the Sustrans' grant conditions;
- b. Delegate authority to the Interim Head of Planning and Sustainable Development, to authorise payment of the part-funding to Aberdeen Harbour Board after Aberdeen City Council has received the Sustrans payment;
- c. Delegate authority to the Interim Head of Planning and Sustainable Development, following consultation with the Head of Legal and Democratic Services, to agree the terms of the Memorandum of Understanding with Sustrans;
- d. Delegate authority to the Interim Head of Planning and Sustainable Development, following consultation with the Head of Legal and Democratic Services, to prepare and secure an agreement with Aberdeen Harbour Board confirming payment arrangements between Aberdeen Harbour Board and the Council;
- e. Note that exempt information is contained within a separate paper (Appendix 2) in the private section of the agenda;
- f. Note the intention by the Council to purchase private land to facilitate the provision of the dual use path and approve use of the Active Travel Fund budget if required (as detailed in Appendix 2); and

- g. Note that the National Cycle Network Route 1 will need to be rerouted from the Coast Road to the dual use path by Sustrans via signage.

3. BACKGROUND/ MAIN ISSUES

Background

- 3.1 The Scottish Government's National Planning Framework 3 (NPF3) sets out 14 National Developments for Scotland. In Aberdeen this includes Aberdeen Harbour Expansion at Bay of Nigg 'Aberdeen Harbour' (number 13) and the National Cycle Network Route 1 as part of the 'National Long Distance Cycling and Walking Network' (number 8). The development at Bay of Nigg is also a key economic development project for the City and Regional Economic Strategy – maximising tourism, economic recovery and diversification within the energy sector.
- 3.2 The Harbour Expansion is also part of the City Region Deal. The Aberdeen City Region Deal Agreement was approved by Full Council 17th August 2016.

As part of the development a number of infrastructure works are required to upgrade access to the new harbour. This includes the requirement for the National Cycle Network Route 1 (NCR1) to be rerouted from the previously low trafficked Coast Road onto a separate dual use path suitable for pedestrians and cyclists. National transport policy, *Cycling By Design*, is very clear that cyclists should not mix with large volumes of HGVs as would be the case during the Harbour construction. Feedback from the public and stakeholders supported this position: as part of the Nigg Bay Development Framework consultation also identified that there was particular support for segregated cycle lanes wherever possible.

- 3.3 Delivery of a 3m wide tarmac dual use path alongside the Coast Road by Aberdeen Harbour Board was approved at Planning Development Management Committee on 20th April 2016 and contained within the Signed Minute of Agreement between Aberdeen Harbour Board and ACC (Section 69 agreement for AHEP Section 4.3), with the specific design being agreed through Roads Construction Consent process.

Funding

- 3.4 While Planning Consent requires Aberdeen Harbour Board to provide a 3m wide dual use path this was a negotiated position; through the process of the application there was resistance to delivering the national standard for the National Cycle Network (NCN) as requested by the Council, due to low usage figures, and in order to get this agreement Sustrans were approached for their input – both technical and financial. Sustrans verbally agreed to part fund delivery of the route on the basis it would form part of the NCN Route 1, and would represent a significant upgrade to the route through Aberdeen compared to both the existing situation and Aberdeen Harbour Board's proposals, providing a facility that would allow a '12 year old to cycle unaccompanied by an adult'.
- 3.5 The total cost to deliver the dual use path is substantially met by two external sources. Sustrans has offered to cover up to 50% of costs (land purchase, design and construction) on the basis that the claim form for the construction is with Sustrans by 12th June 2017. The remaining 50% of costs will be paid for by Aberdeen Harbour Board. The Aberdeen Harbour Board amount roughly equates to their original proposal cost of delivering a 2m wide path. Further financial information is detailed in Appendix 2.

- 3.6 Despite Aberdeen Harbour Board being the main delivery body, in accordance with Sustrans and Scottish Government rules, application to Sustrans must be made through Aberdeen City Council. This necessitated officers entering into negotiations with Sustrans to secure the part-funding. Subject to the recommendations being approved, a Memorandum of Understanding between the Council and Sustrans would require to be agreed, and an agreement would need to be entered into between the Council and Aberdeen Harbour Board gaining their agreement to deliver to the specification as supplied by Sustrans/ the City Council's Roads Construction Consent process prior to the 12th June 2017. The Council would then claim the funding from Sustrans after being invoiced by Aberdeen Harbour Board for the extent of the works (once the works are completed in terms of the Sustrans grant conditions), with payment back to Aberdeen Harbour Board made after Aberdeen City Council has received the Sustrans payment. Any change in costs to deliver the route would be at Aberdeen Harbour Board's expense and this would be made clear in the said agreement.

Land Purchase

- 3.7 Although the majority of the land for the dual use path is owned by the Council there are two sections that are not. Initial discussions have taken place with one landowner where their land is required imminently. Negotiations are on-going, with any purchase price anticipated in due course to meet the tests of best and reasonable considerations. Sustrans has currently offered to cover the purchase of the land at market value. Further information is provided in Appendix 2.
- 3.8 It is anticipated that negotiations with the second landowner can be delayed until a later date as a fully functional, but narrowed, dual use path can still be accommodated on land controlled by the Council. Once land purchase from the second landowner has been secured, officers will install the path to the Sustrans standard, with detailed funding arrangements and recommendation for approval included in the 'External Funding for Transport Projects' report to Communities, Housing and Infrastructure Committee at a later date.

4. FINANCIAL IMPLICATIONS

- 4.1 There may be a net cost to the Council in securing third party land. In the event this occurs, this can be met through the Active Travel Plan budget. The dual use path does not form the full extent of the land purchase (the land owner has refused to sell just a 3m strip because they believe this blights access to the rest of the land). There is a possibility of future revenue from letting out the land at agricultural rates however, there is little prospect of securing an alternative use for the land that would generate significant income for the Council for the foreseeable future.
- 4.3 There is a small risk that not securing the funding could potentially lead to Aberdeen Harbour Board refusing to deliver the whole route to the national standard (as this was a negotiated position). The Council would have to explore all reasonable options at its disposal through both the planning and investment activity. Further information on financial implications has been provided in Appendix 2 to this report.
- 4.4 Maintenance of the dual use path would be the responsibility of Aberdeen City Council and would be on a 25 year replacement programme. At current rates this would cost £25,000. Signage would be the responsibility of Sustrans to maintain as the National Cycle Route. Any costs relating to ongoing obligations for the Council to maintain the purchased land would be minimal.

5. LEGAL IMPLICATIONS

- 5.1 A State Aid review is underway, although it is considered to be unlikely that this project would be affected; Aberdeen Harbour Board is still funding the path and the Sustrans allocation is to enable Aberdeen Harbour Board to upgrade the path to the Sustrans National Cycle Network standard. It is recommended that approval to proceed is provided, subject to no State Aid issues being raised.
- 5.2 The land being negotiated by Aberdeen City Council is currently agricultural land and the Council would be able to market the site as agricultural land after the dual use path is installed.

6. MANAGEMENT OF RISK

- 6.1 If Committee decides not to accept the recommendations of this report the risks can be viewed below:
- Financial
Financial implications/ risk is outlined in section 4. above.
 - Customer / citizen
The creation of Bay of Nigg Harbour will create a large amount of traffic, with access by HGV's increasing to the point that *Cycling By Design* advises taking cyclists off the road so that cyclists and vehicular traffic aren't mixing. There is a risk that if works are not undertaken then there is more potential for an incident to occur in this area as cyclists continue to use the road. A full Road Safety Audit will be undertaken on the dual use path as part of the City Council's Roads Construction Consent process in order to ensure that the design is as safe as possible.
 - Legal
If the risk as identified in customer/ citizen above does occur there may be potential risk of legal action.
 - Reputational
There is a risk of reputational damage result as well as a deterioration of relations with Aberdeen Harbour Board if the delivery of funding to support the overall project is not facilitated. If the risk as identified in customer/ citizen above does occur there may be potential risk of reputational damage.

7. IMPACT SECTION

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

Economy

- 7.2 The Council aims to support improvement in the local economy to ensure a high quality of life for all people in Aberdeen, and the relevant Regional Economic Strategy embraces this in the vision for 'A 20 year vision for the well-being of the place and our people'.
- 7.3 As such, the Strategy includes the following objective and commitment:
Objective: To improve deployment of low carbon transport in the city and urban areas, through active travel networks.
We will: Secure significant improvements in the city's green/ active travel (walking/ cycling) network.
- 7.4 The LOIP contains the same commitment regarding cycling and the SPB contains a further commitment to: Increase the share of journeys by walking, cycling and public transport by 10% by 2020.

People and Staff

- 7.5 The Council is committed to improving the key life outcomes of all people in Aberdeen and so has agreed a set of Equality Outcomes (2017-21) http://www.aberdeencity.gov.uk/council_government/equality_and_diversity/eqd_report_2017_21.asp. The continued introduction and maintenance of safe walking and cycling routes, whether for leisure or daily trips is recognised at all levels of government as a positive contributory factor in the health of everyone in the community and research also suggests that building in daily exercise such as walking or cycling to school, work etc. is one of the best ways to achieve the recommended levels of exercise to keep us active and healthy for longer. This NCN under consideration is a key part of the City's cycle network and its provision will be a key route in removing barriers to cycling along the Coast Road at little/ no expense to the Council by maximising opportunities for external funding.

Place

- 7.6 The Council is committed to ensuring that Aberdeen is a welcoming place to invest, live and visit and operating to the highest environmental standards. The instatement of this vital walking and cycling route can only serve to maintain high standards of place for the community and visitors alike. The National Cycle Network Route 1 is a key route for cycle touring visitors to Scotland and will be a key route active travel access to Bay of Nigg Harbour once established.

8. BACKGROUND PAPERS

- *Full Council – 17th August 2016*
City Region Deal Agreement
<http://councilcommittees/documents/s59795/CRD%20Agreement%20Report.pdf>
- *Communities, Housing and Infrastructure Committee - 1st November 2016*
Committee Information Bulletin (p 63)
<https://committees.aberdeencity.gov.uk/documents/s65623/InfoBulletin240117.pdf>
- *Communities, Housing and Infrastructure Committee - 24th January 2017*
Aberdeen Active Travel Action Plan

<http://councilcommittees.acc.gov.uk/documents/s65437/Aberdeen%20Active%20Travel%20Action%20Plan%20CHI.16.279.pdf>

External Funding for Transport Projects Programme

<http://councilcommittees.acc.gov.uk/documents/s65466/External%20Funding%20for%20Transport%20Projects%20and%202017-18%20Bus%20Lane%20Enforcement%20BLE%20Programme%20CHI.16.280.pdf>

9. APPENDICES (if applicable)

Appendix 1: Bay of Nigg Harbour Proposed Paths

Appendix 2: Additional Information – Exempt Information contained within the private section of the agenda

10. REPORT AUTHOR DETAILS

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