

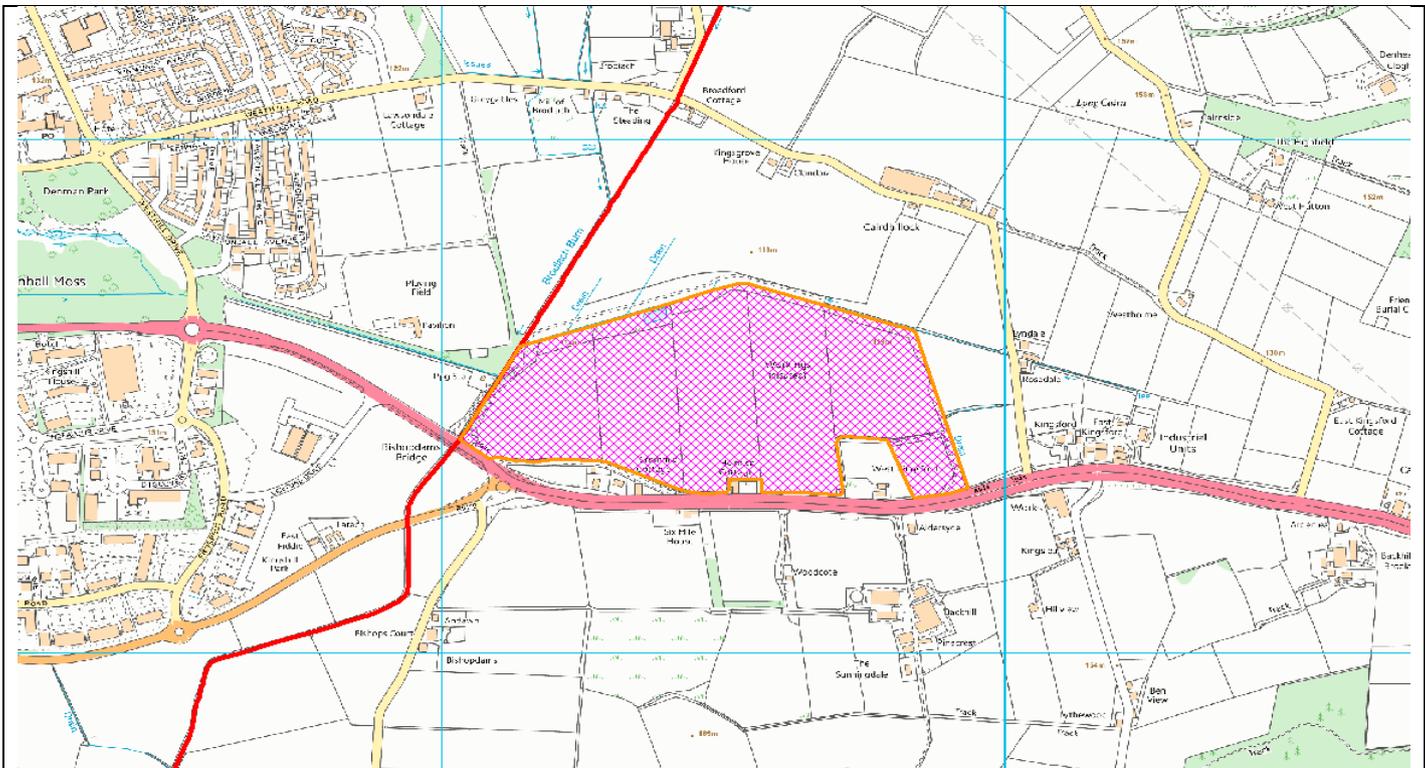


**Planning Report to Full Council**

Report by Development Management Manager

**Date: 29<sup>th</sup> January 2018**

<b>Site Address:</b>	Land At West Kingsford (North Of The A944 Road), Skene Road, Aberdeen, AB15 8QR
<b>Application Description:</b>	Proposed Community and Sports Facilities, Football Academy, (comprising outdoor pitches, pavilion, ancillary buildings), Stadium (20,000 capacity), ancillary uses, formation of access roads, parking and associated landscaping and engineering works
<b>Application Reference:</b>	170021/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	11 January 2017
<b>Applicant:</b>	Aberdeen FC Community Trust & Aberdeen Football Club Plc
<b>Ward:</b>	Kingswells/Sheddocksley/Summerhill
<b>Community Council</b>	Kingswells
<b>Case Officer:</b>	Gavin Evans



© Crown Copyright. Aberdeen City Council. Licence Number: 100023401 - 2017

**1. RECOMMENDATION**

**Willingness to approve subject to conditions and conclusion of a planning obligation securing:**

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

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

## **2. APPLICATION BACKGROUND**

---

### **Site Description**

**2.1** The site is located on land at West Kingsford, which lies on the north side of the A944 dual carriageway, between Kingswells and Westhill. It extends to an area of some 24.5 hectares. The existing settlement of Westhill lies approximately 500m to the west, whilst the Prime Four Business Park is located around 1km to the east, with the residential suburb of Kingswells immediately beyond. The Aberdeen Western Peripheral Route (AWPR) is currently under construction approximately 450m to the east of the site, with a grade-separated junction formed where it meets the A944. The western edge of the site abuts the Brodiach Burn, which at this location forms the boundary between Aberdeen City Council and Aberdeenshire Council's respective administrative areas.

**2.2** The site sits in a natural bowl. The land to the north east, south, south east and north west, in particular, rises up quite significantly – some 50m to the south, 80m to the north west, 80m to the north east and 90m to the south east. There is about a 10m drop from south to north across the site. The site largely comprises a number of agricultural fields, divided internally with post and wire fencing running north/south. It is understood that the western portion of the site includes 2 historic landfill sites, and there is evidence of historic sand and gravel extraction.

**2.3** To the south of the site are six houses. Four of these are clustered together along Old Skene Road, directly to the south of the proposed stadium location, and the remaining two – Holmlea Cottage and West Kingsford – sit apart, accessed via the A944 directly. In the context of the proposed development, which is described more fully below, Holmlea Cottage would be immediately to the south of 2no academy training pitches, while West Kingsford would lie in a larger curtilage to the east of those same pitches, with a vehicular access to the south-eastern corner of the application site lying some 45m further to the east. To the north of the application site is open ground, while to the east and south across the dual carriageway is agricultural land. To the west are 'Lawsondale' playing fields and an area of open ground. An access track from the A944 runs northwards through the site, close to the western boundary and leads to land beyond the application site.

### **Relevant Planning History**

Application Number	Proposal	Decision Date
161224/ESC	Request for EIA Scoping Opinion in relation to community and sport campus, football academy and stadium at Kingsford	22.09.2016 Status: EIA Scoping Opinion issued
160828	Request for EIA Screening Opinion in relation to community and sport campus, football academy and stadium at Kingsford	04.07.2016 Status: EIA Required
160853	Proposals of Application Notice – setting consultation proposals for a Major Development comprising Community	04.07.2016 Status: Further Consultation Not

---

and sport campus, football academy and stadium (Circa 20,000 capacity), formation of access and all associated parking, landscaping and engineering works. at Land at West Kingsford (North of the A944 road)

---

### **3. APPLICATION DESCRIPTION**

---

#### **Description of Proposal**

**3.1** This application seeks detailed planning permission (DPP) for 'Community and Sport Facilities, Football Academy And Stadium (Circa 20,000 Capacity), Formation Of Access And All Associated Parking, Landscaping And Engineering Works' on land at West Kingsford (north of the A944 Road), Skene Road, Aberdeen.

#### **Stadium**

**3.2** The proposed 20,000 capacity, all-seated stadium would be located to the western part of the site, approximately 50m from its southern boundary and 100m from its western boundary respectively. The stadium itself would measure approximately 180 metres by 145 metres, achieving a height of just over 20m and an overall footprint of approximately 24,250sqm. The stadium would be sited approximately 17 degrees off an east-west orientation, with its stands encircling the pitch completely, including the four corners. Seating within the stadium would be laid out in a single-tier 'bowl' arrangement.

**3.3** The stadium's exterior would be finished in dark grey facing brick at low level, set slightly back from the coloured polycarbonate cladding to walls above. These vertical cladding panels, in shades of red through to white, are translucent and would create a subtle red glow from within the internally lit concourse areas at night. This translucency would also allow for diffuse natural light to illuminate the concourse during hours of daylight.

**3.4** Externally, the south stand incorporates silver/grey aluminium rainscreen cladding which is extruded out from the face of the remainder of that elevation to surround an extensively glazed face, framed by a darker grey cladding. This glazed frontage takes advantage of the southern elevation and allows light in to hospitality suites and other internal spaces.

**3.5** The south-east corner of the stadium includes a projecting section, clad in the same polycarbonate vertical cladding in shades of red and white. This extruded corner identifies the club shop at ground floor level, and its outer face above is identifies as a potential location for signage, with the club crest embossed into the cladding panels and softly illuminated from within.

**3.6** Floodlighting to illuminate the playing surface is incorporated within the design of the stadium roof, angled downwards to reduce light spillage outwith the arena. The roof itself is angled at 11 degrees, achieving a height of 21m from the pitch to the underside of the roof cladding material. It would be finished with a silver aluminium cladding panel, with exposed steelwork above and below to be painted white. To the rear of the seated tier a translucent polycarbonate panelling would be used to allow in diffuse light. The seating within the single-tier stand would comprise three 'rakes', with seating becoming steeper from pitchside to the rear of the stand incrementally, at 25, 28 and 29 degrees respectively.

**3.7** Internally, the ground floor areas of the North, East and West sections of the stadium are largely given over to the necessary turnstile and concourse spaces, along with toilets and concessions stands. The North-East and North-West corners incorporate back-of-house facilities

including staff/groundspersons/stewards changing areas and toilets; first aid room; plant rooms and maintenance workshops; various stores and facilities for match-day Police at ground floor level, with a supporters' bar (215sqm) incorporated at first floor level in the NE corner, with views out onto the pitch.

**3.8** The South Stand would act as the 'main stand' and, alongside concourse and concessions areas, it would incorporate a centralised catering space; home, away and match officials changing facilities; warm-up, medical, physio and testing areas; kit storage and laundry facilities; manager's office and press conference room at ground floor level. The SE corner of the stadium would include a 'Red Café' coffee shop; Aberdeen FC (AFC) club shop; hospitality reception area; and ticket office. The players' entrance is located at a central point in this south stand, with access for Police and stewards to the north-western corner.

**3.9** Hospitality Suites (totalling circa 1355sqm) and associated toilets and kitchen facilities would be located in the south stand's first floor, with a club museum and staff canteen/players' lounge housed in the SE corner.

**3.10** At second floor level the south stand would incorporate the Club Boardroom; 24no hospitality boxes (each with a notional capacity of 10 persons); Club and Match Sponsors' lounges; along with associated kitchen and toilet facilities. The SE corner would house the Club/Community offices, along with match control, PA room and TV studio facilities.

### **Training, Academy and Community Facilities**

**3.11** On-site training facilities would include 3no full-size grass training pitches for first-team use, one of which would be floodlit, along with associated smaller training spaces, groundsman's compound, all of which sits to the north of the access road running east-to-west through the site. The professional training pitches would match the orientation of the stadium playing surface, with the aim that conditions on a match day can be replicated during training sessions.

**3.12** A single-storey pavilion building, located to the south of these facilities, would provide changing facilities for both the professional training facilities and 2no floodlit synthetic '4G' pitches to the south, which would be for youth academy and community use.

**3.13** The pavilion building would be finished with a combination of dark grey facing brick and silver/grey aluminium rainscreen cladding panels, with brick sections set back from the cladding to provide some articulation to the façade. High-level, horizontally proportioned windows are used to bring light and ventilation to changing spaces. It is envisaged that AFC professional staff would use office and changing facilities within the pavilion prior to construction of the stadium, after which they would relocate to facilities within the stadium itself and vacate these spaces for use by the AFC Community Trust and other community groups. 42no car parking spaces are shown adjacent to the pavilion building.

### **Fanzone**

**3.14** A 'Fanzone' area is proposed between the east stand and the pavilion building. This would extend across the hard landscaped area between these buildings, and is conveniently positioned relative to the supporters' bar, club shop and Red Café facilities within the east stand. Bus turning and shuttle-bus pick-up facilities are located immediately nearby to the north of this area. The submitted Design and Access Statement and later addendum refer to this area becoming a focal point for supporters on arrival to the site, highlighting opportunities for a large screen to provide pre-match entertainment or club information to supporters and enhancing the match-day experience. This will be a traffic-free zone, incorporating colourful club branding. Opportunities for a well-integrated lighting strategy within this space are identified. An external power source is identified as being necessary to allow temporary stage set-up, with potential use for live music,

DJ's or community music projects. This is intended as a flexible space which relates well to the surrounding facilities.

### **Car, Coach & Cycle Parking; Bus provision & Access**

**3.15** It is proposed to provide 1,350 car parking spaces within the site for supporters (the maximum allowed by car parking standards in the Council's adopted Transportation Supplementary Guidance). These are contained within three main car parks, located to the north, east, and south-west of the stadium respectively (*Car Park 1 to SW: 311 spaces; Car Park 2 to N: 805 spaces; and Car Park 3 to E: 234 spaces*). A further 22 spaces are provided within the training pavilion car park; 16 unspecified 'service' spaces; and 4 spaces for groundspersons, for a cumulative on-site total of 1,392 spaces. Outwith the application site, the applicant has intimated that a further 600 spaces will be made available via commercial arrangement with third parties at Arnhall Business Park. The Transport Assessment (TA) Addendum highlights that 250 spaces at Kingsford would be set aside for hospitality guests, with the remaining 1,100 available to supporters, with tickets purchased in advance – cars will not be able to arrive on a match-day and park without a pre-purchased permit.

**3.16** A visitors' coach parking area, to the west of the stadium, could accommodate up to 60 coaches for away supporters. Home coaches would park immediately to the south of this, with capacity for 32 coaches and 8 outside broadcast trucks.

**3.17** The match-day transport strategy proposed is based upon a 'predict and provide' model, whereby surveys of existing travel behaviours and preferences have been used as the basis for establishing mode share, and then transport interventions are proposed in order to meet those identified requirements. Surveys undertaken by Dons Supporters Together (DST) and Aberdeen and Grampian Chamber of Commerce (AGCC) have been used as the basis for the Transport Assessment and associated strategy. It is proposed to address travel demand through a combination of increased frequency of existing bus services and the provision of site-specific shuttle buses, operating from the City Centre and from existing Park and Ride (P&R) sites at Kingswells and Dyce, with Bridge of Don utilised in addition for European matches. The bus strategy predicts a requirement for the provision of up to 52 shuttle bus services on non-Old Firm match-days; up to 63 for Old Firm matches; and up to 69 for European games. Shuttle services would utilise various routes to Kingsford, but would not allow for pick up along their respective routes. Central Coaches, who have a fleet of 52 buses, have confirmed that they would act as transport coordinators and could provide the required number of buses by co-ordinating resources with other bus operators. All AFC match-day bus services will drop-off and pick-up from the dedicated shuttle bus area within the Kingsford site. The suggested collection points are College Street, Shiprow, Rose Street, Souterhead Road and various stops on King Street, as well as the shuttle services from the Dyce and Kingswells Park and Ride sites, with city centre services provided from Midday onwards for matches kicking off at 3pm.

**3.18** It is proposed to construct three accesses into the site, one each at the eastern and western ends of the site, onto the A944, and a main access at a central point immediately south of the stadium, east of Crommie Cottage and the junction of Old Skene Road and the A944. The eastern and western accesses would be connected by the internal road network, which loops around the back/northern face of the stadium. Both of these accesses would operate on a 'left-in/left-out' basis, whereas the main central access would be a permanently signal-controlled junction, incorporating at least one right-turn lane off the A944.

**3.19** The Fanzone described above is expected to have a role in spreading out the arrivals to the site, by offering entertainment/activity in the period before matches. This is anticipated to reduce the impact of arrival peaks immediately before kick-off times.

**3.20** The main junction would be permanently controlled by traffic signals and would allow for at least one right-turning lane off the A944. Within the site the main access would split to serve the Pavilion Car Park/Car Park 3, to the north, and head westwards, skirting around the front of the stadium's main stand and joining up with the road from the western access to loop around the west and north of the stadium before joining the spine road through the site from the eastern access. This internal road layout would enclose the hard-surfaced pedestrian concourse surrounding the stadium.

**3.21** It is proposed to provide secure cycle parking for up to 220 cycles in a single location, to the east of the stadium and associated Fanzone, just north of the Pavilion building. Footpath links would be formed between the stadium and the A944, adjacent to the main stadium access and the eastern access.

**3.22** In order to prevent supporters from parking within residential areas around the stadium it is proposed in the TA to implement a Controlled Parking Zone (CPZ) for areas located within an agreed walking catchment of the stadium. It is proposed that parking controls apply during event times only, with resident permit holders being exempt from those controls. The submitted TA refers to typical hours of operation of 11am to 3pm; 1pm to 5.15pm or 6pm to 10pm, depending on event time/kick-off. Enforcement of any such CPZ would fall within the jurisdiction of Police Scotland, as parking is not decriminalised in Aberdeenshire. Separate processes exist for the promotion of a CPZ, which would require the approval of Aberdeenshire Council.

### **Landscaping**

**3.23** The application is supported by a Landscape Framework, which indicates areas of strategic landscaping along the site frontage to the A944, with hedgerows and tree planting used to screen the southern edge of Car Park 1, adjacent to the west stadium access. Structure planting is also proposed along the southern boundary, between academy pitches and the adjacent residential properties at Holmlea Cottage and West Kingsford. This planting would involve a landscaped belt of at least 10m depth. A similar 10m structure belt is proposed along the eastern and northern boundaries, comprising a mix of birch and pine. Within the site, trees and other soft landscaping would be used to soften the appearance of Car Park 2 and its associated structure, to the north of the stadium. Along the western edge of the site, adjacent to the Brodiach Burn, a riparian woodland planting belt is proposed. Cut and fill would be used to provide undulating landforms at the eastern and main accesses. These would also be used to provide a degree of enclosure to a memorial garden adjacent to the main access, and would serve to separate it from the main pedestrian footpath.

### **Phasing of delivery**

**3.24** The applicants anticipate delivering the proposed development in two phases. Phase 1 focuses on the formation of an access junction from the A944 to the centre of the site, providing access to the professional training facilities described above, along with groundsman's store, single-storey pavilion building with 42no car parking spaces and 2no synthetic pitches for use by the AFC youth academy and Community Trust. This first phase would also involve initial site preparation and earthworks within the application boundary. Phase 2 comprises the remainder of the development, including the stadium itself, parking areas, access points and completion of the internal road network. Once completed, professional staff would vacate office and changing facilities within the pavilion building, moving to facilities within the stadium. The Community Trust would then utilise the space vacated within the pavilion.

### **Supporting Documents**

**3.25** All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OJMF3EBZIED00>.

The following documents have been submitted in support of the application –

- Pre-Application Consultation Report
- Environmental Statement and associated Non-Technical Summary
- Design & Access Statement
- Transport Assessment
- Flood Risk Assessment
- Site Investigation Report
- Planning Statement (Green Belt, Halliday Fraser Munro)
- Supporting Statement (Burness Paull)
- Sustainability Statement
- Socio-Economic Impact Assessment
- Drainage Assessment
- Processing Agreement
- Coloured visualisations
- Statement on Co-Location, Site Selection & Sequential Test
- Travel Plan Framework
- Transport Assessment Addendum
- Road Safety Audit Report
- Technical Note: Updated Shuttle Bus Strategy
- Economic Impact response
- FRA Technical Note: Hydrology
- Design and Access Statement Addendum
- Planning Policy Statement (City Centre Impacts)
- Supporter Bus Travel & Shuttle Bus Strategies
- Letter to AFC from SFA Chief Operating Officer, Andrew McKinlay, relating to benefits of co-location
- Kingsford Training Facilities User Schedule
- Halliday Fraser Munro Supporting Statement (with appendices A-P)
- Correspondence from North-East Estates and FG Burnett to clarify land valuations

### **Pre-Application Consultation**

**3.26** Public events were held by the applicant between the hours of 1pm and 8pm, as follows:

- Kingswells: Four Mile House, Tuesday 26<sup>th</sup> July 2016
- Westhill: Holiday Inn hotel, Friday 29<sup>th</sup> July 2016
- Aberdeen: Pittodrie Stadium, Tuesday 2<sup>nd</sup> August 2016

**3.27** These sessions were staffed by members of the applicants' project team. Display boards demonstrated the location of the site, background to the Pre-Application Consultation process, initial design/masterplanning and elements of the proposal, access and transportation matters, environmental considerations, and next steps in the process of developing the scheme and seeking planning permission. Members of the applicants' project team were in attendance to answer questions, and a dedicated email address was set up to collate feedback. In addition to these events, three further 'pop-up' events were held, using the same display materials, as follows:

- Trinity Shopping Centre, Union Street: Wednesday 3<sup>rd</sup> August 2016, 12 noon-6pm

- Aberdeen Central Library, Rosemount Viaduct: Friday 5<sup>th</sup> August 2016, 12 noon-5pm
- Pittodrie Stadium, Pittodrie Street: Monday 8<sup>th</sup> August, 1pm-8pm (unstaffed event)

**3.28** A fourth staffed public event was held between 1pm-5pm at the Holiday Inn hotel, Westhill on Saturday 6<sup>th</sup> August 2016, following a request from Westhill & Elrick Community Council. Lastly, a 'feedback' event was held to exhibit the developed design proposals that would be submitted as part of the formal application for planning permission. This event was held at Pittodrie Stadium on Thursday 24<sup>th</sup> November 2016, running between 3pm and 9pm. Kingswells, Westhill & Elrick, and Cults, Bieldside and Milltimber Community Councils were invited to attend a preview session the evening before (Wednesday 23<sup>rd</sup> November). This event was again staffed by members of the project team, who were available to answer questions, and the display materials were made available on the Aberdeen FC website.

**3.29** The submitted Pre-Application Consultation (PAC) Report states that the events were well-attended, with over 1,000 attendees across the four main events. The PAC report includes a detailed breakdown of the comments received at these events, both verbally and via comment forms, and also of those comments subsequently received via post and email before the 26<sup>th</sup> August cut-off. The PAC report states that the most commonly raised areas of concern related to access and transportation, including: arrangements for car parking and potential impact on nearby residential streets; public transport and provision for match-day travel generally; and the implications for the surrounding road network at peak times.

**3.30** Other commonly raised concerns related to: the green belt status of the application site land; potential ecological and environmental impacts of the development; associated impacts on residential amenity by virtue of visual impact, noise and light; and queries regarding the location and implications of the Shell and BP (now INEOS) Forties underground pipelines. A detailed breakdown of the matters raised in feedback to these PAC events is contained in Appendix 11 to the PAC report –

[https://publicaccess.aberdeencity.gov.uk/online-applications/files/4B38E4152D26DD3BEC29C42DB862E812/pdf/170021\\_DPP-PAC\\_Report-1439745.pdf](https://publicaccess.aberdeencity.gov.uk/online-applications/files/4B38E4152D26DD3BEC29C42DB862E812/pdf/170021_DPP-PAC_Report-1439745.pdf)

### **Requirement for a Pre-Determination Hearing**

**3.31** The proposed development is classed a 'major development' in terms of The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. The proposal is considered to be a significant departure from the Development Plan by virtue of it being a major development located on an undeveloped and unallocated site within the Green Belt, wherein Policy NE2 'Green Belt' of the Aberdeen Local Development Plan applies, but does not allow for development of this type within its stated exceptions.

**3.32** Under Regulation 27 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 the planning authority is required to give those who make representations an opportunity to appear before and be heard by a committee of the authority at a Pre-Determination Hearing.

**3.33** Any planning application which has been made the subject of a pre-determination hearing under S38A of the Town and Country Planning (Scotland) Act must be determined by Full Council as per the Local Government (Scotland) Act 1973

**3.34** The purpose of such hearings is to afford both the applicant and those who have made written representation on the proposed development the opportunity to present their views directly to the members of the Council.

## 4. CONSULTATIONS

**4.1 ACC - Roads Development Management (RDM) Team** – There remain outstanding concerns with regards to this application – however, these are not significant enough to warrant a recommendation of refusal from RDM. Instead, certain conditions will be required before this application can progress:-

- The methodology used in travel surveys underpinning the relevant Transport Assessments (TA) is questioned, as these are based on supporters' preferred method of travel, without information on the public transport/sustainable travel options relating to the Kingsford site. The Aberdeen and Grampian Chamber of Commerce (AGCC) survey relates entirely to travel to the existing Pittodrie site, which is fundamentally different in terms of its location in relation to public transport services accessible from the city centre, which include services throughout Aberdeen and extensively into Aberdeenshire, and also its context in relation to existing housing.
- The TA addendum underestimates the proportion of car users in its modal shares by counting users of the Kingswells and Dyce 'Park and Ride' (P&R) sites as public transport users. In many cases, it is anticipated that the bus journey from these P&R facilities would represent only a small proportion of the overall journey, the majority of which would be undertaken by car. On that basis, the use of the P&R facilities would have limited benefit in removing traffic from the local network at the end destination, which is their intended purpose, and would essentially act as satellite car parks for the stadium.
- Pedestrian access from Westhill is acceptable, subject to widening of the footway between the application site and Westhill (Westhill Drive).
- Pedestrian access from the East is not presently sufficient to accommodate the volume of pedestrians that would be anticipated to travel to and from the P&R site at Kingswells. Initial discussions have identified the potential for the removal of a historic layby at the Five Mile Garage (between the proposed stadium and the Prime Four business park), which ACC agree would be beneficial. However, the larger issue is that there are several areas of narrow footway where the surrounding land is outwith the hands of both ACC and the applicant. As such, the only possible improvement would be to narrow the existing 7.3m carriageway to 6.6m over the ~650m stretch of road between the Five Mile Garage and where the footway adjacent to Prime Four widens to 3m. The 0.7m of carriageway that would be reclaimed could be allocated to the existing ~2.3m footway, bringing it up to the desirable minimum 3m.

It is likely that the route (as it stands) would be able to safely accommodate the volume of people that would walk to and from Kingswells. However, when taking into account the likely pedestrian traffic associated with the Park and Ride, discussed below, RDM has concerns that the facility would not safely be able to accommodate all pedestrians. As such, the above improvements to the carriageway and Five Mile Garage layby should be conditioned which, in turn, would improve the safety of this route.

- The TA predicts that cycle trips will be few, and it has been agreed that cycle parking provision can be accepted at a reduced rate. Cyclists on the Kingswells to Westhill cycle route must be safely accommodated at the access junctions, and details of this may be obtained and negotiated via an appropriate condition(s).

- To serve events at the proposed stadium, a combination of (i) an increase in frequency of the existing bus service; and (ii) site-specific shuttle buses is proposed.

It is proposed that the existing service would drop off and collect at the Arnhall Business Park, on the opposite side of the A944. The volume of supporters travelling across the A944 necessitates a pedestrian footbridge, and the proposal could not be accepted otherwise on road safety grounds. RDM would also like to see bus laybys installed adjacent to the proposed footbridge, and secured by conditions. It is felt that the 800m walk to Arnhall is excessive for the thousands of people that are anticipated to travel by bus, and also for the staff who will travel to the stadium on a much more regular basis. The provision of laybys was previously deemed impractical due to the requirement of pedestrians having to cross the dual carriageway; however this concern is nullified as a result of the pedestrian footbridge.

Shuttle bus services would operate from the city centre and both Kingswells and Dyce P&R sites. As noted above, these sites are close enough to the site to suggest that they would operate akin to remote car parks, rather than as a means of removing traffic from the local network around the stadium/destination. It is proposed that these services would be augmented by a service from the Bridge of Don P&R facility for European matches. Provision for travel to non-football events has not been made clear.

- Shuttle bus services from various locations in the city centre (including the bus station) to Kingsford have been proposed. Concern is expressed that the bus station is operating near to capacity, and assurance is required that there is sufficient capacity to provide these services. Correspondence from the bus station's commercial manager indicates that there is capacity to accommodate 10 additional X17 services per hour, but there is no mention of capacity to accommodate shuttle buses at the bus station.
- Services from different pick-up points would use slightly different routes to Kingsford. However it has been clarified that initially none of these shuttle services would pick up on route to Kingsford, meaning that users would be required to travel into the city centre before changing buses and travelling to Kingsford. Service buses will continue to pick up on route as long as they have capacity to do so. This results in a scenario where shuttle services will travel along the Lang Stracht, but residents of Mastrick and Sheddocksley would be required to travel into the city centre to get a shuttle service back out past these areas to reach the stadium site. There will be no public transport services from wider areas of the city, or from Aberdeenshire. This is not considered to be suitably attractive to encourage supporters to make use of bus services and encourage a shift to more sustainable modes of travel. Annual surveys of use can feed into the Transport Management Plan for review and addition/removal of stops as necessary.
- The predictions made regarding the number of buses required give rise to some concern as these appear to rely upon full capacity (including standing) of all buses. This includes 27 standing on a double-decker bus and 73 standing on an articulated bus.
- It is estimated that approximately two-thirds of those travelling to the Kingswells P&R site would be quicker to walk back to their vehicle rather than wait for the shuttle bus, due to the lack of bus priority measures on the A944. It is considered likely that large queues for this shuttle service would discourage supporters from waiting and result in higher rates of pedestrian movement to Kingswells than have been accounted for. This in turn raises concerns about the aforementioned inadequacy of the pedestrian route to Kingswells, and therefore RDM has serious safety concerns over the relationship between pedestrians and high volumes of traffic at this point of the A944. It is understood that Toucan crossings are

proposed for the on and off slips of the AWPR. This level of pedestrian movement causes further concerns in terms of the build-up of pedestrians on the footway, the availability of space and the implications of the surge of movement at the start of the pedestrian phase. Getting that surge of pedestrian movement to stop is difficult and has implications for the safe and efficient operation of the vehicular junction.

- On-site parking is marginally in excess of the current standards, but is considered to be acceptable.
- The use of additional parking provision at Arnhall Business Park is an arrangement that would not normally be permitted. There is uncertainty over long term retention of any such arrangement, and concern also that there may be potential for a great number of additional spaces to be secured at Arnhall through similar arrangements, undermining aims to promote sustainable travel.
- The applicants propose a Controlled Parking Zone in Westhill to remove parking on street, with residents entitled to permits at the applicants' expense. It is noted that Police Scotland would be responsible for the enforcement of any such scheme as parking has not been decriminalised in Aberdeenshire. Police Scotland have committed to enforcement on a priority basis, which raises concerns given the potentially resource intensive nature of enforcement. Without adequate enforcement, a CPZ may prove to be ineffective in deterring on-street parking by supporters in Westhill. In the event the permission is to be granted, it will be necessary to use a condition to ensure that the CPZ can be delivered. This would need to be demonstrated prior to works commencing, with implementation prior to operation/use of the stadium. The applicant would be responsible for associated implementation costs and the provision of residents' permits.
- The eastern and western access arrangements are satisfactory in principle, subject to the usual Roads Construction Consent (RCC) procedures. There are concerns over the main access, principally in terms of road safety. It has been agreed that the principal access will be a permanent traffic signalised junction, operational at all times. The exact nature of signal timings and whether it is linked to neighbouring junctions should be established at a later date – this should be established by condition. The layout of the junction has yet to be finalised given the late agreement for permanently operational signals; it may require four lanes westbound (two turning right into the development and two ahead towards Westhill) in order to operate safely. It may be possible to operate a three lane westbound approach with the central lane being marked as ahead and right. The east and west access should operate as left in left out priority junctions. Adequate segregation for buses and away support is made. Access arrangements of any description will likely place a burden on Police Scotland.
- The original TA presented an assessment that showed extensive queuing onto the AWPR from the A944 slip roads north and south for several hundred metres as well as indicating congestion and delay on the local road network. In order to resolve a number of issues, further calculations and analysis were carried out for the TA addendum. RDM raised a number of queries in respect to this. These centred on the use of the base data, which we acknowledge was used at the request of Transport Scotland, but which we know is flawed and appears to be the lowest prediction of post AWPR flow. With the reduction of parking on site to maximum standards, 250 vehicles were moved to the Dyce Park and Ride, and therefore out of the analysed network which we disagree with. The profiling was altered to extend arrivals over a longer period before a game reflecting the fanzone. The proposed signalisation of the AWPR/ A944 roundabout could remove any potential queue back onto the AWPR mainline, but to the detriment of the operation of the local road network.

- The internal road network is broadly acceptable, subject to the provision of stewards at pedestrian/vehicle conflict points during events.
- A framework Travel Plan has been submitted, and this is appropriate for this stage in the process. A Travel Plan condition would need to be applied, to ensure that satisfactory match-day travel arrangements would be in place, prior to the stadium becoming operational.
- In conclusion, should either the CPZ or pedestrian footbridge be undeliverable, this response should be treated as a formal objection as these are critical to the viability of the proposal. The deliverability of these elements must be demonstrated prior to works commencing, and they must subsequently be implemented prior to use of the stadium. The deliverability of pedestrian improvements to the east of the site also remains of concern.

In relation to the proposed pedestrian footbridge, further information was provided by the applicants to demonstrate adequate capacity. RDM considers that the applicant has adequately justified the methodology used to calculate capacity, and has shown that a 3m wide footbridge is sufficient to accommodate up to 4,320 pedestrians in the 30 minute period following a match. The submitted Transport Assessment estimates that 3,380 supporters will use the bridge within this period. On this basis, it is concluded that the proposed pedestrian bridge has sufficient capacity to serve the development.

#### Post-hearing (PDH2)

Following PDH2, RDM provided a further memo confirming the required access junction arrangements and offering further commentary on the crossing solution for the A944, which was discussed at PDH2 on the basis of a pedestrian bridge. The following further comments were made:

- Some means of permitting large numbers of pedestrians to safely cross the A944 before and after matches is required.
- It is considered that the most appropriate way to achieve this would be to utilise a pedestrian footbridge in conjunction with the existing A944 signalised crossing (for mobility impaired users).
- Prior to PDH2 the applicants submitted calculations and justification for a 3m footbridge, with 3m wide access/egress stairways. It is noted that representations and questions at PDH2 queries whether any such bridge would need to be wider.
- Notes that there are various sources which cite the walking speed of pedestrians on stairs, and almost every source quotes a different speed. That being said, the justification and evidence provided by the applicant appear to be robust – citing the design speed of a person ascending a stair as 0.8m/s, from the Society of Fire Protection Engineers.
- The source does not make mention of the stairs being crowded, however the applicant's calculation permits each user 1m<sup>2</sup> of personal space. If it were to be contended that pedestrians would in fact have less space, and would therefore walk slower, the personal space parameter would also reduce in the flow calculation, resulting in a similar result as having used the higher walking speed.
- It is highlighted that detailed design of any such structure would require planning permission in its own right, and therefore RDM is at this stage seeking to establish only whether or not a crossing solution is feasible. And to that question, it is felt that the answer is yes – an engineering solution is achievable, whether that's an overbridge, an underpass, or by some other means. It is noted also that the Roads Construction Consent (RCC) process there is a further opportunity to secure appropriate pedestrian barriers to guide pedestrian flow towards any crossing point. There may also be a requirement for

stewarding or policing of the crossing point.

#### Access Junctions

Westbound traffic flow would never be interrupted during the non-match scenario. There would be minimal disruption to eastbound traffic when the main access signals are activated by demand. Access junctions would operate on the following basis have been identified as follows:

**West Access** – Left-In / Left-Out, with no traffic signals.

It would be available for all coaches – and some home supporters with spaces allocated in the west car park, for convenient access by residents to the west of Kingsford. Access from the AWPR (for most coaches) would need to be signed towards the A944 / Straik Road Roundabout, where a U-turn would be required for arrivals only.

On non-matchdays this access would be closed and secured by a gate.

**Main Access** – Signalised, with a significant length of right-turn stacking lane to the 2-lane westbound carriageway.

This entrance would serve home supporters only. Signals would accommodate right-turns into the development, and left turns out, in the same phase. This phase would be required to be lengthy during peak arrival periods, and would cause the most disruption to eastbound traffic on the A944.

On non-matchdays, traffic signals would be activated on demand for right turns in and left turns out of the development. There will be no right-turns out of the development.

**East Access** – Part-time signals with a short right-turn stacking lane to be added to the 2-lane westbound carriageway. This access is for use by shuttle buses only. These signals would give priority to shuttle buses exiting left out of the development after matches or events.

On non-matchdays this access would be closed and secured by a gate.

**4.2 ACC - Flooding And Coastal Protection** – No objection to the proposal following submission of requested information relating to flood extents and provision of updated modelling work in line with most recent Flood Estimation Handbook (FEH 13). Queries relating to the effective use of porous paving within floodplain areas have also been resolved.

**4.3 ACC - Environmental Health** – Reviewed the application and associated Environmental Statement (ES) in relation to noise and air quality.

#### Noise

*Construction Noise and Vibration* – insufficient details available to assess noise and vibration. If approved, need to secure a noise and vibration management plan in accordance with BS5228-1:2009

*Operational* – ES identifies several operational noise sources that have varying magnitudes of impact on the surrounding noise sensitive receptors depending on the noise level, location and time of occurrence.

*Road Traffic Noise* – The greatest magnitude of impact is ‘major adverse’ impact at receptor 4 and ‘major adverse’ impact at receptor 2 and 3 during weekday evening matches during a 1 hour peak period. The ES indicates that noise mitigation is not feasible due to property location in relation to

the roads. It is acknowledged that the level of impact occurring during weekday evening matches is likely to be infrequent.

*Noise egress from Stadium* – Main source from crowd and PA system noise, but this is sporadic and variable in nature. Major adverse impact identified to the nearest house (receptor 2) during an evening weekday match. Moderate adverse impact to same receptor from a Saturday afternoon match. Impacts will be limited to the number of matches held each year.

*Building Service Noise* – details of services not yet confirmed. All building services not to exceed Noise Rating curve 25 in the nearest dwellings (windows open).

*Noise from outwith stadium* – ‘Minor adverse’ impact to nearest receptor in evening. Fast food units have been identified as possible noise sources. To mitigate noise from such units it is advised that they are not located within 150m of the nearest residential property unless details of effective acoustic screening have first been agreed.

*Deliveries* – moderate adverse impact to properties to the south from deliveries. To minimise impact, it is recommended that deliveries are restricted to 7am-7pm, and that ‘large’ delivery vehicles use the SW access.

*Car parking Noise* – no noise identified.

*Training Pitches* – recommend that pitches nearest to residential property are restricted so as to preclude use after 9pm.

#### Air Quality

Air quality in the area is currently good. Modelling was undertaken to predict the impact of the proposed development, based on opening in 2023 and taking account of the AWPR and other committed developments. Scenarios for 2023 with and without the proposed stadium development were modelled. In both scenarios (with and without stadium proposal) nitrogen dioxide (NO<sub>2</sub>) and particulate (PM<sub>10</sub>) concentrations would remain well below national air quality objectives of 40ugm-3 and 18ugm-3 respectively. The impact of the development on annual mean NO<sub>2</sub> and PM<sub>10</sub> concentrations at all receptors was considered negligible.

Should permission be granted, it is recommended that traffic management conditions are used to reduce the impact of traffic associated with the development on air quality, for example through the use of the nearby park and ride, additional public and private bus services, measures to reduce car dependency and promote active travel.

There may be an impact arising from dust emissions during the construction phase. Should the proposals be granted it is recommended that a dust risk assessment and dust mitigation plan are provided, to be agreed with the Planning Authority, in consultation with Environmental Health colleagues, prior to the commencement of works.

#### Lighting

All external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised.

**4.4 ACC - Environmental Health (Contamination)** - No objection to approval of this application.

As the site has a history of use for landfilling, it is recommended that the following conditions are attached to any approval:

**Condition A**

*No development shall take place unless it is carried out in full accordance with a scheme to address any significant risks from contamination on the site that has been approved in writing by the planning authority.*

*The scheme shall follow the procedures outlined in "Planning Advice Note 33 Development of Contaminated Land" and shall be conducted by a suitably qualified person in accordance with best practice as detailed in "BS10175 Investigation of Potentially Contaminated Sites - Code of Practice" and other best practice guidance and shall include:*

- 1. an investigation to determine the nature and extent of contamination*
- 2. a site-specific risk assessment, including a gas risk assessment that considers both onsite and offsite receptors*
- 3. a remediation plan to address any significant risks and ensure the site is fit for the use proposed*
- 4. verification protocols to demonstrate compliance with the remediation plan*
- 5. a site-specific working plan detailing protocols to control/mitigate risks that may arise as a result of the remedial activities*

**Condition B**

*The facility shall not be brought into use unless:*

- 1. any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken*  
*and*
- 2. a report has been submitted and approved in writing by the planning authority that verifies that the remedial works have been carried out in full accordance with the remediation plan, unless the planning authority has given written consent for a variation.*

*- reason: to ensure that the site is suitable for use and fit for human occupation*

**4.5 ACC – Economic Development (ED)**

The Initial consultation response from ACC ED, based on the information available at that time, highlighted a lack of data and methodology to substantiate findings of the applicants' initial ED response. Significantly, the information considered at that time did not demonstrate that the net impact of the development constituted a substantial growth or employment opportunity at an Aberdeen level, and the benefits to the Kingsford area were not considered compelling in terms of economic benefit. It was considered that, whilst there would be clear benefits from the construction phase of the project, net off-site benefits to the city would be marginal.

Further supporting information was provided on 1<sup>st</sup> August 2017, which prompted queries from ED relating to assumptions made about reduced attendances in the 'remain at Pittodrie' scenario; an uplift in the number of functions that is assumed at the proposed site; and other assumptions relating to city centre spending and population estimates.

Following further clarification from the applicants (Supporting Statement Appendix P), the ED team made the following comments in relation to the applicants' assessment of economic benefit:

- The proposed development would provide a centre of excellence for sport,

complementing the success of Aberdeen Sports Village.

- The Regional Economic Strategy identifies tourism and leisure as a priority sector, aiming to increase visitor spend in the North-East.
- The Kingsford proposal contributes to the overall ambition to diversify the city and regional economy and lever in additional investment into the region. It would offer opportunities to attract new sporting events to the city, maximising economic benefits that may not be possible under a 'do-nothing' scenario.
- As well as the potential to provide further events infrastructure to the north east, the development has potential to promote the north-east as a sporting destination. If these additional sporting events materialise, there is an opportunity, through the VisitAberdeenshire partnership, to maximise the opportunities for event-related and overnight/weekend business.
- Notes that, without a new stadium, AFC's European matches would have to be played in elsewhere, at a compliant venue, whilst the ability to compete for friendly or underage football events, or rugby-related events, could be undermined.
- Recognises that the quantitative analysis presented by AFC assumes (i) higher attendances at Kingsford; (ii) attracting additional sporting events and music concerts at Kingsford; and (iii) the new stadium would attract additional functions and corporate events. A range of 'activity scenarios' have been considered to calculate and compare GVA (Gross Added Value) impacts.
- Notes that estimates of economic impact are in line with Her Majesty's Treasury (HMT) Green Book on Economic Appraisal of projects.
- The total additional economic contribution of delivering the Kingsford stadium compared with remaining at Pittodrie (assuming average 8,500 crowd) ranges from £8.535m to £9.529m of GVA per annum, equivalent to between 347 to 408 Full Time Equivalent additional jobs. These economic impacts are at the Aberdeen City and Shire spatial area.
- There are also 443 net additional construction jobs associated with the Kingsford option. While these jobs will provide a benefit to the regional economy, they are restricted to a 'one-off' impact and therefore they are not included in the total jobs contribution.
- The applicant has estimated a range of £0.51m to £1.78m per annum of spend in the city centre from being at Pittodrie according to assumptions made of the nature of spend by those who travel by car. This range is estimated to be the potential loss of spend in the City Centre, as a result of moving to Kingsford.
- The applicant suggests that the loss is at the lower end of this range as many of those who currently travel by car are unlikely to spend in the City Centre while attending games at Pittodrie so will not constitute a loss to the City Centre in the Kingsford scenario. Further, many fans that do not currently travel by car are likely to get bus transport to Kingsford from the City Centre, and thus continue spending in the city centre as they currently do. The applicant's transport consultant forecasts bus capacity for around 2,500 fans travelling from the city centre to Kingsford, roughly in line with the number of supporters who do not currently rely on car travel to Pittodrie. ED team are satisfied that the impact on the city centre is likely to be around the lower end of the

range at around £0.51m per annum.

- Remaining at Pittodrie could present significant economic challenges in terms of the increased refurbishment costs this would involve and the difficulty in attracting additional major sporting events to the stadium. If this materialised, in turn it would have a negative impact on the reputation of Aberdeen city to compete for new and large scale events to the region that in turn contribute to the tourism/ leisure objectives in the regional economic strategy.
- For the club itself, the increased costs and any deterioration in terms of the stadium and/ or playing staff, under do-nothing scenarios, could in turn reduce the funds available to the AFC playing budget which could result in lower attendances and lower economic benefits.
- The likely scale of economic benefit at Kingsford is predicated on a range of activity scenarios driven by attendance volumes. In turn, attendance relies on the success of the team and the club. Therefore there is some uncertainty around the likely scale of the economic benefit of the Kingsford option. Similarly the ability of the club to convert opportunities for new and additional football or other sporting activity is not yet known and would form part of the club's business planning,

The analysis does show however that in the context of the scale of challenges in operating the club under a 'do nothing' scenario, the net benefit under the Kingsford option does show that a significant economic benefit results from the project.

#### Post-hearing (PDH2)

Following queries at the Pre-determination Hearing (PDH2) in relation to the economic benefit of the proposal and a contradictory assessment undertaken on behalf of objectors, ACC ED offered further commentary, which is summarised as follows:

- ACC ED reiterates its view that options have been reviewed in accordance with HMT Green Book Guidance and that the base case option of remaining at Pittodrie has been correctly assessed.
- Notes the relationship between economic benefit and activity scenarios which are driven by attendance volumes, and the assumed relationship between team performance and attendance. Recognises that there is no guarantee that the attendance target will be met, but highlights that a number of scenarios are presented that consider the sensitivity of changes to attendance on the predicted economic benefit.
- In terms of assumptions relating to new and additional fixtures/ events, the Kingsford option assumes that the club's business plan targets are met and it has the capacity and expertise to compete for new opportunities for additional football or other sporting activity. This is not known but is assumed to be an integral part of the club's planning in the 'with project' scenario.
- The anticipated effect of the 'with project scenario' on the city centre is based on actual behaviour in a survey of their fans' current spend at Pittodrie fixtures. AFC presented the loss to the city centre as a range and we are satisfied that the loss is likely to be at the lower end of that range of £0.51m to £1.78m. MKA Economics themselves estimated a range of £0.8m to £1.2m.

are other commercial waste service contractors besides Aberdeen City Council. Advice is therefore general in nature, but highlights the following general needs:

- An area of hard standing at storage and collections point(s)
- Dropped kerb at proposed bin collection point
- Yellow lines in front of bin collection point
- Bin storage areas to ideally be provided with a gully and wash down facility for the interest of hygiene

**4.7 ACC - City Centre Masterplan Team** – No response.

**4.8 Aberdeen City/Shire Developer Obligations Team** – Contributions are required in relation to anticipated increased usage of the Core Path Network – specifically Core Path 91. A sum of £9,064.71 has been identified.

No financial contribution towards Open Space provision is required, as adequate provision is made within the development.

Any Strategic and Local Transportation requirements are identified and confirmed direct by Aberdeen City Council's Transportation Team.

**4.9 Aberdeen City Shire Strategic Development Planning Authority (SDPA)** – Restates earlier position that the development in its current form and location does not accord with the Strategic Development Plan (SDP), would result in the loss of 25ha of Green Belt land and the coalescence of urban areas. The development is inappropriately sited, giving rise to unsustainable travel patterns in a manner contrary to the modal shift sought by the SDP. Further, there would be a negative impact on the city centre.

The following specific points are also made within the SDPA's most recent response:

- It has not been demonstrated that co-location is necessary. Whilst the additional information highlights issues of deliverability with sequentially preferable sites, the consideration of alternatives has been undertaken on the basis of fixed requirements for a certain size of site, rather than on the basis of site suitability. SDPA reiterates its view that the sequential test should be carried out on the basis of separating the stadium and training facilities.
- It is demonstrated that there is not a suitable allocated site of 25ha within Aberdeen City.
- Submissions contend that there is insufficient developable land available at Loirston to build stadium and required parking – agree that this seems to be the case.
- Suggests it is unlikely that the pedestrian footbridge will be sufficient. Notes that design shows no disabled access, but assumes this could be addressed through assessment of a specific planning application for the bridge.
- Previously raised concerns regarding loss of jobs in Seaton and impact on City Centre from lost revenue. Aberdeen and Grampian Chamber of Commerce (AGCC) new material suggests more jobs would be created than envisaged by the earlier EKOS report. Notes that this more optimistic view is based on a series of assumptions. Job losses and loss of

revenue is presented as low in context of overall North East economy, but these are still potentially significant to small enterprises. Discussion of benefits focuses on Kingsford and for AFC, but given the increased focus on the regeneration of Aberdeen city centre and recognition of its value as a regional asset, the loss of employment and business revenue seems to undermine such efforts.

- The assumptions made in relation to additional events suggest a greater intensity of use, and would appear to contradict the applicants' assertion that it would be an intermittently used facility,

Points raised in earlier responses include the following:

- Highlights that the Development Plan applicable is up-to-date and notes the purpose of the SDP to focus the right development in the right places and to prevent inappropriate and poorly located development.
- The plan explicitly supports the principle of the development of “a new community stadium, a regionally important facility which will bring economic, social and cultural benefits” (para 3.24, Diagram – p13 and Schedule 2). Two possible locations are identified – on and around the current stadium site at Pittodrie / Kings Links and to the south of the city as part of the Loirston development.
- Improving and modernising the facilities of Aberdeen Football Club are supported by the SDP, as is the provision of community facilities.
- The application is clearly a high footfall generating use. The sequential approach to site selection and associated policy framework are therefore key to the determination of the application.
- Scottish Planning Policy states that uses which generate significant levels of footfall should use a sequential test to demonstrate that sequentially preferable sites are not available. The necessity of a footbridge over the A944 to cope with the scale of fans seeking to cross the road is an indication of the footfall generated. No indication is given as to its potential visual impact on this important entrance to Westhill.
- Comparisons are made to green belt designations at Bellfield Farm and Loirston, however it should be clarified that Bellfield was approved under Structure Plan policy at that time which explicitly allowed an exception to the greenbelt policy (if there were to be a successful Scottish bid to co-host the Euro 2008 football tournament), while the Loirston site was approved in the context of an allocation in a proposed LDP as a material consideration. No equivalent policy provision or emerging allocation exists in this instance.
- Highlights that evidence of benefits to the club from co-location in no way justifies the need to have co-location but merely that it is preferable for the club. In light of this, the sequential test should be approached on the basis of separating the stadium from the training facilities. The applicant has not effectively discounted the availability of alternative and sequentially preferable sites if the different uses proposed were to be provided for separately. As a consequence it does not follow the sequential ‘town centre first’ approach of SPP or accord with the aims and objectives of the SDP.
- Notes that the introduction of a new pedestrian bridge as mitigation for access issues further complicates the assessment process, as this has not been assessed in terms of its capacity, visual impact or deliverability as part of this application.

**4.10 Aberdeen International Airport** – No objection to the proposal, having examined on the basis of aerodrome safeguarding criteria.

**4.11 Aberdeenshire Council** – Aberdeenshire Council maintains its objection to the development for the reason given below:

*Aberdeenshire Council object to the application on the grounds that the proposal in its current composition and location would be contrary to the Aberdeen City and Shire Strategic Development Plan (2014) which was up-to-date and relevant to the application. The proposal would result in the loss of greenbelt land, the coalescence of urban areas, inappropriately located development giving rise to unsustainable travel patterns and have a negative impact on the City Centre in terms of its mix of uses and lost revenue. The application is contrary to the development plan and it is not considered that sufficient material considerations have been demonstrated that indicates the application should be supported.*

The following comments are made in relation to matters raised by the new supporting statement (November 2017):

- Notes that the Supporting Statement asserts that the stadium and training facilities would each require at least 12.5ha, which appears excessive compared to the requirements of other clubs;
- Notes further information provided to evidence issues with the delivery of the development at Loirston and King's Links, and highlights that it will be for Aberdeen City Council to assess the merits of the case put forward.
- Highlights that the work of the AFC Community Trust must be recognised and commended. Notes however that access to facilities for community use unrelated to the AFC Trust is unclear (e.g. access for residents and local community or sports groups).
- The new economic analysis prepared by Aberdeen & Grampian Chamber of Commerce suggests that substantially more jobs would be supported by the proposed development than had been anticipated in the earlier EKOS report. This appears to be based on some major assumptions around the ability of AFC to attract major events on an annual basis. Recognises that opportunities would arise from a new stadium development, but notes that other scenarios are possible. Whilst the AGCC analysis is more attractive and if realised would create many more jobs, some assumptions made are optimistic. Conversely, notes that the 'do nothing' scenario appears to predict a steady decline in attendance from the current base of 13,083 to 8,500-10,000, with a consequent effect on figures quoted for jobs sustained and GVA (Gross Value Added).
- Aberdeenshire Council does not agree that the pedestrian capacity of the proposed footbridge over the A944 has been demonstrated to be sufficient. Assumptions within the Transport Assessment with regards to the level of traffic generation do not fully reflect the potential traffic levels or resulting pedestrian flows associated with the full extent of available parking in Arnhall or a lack of delivery/enforcement of a Controlled Parking Zone (CPZ) in Westhill. Notes also that there is no form of crowd control designed into the layout of the footbridge, and that its current design demonstrates a lack of compliance with national standards, which would present a real disincentive to many users, especially those with reduced mobility and similar disabilities.

- Previously stated concerns in relation to traffic impact, controlled parking zone, impact of a pedestrian overbridge as an entrance to Westhill, and the potential negative impact on Westhill town centre on match days remain applicable.

In relation to the further information submitted, the following comments are added to supplement the initial objection:

- The statement submitted in relation to 'Co-location, Site Selection & Sequential Test' focuses on benefits of co-location, and the over-riding justification appears financial. The scale of unallocated site required for co-location is extensive and the justification put forward is not persuasive.
- The submitted Transportation Response; Travel Plan Framework; and Technical Note: Updated Shuttle Bus Strategy do not address the underlying reasons for Aberdeenshire Council's earlier objection.
- Specifically, the proposed Controlled Parking Zone (CPZ) lies wholly within Aberdeenshire, and its promotion would therefore require the creation of Traffic Regulation Orders (TROs) under the relevant Roads legislation in order to be legally enforceable. Those Orders can only be promoted and implemented by Aberdeenshire Council and would require statutory consultation and committee approval. It is the view of Aberdeenshire Council that, should Aberdeen City Council be minded to grant planning permission, the identified impact must be mitigated through a legally enforceable CPZ that remains in perpetuity and is funded by the applicant. The arrangements for this would need to be demonstrated and considered acceptable by Aberdeenshire Council.
- The proposed footbridge over the A944 lies partly within Aberdeenshire and partly within Aberdeen City. Aberdeenshire Council has concerns about this element of the project, and highlights that such a structure would require planning permission in its own right and could not simply be conditioned. In the event that the City is minded to grant permission, this could only be possible if the bridge can be delivered. Aberdeenshire Council would have a role in determining any application, but has not had the opportunity to fully consider the acceptability of such a bridge in this location. The deliverability of both the CPZ and the pedestrian bridge is questioned, and the risk of significant adverse impacts to the Aberdeenshire transport network remains too great for the proposal to be accepted.
- Restates position that the economic impact on Aberdeenshire is likely to be fairly modest. Notes that there is no specific consideration of the impact on Westhill town centre, and highlights that negative impact due to loss of trade from customers avoiding or being unable to enjoy the existing level of convenience is an area of concern.

#### **4.12 Archaeology Service (Aberdeenshire Council) – No objection.**

Highlights earlier pre-application discussions with the appointed archaeological contractor. Notes that a review of ground investigations and known activity within the development site has established that significant soil moving and dumping has occurred across the site in the past (in places up to 7.2m in depth) and that this negates any requirement for archaeological evaluation, as reflected in the recommendations of the submitted Environmental Statement. On that basis, no further archaeological mitigation is required and no conditions relating to archaeology are recommended in this instance. This position was reaffirmed on 24.5.17, following re-consultation.

**4.13 BP Exploration Operating Company (North Sea Infrastructure)** – No comment on the proposal. Note that the safety and engineering integrity of the BP Forties Pipeline will not be affected. Highlights that any service routing should take account of the pipeline servitude. On subsequent re-consultation, position remained unchanged from that previously stated.

**4.14 Community Council: Kingswells (KCC)**– Object and recommend that the application be refused. Initial response highlighted the following areas of concern:

- Breach of planning policy and creates a legal precedent for other future departures from the agreed SDP and ALDP
- Coalescence between Westhill and Kingswells
- Visual impact – stadium not suited to a semi-rural area
- Site selection process is flawed and does not adopt sequential approach or adequately consider alternatives
- Necessity of co-location has not been established
- Contrary to principles of City Centre Masterplan
- TA makes sweeping assumptions that favour the development, uses questionable sources and appears reliant on a supply of buses which exceeds the capacity locally available and on the use of existing park and ride facilities.
- Highlights that the majority of fans will drive if the opportunity exists and bus services are not sufficiently frequent or convenient
- Notes that AFC would be the main beneficiary of the development, with detrimental impact on the local communities involved.

Following the submission of additional information (May 2017), Kingswells Community Council stated that there was nothing within these documents that altered the views expressed in the initial submission. The following further points were also raised:

- Conflict with the Development Plan was reiterated.
- Huge visual impact of the development within a semi-rural landscape, along with associated 'sky-glow' impact
- Disturbance arising from the Fanzone, particularly if audio-visual or live performances were held in this area. Lack of adequate mitigation proposals for any such noise disturbance. Noise impact may also arise from use of training facilities.
- Acknowledge that biodiversity impacts are likely to be small, with some benefits from planting proposals.
- Queries the assumptions made about the implications of remaining at Pittodrie, and notes lack of convincing evidence that co-location of training facilities is essential.
- Queries the applicants' statements that the city centre would not suffer economically and highlights the limited job-creation associated with the proposal.
- Queries the rationale for moving Community Trust facilities outwith Aberdeen.
- Queries the methodology used in the submitted Transport Assessment, which may have included development that is no longer proceeding.
- Highlights that the fan survey was based on travel to Pittodrie, rather than Kingsford, and that the Transport Assessment is based on 2.9 persons per vehicle, which seems unrealistic and results in vehicles being understated.
- Concerns that streets within Kingswells, close to the Park and Ride site, would be affected by supporter parking.
- Remain unconvinced that an outdoor Fanzone will be effective in extending fans' arrival/departure times, particularly during bad weather and mid-week fixtures.

- State concerns about the number of pedestrians crossing the A944, and highlight the need for an overbridge or underpass to address this.
- States that AFC should be responsible for any costs associated with the modification of the A944, including pedestrian crossing points.

In response to the most recent submissions (November 2017), KCC makes the following points:

- Acknowledges a range of differing views held within the local community, and states that the KCC response does not represent the views of all within the community or within KCC.
- The KCC retains its position of objection.
- Reiterates conflict with Green Belt policy NE2 and expresses concern regarding a precedent being set for Green Belt development. Considers that there is no mitigation possible for the loss of this Green Belt land. States that the Green Belt land remaining after the proposed development would not be able to fulfil the intended function of Green Belts.
- Fixed 25ha land requirement – Queries AFC’s stated requirement for 25ha of land which, if separated would require 2no separate sites of 12.5ha. Suggests that the area of land required for any given development is dependent on site layout, and that it may well be possible to accommodate either the stadium or training complex on a site of less than 12.5ha. There is no evidence that smaller sites have been considered, and it appears that the site selection process was carried out retrospectively using the area of the Kingsford site as a fixed requirement.
- Pedestrian bridge – note that the walking speed for crowded situations which is used by AFC is specifically and explicitly intended for scenarios where walking on level ground, but has been applied inappropriately to a scenario involving stairs. This serves to overstate the capacity of the bridge. Suggests that a lower walking speed would require a wider stair of circa 8m to provide adequate capacity. Suggests that an underpass may be a better solution. If a bridge it to be progressed, options for the use of a ramp should be considered.
- Economic Benefit – the evidence base for this assessment is not transparent. Highlights perceived discrepancies in the statements of economic benefit made by Aberdeen & Grampian Chamber of Commerce (AGCC). Suggests that the figures quoted for jobs are unlikely to be realised, and that there would be minimal job creation directly associated with the development. Highlights that the statement of economic benefit does not account for the cost to the local community, including travel delays. KCC considers that the economic benefits are largely to AFC itself, and the benefits of the development do not outweigh the loss of Green Belt land.
- Transport Assessment – reiterates concerns relating to the Transport Assessment and the development’s reliance on car-borne travel. Highlights the potential for additional use of off-site parking to further increase congestion. Notes that AFC make reference to concerts in their economic benefits assessment, but there are not factored in to the transport assessment or pedestrian overbridge design.
- KCC accepts that the proposed development would be of benefit to the local community in providing public access to those new facilities;
- Oil and gas pipelines – highlights the recent leak from a pipeline near Netherley, which has required road closures and house evacuations. Acknowledges that the likelihood of a leak is very small, but the potential harm could be catastrophic. Suggests that the proximity of the stadium to existing pipelines warrants review in this context.

**4.15 Community Council: Cults, Bieldside And Milltimber**– Identifies potential impacts around Noise, Air Quality and Transportation during the construction phase, followed by Noise, Air Quality, Transportation and parking associated with the day to day use of the Stadium and its associated facilities thereafter. In addition there will be the impact of Match Days.

Air Quality - proposed mitigation measures are satisfactory providing they are strictly followed and monitored during the construction phase. Subsequent to construction heavy traffic at Match days could potentially affect air quality and recommend an air monitoring station or stations are installed in appropriate positions to provide ongoing information.

Noise and Vibration – Agree that noise and vibration during construction will be minor adverse. Also agree that noise levels during ongoing future operation of the Stadium will be major adverse particularly during match days and other activities in the Stadium. This will include crowd, PA noise and traffic noise, which will have a major impact at weekends. Traffic noise will affect large areas of Westhill as drivers seek parking places on residential streets. Feel that there is no satisfactory answer to this and if the Stadium Project is approved this will be a major source of complaint for future years.

Traffic - Agree that during Construction, if properly managed, the effects of traffic will not be excessive. Express concern however about traffic, transportation and access during future operation of the Stadium. Consider that the predicted traffic volumes are based on a road traffic survey carried out at the depth of the oil industry downturn, which is therefore not representative of the traffic that can be expected in future years around Westhill.

Traffic volumes will be high on match-days and parking for private vehicles will cause serious issues, particularly at weekends. Unless the police and Local Authorities strictly control it, the roads around Westhill will become heavily congested. Additional bus services will be required. High traffic volumes may also result in increased risk to pedestrians and cyclists.

Highlight the importance of a robust traffic management system, with key roles for both police and local authorities. A further option maybe to consider building another park and ride facility close to the stadium to serve it and Prime 4 & 5 projects.

Planning – Identifies conflicts with Policy NC5 Out of Centre Proposals in relation to accessibility via sustainable transport and adverse impact on travel patterns and air pollution.

Notes the limited information available within the submitted ES in terms of transport strategy, specifically in relation to the delivery of public transport services sufficient to meet match day requirements. Potential conflict with Policy T2 Managing the Transport Impact of Development.

Policy NE2 Green Belt – Green space will be lost to the development so an exception to this policy would be required. If the proposed development were limited to the establishment of training pitches and associated facilities, with the existing stadium at Pittodrie being retained and redeveloped, then there would be less concern over loss of Green Belt. A redevelopment at Pittodrie would probably remove many of the concerns raised by Westhill residents and provide a better solution for all.

A second response following the submission of additional information raised the following further points:

No objection to the construction of a new stadium in principle. Note proposed traffic management proposals and suggest conditions relating to the following matters:

1. Seating design – all the terraced seating in the stadium should have a C value of at least 120 mm. It seems completely illogical to design a brand new stadium with sub-optimal viewing (optimal viewing standard 120mm) for what looks like nearly half the total number of spectators. If Aberdeen Football Club (AFC) is going to be allowed to build the stadium, make sure they do it to a standard that reflects well on the city.

2. Spectator Transport – any planning permission granted should include the condition that requires AFC to demonstrate that bus transport contracts which are capable of transporting spectators as set out in the Transport Assessment Addendum May 2017 are in place before the stadium can be used for matches. The suitability of the bus arrangements should be monitored at regular intervals.

3. Traffic Management - any planning permission granted should include the condition that AFC fund any required traffic management measures, either new traffic signals at junctions or police support at key junctions on match days, to minimise traffic queues and waiting times. The traffic assessment suggests the potential queues and waiting times at some junctions would be excessive and unacceptable without traffic management.

4. Bus Lanes – the traffic assessment makes it clear that the creation of bus lanes will severely impact traffic movement and bus lanes should not be introduced on the roads around the new stadium.

**4.16 Community Council: Westhill and Elrick (W&ECC) – Do not believe that the proposed site at Kingsford is suitable.**

Main concerns include loss of green belt land; impact of high car numbers on local infrastructure including both the A944 and roads and streets within Westhill, the lack of adequate community facilities within the proposal, and the economic impact on both Westhill and the City Centre

Overall, WE&CC believe that:

- Green belt land should be protected, and therefore not built upon under any circumstances. The proposed site currently protects the boundary of Westhill, ensuring no coalescence of Westhill and Kingswells.
- Any building on this site would encourage further ribbon development along the A944, setting a dangerous precedent for the future.
- Any building on this site may increase the risk of flooding to nearby residential properties.
- Nearby properties would also be hugely affected by both noise and light.
- Alternative sites have not been suitably considered, and do not see any reason why the stadium and training facilities must be co-located.
- This site is not appropriate for this development.
- The Transport Assessment for this planning application is highly inadequate.
- The large increase in traffic that this development would bring would lead to extreme congestion both on the already busy A944 and the AWPR.
- Access for emergency service vehicles is extremely unclear.
- Parking is another huge concern, with insufficient guaranteed spaces provided.
- The proposed addition of off-site spaces leads to further concerns over sustainability and pedestrian safety.
- This proposal is contrary to the National Transport Strategy, and would rely heavily on car usage rather than sustainable transport.
- The impact of such high levels of traffic on the surrounding inadequate infrastructure causes W&ECC great concerns, especially regarding congestion.
- Overall, W&ECC believe that:
- The detail of this application shows limited facilities for community use and a lack of facilities for anything other than football.
- There are major concerns regarding accessibility and affordability of the proposed facilities for community use.
- The AFCCT have done a lot of good work throughout Aberdeen City and Shire, however

could be located anywhere, and may benefit from being in a more accessible location nearer the city centre.

- Whilst this proposal could create jobs in the construction phase, the long term net gain of 30 part time or seasonal jobs is extremely disappointing.
- The detrimental impact that this development would have both on local businesses in Westhill and many city centre businesses is highly concerning, and goes against the City Centre Master Plan.
- On the general economic impact, W&ECC hope that these facts will be taken into consideration when a decision is reached regarding this application.

In response to additional information, the Community Council added the following comments:

- Car parking remains a huge concern. Note that off-site car parking has not been guaranteed.
- Notes that fan survey undertaken indicates 90% of those who drive to the stadium will park within a 20 minute walk. Streets and public car parking in Westhill and Kingswells will therefore be heavily used by fans, impacting on local residents and businesses.
- In the survey by Aberdeen & Grampian Chamber of Commerce (AGCC), it was stated that 61% declared their preferred method of transport was by car, confirming what we had suspected.
- Disagree with encouraging the use of the park and ride facilities for private car parking, as this disadvantages other members of the public.
- AWPR is not designed to facilitate development, but to alleviate congestion around Aberdeen. The development would add a large volume of traffic to these roads, to the detriment of local communities.
- Concerns raised by some Community Council members regarding the independence of the survey carried out by AGCC.
- W&ECC does not agree that this development would be beneficial for the local community on a socio-economic level, and considers that such claims are greatly exaggerated.
- Appreciate the great work done by the Community Trust, but do not believe the assertions that our local community will benefit in a significant way.
- Highlight an objection from the owners of the local shopping centre, which expressed concerns regarding the impact on local retailers and businesses. The creation of a Fanzone within the development only adds to these concerns, as fans would be encouraged to spend their time and money within the site, reducing any economic benefit to local businesses.
- Consider that there would be huge disruption to the local community on matchdays. Notes that a capacity crowd would exceed the population of Westhill & Elrick, with potential for greater attendances for events such as concerts.

In response to the most recent submissions (November 2017), the W&ECC stated that whilst this additional information adds detail to issues such as wildlife and flooding, it does not address the fundamental flaws in the application, nor the main planning policy issues outlined in W&ECC's previous objection. The further response raises the following matters:

- Retain significant concern over the loss of Green Belt land. With respect to the Dundee Tesco case cited in AFC's submissions, W&ECC highlights that the Asda development was on a large derelict site, and therefore is not directly comparable to Kingsford.
- AFC has not demonstrated a flexible approach, relying on an argument that 25ha is needed and that co-location of the stadium and training facilities is a necessity as the basis for discounting sequentially preferable sites.
- Highlights that Pittodrie is a 5.8ha site, and that a new stadium requires much less land than stated by AFC. Similarly, a training complex is estimated to require much less land

than claimed. The 25ha (or 2 x 12.5ha) stated by AFC is considered to be a vast overstatement of the land-take required.

- Queries whether Aberdeen City Council would be entitled to break the existing lease (Golf centre/driving range) at King's Links.
- New documents suggest that AFC has selected Green Belt land on the basis that it is cheaper to purchase, which is not adequate justification for the loss of Green Belt land.
- Reiterates concerns regarding ribbon development along the AWPR corridor as a result of this application being approved.
- Reiterates concerns regarding noise, light and the impact on nearby housing. Emphasises that the character of the local area would be transformed from open green space to being dominated by an illuminated stadium.
- In terms of the stated economic benefits, W&ECC highlights that the GVA and FTE figures states within Appendix P do not have verifiable sources, nor are they accompanied by calculations or tables which would allow these claims to be substantiated.
- Express concerns regarding severe negative visual impact arising from a pedestrian footbridge being erected at the entrance to Westhill, on the A944.
- Indicates that the technical data provided in support of this crossing applies to ground-level pedestrian crossings, and are not relevant to the proposed footbridge and the large pedestrian volumes associated with use of a stadium. Draws distinctions between the SECC Hydro example cited and the proposed footbridge at Kingsford.

#### **4.17 Dee District Salmon Fishery Board (DDSFB) – No objection. Offers the following advice:**

Initial consultation highlighted the absence of a survey relating to fish species and density as part of the EIA. This was identified as being necessary to allow assessment of likely impacts. Upon being re-consulted in relation to additional information, the DDSFB notes that, since installation of a fish pass in 2014, salmon have established a juvenile population along 13km of the upstream tributaries of the Culter Burn, therefore such upstream areas shall be treated as if part of the SAC. A preliminary assessment of the Brodiach Burn found no spawning habitat and little quality habitat to support salmonoids. Suitable habitat for juvenile lamprey was observed. The DDSFB suspects that the Brodiach Burn may have brown trout, lamprey and possibly eel, however this would require an electric fishing survey to confirm. DDSFB agrees with the fish survey's assessment that the watercourses are not high quality habitats, but stresses that any pollution (such as excessive sediment input from the development) may impact not only the small number of fish in the immediate area but also could damage species and habitats downstream. On that basis, effective sediment and pollution control measures are essential. No adverse impact on the water quality of the River Dee SAC should be permitted. Notes past failures in mitigation measures intended to prevent sediment pollution issues, and would welcome opportunity to work with the planning authority in ensuring that any potential impacts are effectively managed and mitigated.

#### **4.18 Health And Safety Executive – No objection, on safety grounds, against the granting of permission.**

Note the presence of two major accident hazard pipelines: the BP Forties Cruden Bay Terminal/Kinneil Terminal pipeline and the Shell Expro St Fergus to Mossmorran NGL Pipeline. The stadium itself is outwith the consultation distance of both pipelines. Other elements of the proposal lie wholly or partly within the consultation distance, as follows: training facilities; pitches for academy and community facilities; shuttle bus facilities; outside broadcast area; coach and car park areas; and access roads.

Of these, the only element that gave rise to any concern from HSE relates to queuing

arrangements for shuttle buses serving Aberdeen City Centre and the various P&R sites. Following discussion between HSE and the applicants' consultant, these concerns have been addressed and the revised site layout plan shows that the area for pedestrian access to these buses will not extend within the middle zone of the Shell pipeline.

**4.19 Historic Environment Scotland (HES)** – No objection. HES consider that the proposals do not raise historic environment issues of national significance. Highlights that this should not be taken as an expression of support, and that the application should be determined in accordance with national and local policy on development affecting the historic environment. On re-consultation on additional information, HES reiterated that position without further comment.

**4.20 Police Scotland** – No objection to the proposal, but offer detailed advice on measures to prevent crime through careful design and ongoing management, including the following key areas.

- the general layout of the site appears generally to be good from a Crime Prevention Through Environmental Design (CEPTED) perspective
- A clear boundary between public and private space would be effective in deterring or preventing intrusion. Boundary treatments should be well defined and fencing is clearly a consideration for these developments.
- Recommend the use of different road surface treatments within the development which can act as psychological boundaries between different areas, as well as being used as traffic calming measures.
- Recommend that access to designated parking areas for staff, visitors and business-related vehicles should be restricted.
- Footpaths should, as far as possible, be straight, wide and well-lit which will promote the feeling of personal safety whilst discouraging anti-social behaviour. Likewise, signage directing pedestrians and vehicles should be clear and uncluttered thereby directing them via the most appropriate route and assisting in prohibiting unauthorised persons from entering private or non-public areas.
- Planting/landscaping should not impede the opportunity for natural surveillance.
- Location and design of seating areas should be carefully considered to avoid promoting congregating in inappropriate areas – e.g. car parks.
- Recommend use of CCTV system, with coverage focused on seating areas, congregation points, parking areas and access points. Such a system should be designed in conjunction with lighting proposals for the site, which should provide uniform spread of white lighting and avoid dark spots to deter crime and anti-social behaviour.
- The external façade of buildings should avoid creating hiding places or aids to climbing.
- Storage for cycles and motorcycles should be either within a secured area or positioned so that they are in full view and subject to natural surveillance and passing foot traffic.
- Operational policing of football matches or events should be considered and the applicants are encouraged to involve Police Scotland to develop an appropriate model.

- Crime reduction/prevention measures during the construction phase should be considered by the applicants.
- The applicants are encouraged to attain the 'Secured By Design' award.

**4.21 Royal Society For The Protection Of Birds Scotland** – No objection to this proposal, providing that the breeding bird surveys were carried out in accordance with the relevant guidance.

Submitted breeding bird report does not contain information on timings of surveys and weather encountered. It was assumed that standard methodology was followed and, provided that was the case, the RSPB is satisfied that the proposed site is not of significant importance to breeding or wintering bird populations. Retain concerns regarding the use of green belt land, but recognise the efforts made to enhance biodiversity and blending the development into the landscape. The provision of various nest boxes would be welcomed by a variety of species, including bats, starlings, swifts and kestrels, as well as smaller woodland birds.

The species composition of the wildflower meadow should be chosen carefully to thrive under any anticipated shade of the trees and hedges, which are to be planted along the southern edge of the development. Suggest that the area of wild flowers could be increased significantly by creating "flowering lawns", in place of a monoculture of separate amenity grassland. Such low-growing plants can be mown when required, and would be attractive to wildlife and human visitors alike.

**4.22 Scottish Environment Protection Agency (SEPA)** – Recommend that conditions are attached to any grant of planning permission as follows:

- A condition requiring no land raising of any part of the car park area above the levels identified in plan 111644/2002 Rev B.
- Welcome the proposal to connect to public foul drainage and to avoid any doubt, ask that this be ensured by suitable condition.
- Note that under CAR SEPA cannot control quantity of discharge of surface water and hence you will need to consider conditioning this aspect
- Note that the proposals are described as "conceptual" and as a result you may wish to apply a condition to ensure that the design of any final detail is acceptable to you
- SEPA are generally content with the construction pollution prevention and environmental management principles outlined in the submission. SEPA ask that a condition is applied requiring all works to be carried out in line with the submitted Schedule of Mitigation (Chapter 14 of the ES).
- A condition to ensure Construction Environmental Management Plan (CEMP) submission for each phase of the development. For the avoidance of doubt this should cover elements such as construction SUDS and any waterbody engineering works which do not relate directly to making the site fit for its proposed use (as those relating directly to making the site fit for its proposed use will be directly controlled by us via the waste management licence).

- A condition requiring the submission of a finalised Energy Strategy which demonstrates how the development complies with Policy R7 of the Local Development Plan, the related Supplementary Guidance and the Online Scottish Government “Planning and Heat” guidance (2015). If the planning authority considers it reasonable to do so they could request this submission prior to determination as it could affect layout.
- SEPA are supportive of the 12 m wide buffer which is proposed to protect the water features and the related provisional planting proposals. SEPA ask that a condition is applied requiring full details of the finalised riparian habitat proposals to be agreed with the planning authority in consultation with SEPA. The submission should include clear plans and details for morphological improvements (i.e. measures to restore the watercourse to a more natural form), riparian planting (including of wetlands) and management proposals (including for, for example, control of non-native invasive species). This requirement will help compensate for the loss of the man-made pond and MG9 and MG10 wetland habitats on the site.

Should the planning authority be minded to grant permission without any of these conditions, SEPA’s comments should be treated as an objection.

#### **4.23 Scottish Fire And Rescue Service – No response.**

#### **4.24 Scottish Natural Heritage – No objection. Make the following comments:**

- Note that the proposal could affect the River Dee SAC designated for its freshwater pearl mussels, Atlantic salmon and otter. The site’s status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the “Habitats Regulations”) apply. Consequently, Aberdeen City Council is required to consider the effect of the proposal on the SAC before it can be consented (commonly known as Habitats Regulations Appraisal).
- Given the undertaking within the ES to install a construction phase SuDS, SNH view is that this proposal is unlikely to have a significant effect on either freshwater pearl mussels or salmon. The absence of signs of otter during the initial species walkover survey suggests that it is also unlikely that the proposal will have a significant effect on this species.
- Note the results of the wintering bird survey. Agree with conclusions and recommendations set out in the survey report. The proposal is unlikely to have a significant effect on wintering populations of greylag geese and no further consideration in relation to the SPA is required.
- Note the results of the breeding bird survey. Standard breeding bird survey guidance indicates that the second of the two visits should be carried out between mid-May and late June, and at least 4 weeks after the initial visit. In this case the second visit was carried out on 12 May and three and half weeks after the initial visit. In addition, no details are given in the survey report as to weather conditions or the times of day at which the survey was carried out. You may wish to clarify with the applicant that survey visits were carried out in appropriate weather conditions and at the optimum time of day, in order to increase confidence in the surveys conclusions.
- Note conclusions of the invertebrate survey report. SNH are not aware of any particular sensitivities associated with the site.

- The reptile survey was carried out between early and mid-May. While this is within the 'active period' for reptiles, SNH note that weather conditions during survey visits, particularly temperature, were marginal in terms of being suitable to find reptiles. However, provided the approach outlined in the ES to dismantle possible refuges 'by hand where possible or slowly by machine' then adverse impacts on reptiles are likely to be minimal. As set out in SNH's earlier letter, they advise that where possible refuges are to be dismantled 'slowly by machine' this should be done in the presence of an observer who is in a position to see any reptiles exposed by the work.
- Suitably designed SUDS will ensure the protection of the River Dee Special Area of Conservation (SAC). SNH do not wish to comment on the proposed SUDS; and are content that the Council satisfy itself that it is adequate, with advice from SEPA, if required. SUDS features can contribute to the biodiversity interest of a site. SNH therefore recommend, for example, the use of native species in swales.

**4.25 Scottish Water** – No objection to the application. Notes that there is currently capacity in the Invercarnie Water Treatment Works to service the proposed development, however there may be insufficient capacity in the Nigg PFI Waste Water Treatment Works to service the development. Highlights that capacity cannot be reserved prior to planning permission being granted.

**4.26 Sport Scotland** – No comments to make on the proposal, on the basis that there are no existing uses on the site in respect of which Sport Scotland is a statutory consultee.

**4.27 Shell UK Exploration And Production** – No objection.

Note that development is outside the Shell pipeline servitude, and will have no impact on the pipeline. Note that construction works and any service routing should take account of the Shell pipeline. That position is restated in later response.

**4.28 Transport Scotland** – Recommends that any permission granted by the planning authority is subject to the following conditions:

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

The Transport Management Strategy shall incorporate a monitoring and review process to be undertaken for each match day / event held at the Stadium. Where this review process identifies issues with the existing Transport Management Strategy, the applicant shall submit proposals to address these issues to the Planning Authority who, in consultation with the relevant Roads Authorities (Transport Scotland, Aberdeen City Council and Aberdeenshire Council) and Police Scotland, shall approve amendments to the Transport Management Strategy for subsequent events.

(b) Specifically, with regards to the trunk road network, the Transport Management Strategy shall identify the procedures for managing queues before and after matches on the A90 slip

roads at the AWPR / A944 Kingswells South Junction, for example, through traffic signal control or manual control by Police Scotland. Where permanent traffic signal control is proposed, the layout design and specification shall all be approved in writing by the Planning Authority, following consultation with Transport Scotland and Police Scotland, and thereafter installed to the agreed plans prior to the development becoming operational.

*Reason:* To minimise interference with the safety and free flow of traffic on the trunk road network.

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

*Reason:* To minimise interference with the safety and free flow of traffic on the trunk road network.

## 5. REPRESENTATIONS

---

A total of 10,705 valid and timeously made representations have been received in relation to this application. Of these representations, 5,693 (53.2%) are in support of the proposal, 4,992 (46.6%) state objection, and 20 (less than 0.2%) are neutral in content.

The matters raised in representations can be categorised into a series of general topics and summarised as follows.

### 5.1 National, Regional and Local planning policy

- *Contrary to Scottish Planning Policy (SPP);*
- *Contrary to the Strategic Development Plan (SDP) – it would be contrary to the sustainable development and quality of environment objectives/ policies;*
- *Contrary to the majority of policies contained within the current Aberdeen Local Development Plan (LDP), which is up to date having been adopted in January 2017;*
- *The site is not allocated for development, represents a significant departure from the LDP and is contrary to greenbelt policy by failing to meet any of the requirements identified therein;*
- *The proposal fails to embrace the function of the green belt to provide a buffer between communities and would result in continuous ribbon development along the north side of the A944*
- *The refusal of two previous planning applications (golf driving range and housing development) adjacent to the application site has set a precedent;*
- *The loss of farmland;*
- *The proposal is contrary to the ‘town centre first principle’ in National Planning Framework 3 (NPF3) and SPP;*
- *An out-of-town ‘significant footfall generating development’ is contrary to the aims of the City Centre Masterplan to regenerate Aberdeen city centre;*
- *The site will unlikely remain as green belt in the future;*
- *The site is not green belt but ‘brownfield’, and should be re-classified as such;*
- *The unique nature of the proposal is such that it would not set a precedent;*
- *The Council has shown with previous planning applications that they can make the case to “be flexible”, where they deem it necessary;*
- *The proposal is contrary to Policy NC5 of the LDP as suitable alternative sites are identified in the development plan (King’s Links and Loirston), there would be an*

*adverse impact on the vitality and viability of Westhill, there is no proven qualitative or quantitative deficiency of this kind of development, it is in an unsustainable location and would result in local economic losses.*

## **5.2 Co-location, site selection and sequential approach**

- *The applicant has concentrated on co-location of a stadium with training facilities, making the search for a 25 hectare site their goal, rather than two separate sites;*
- *A compelling case for the co-location of a stadium and training facilities has not been made;*
- *Kingsford is "the wrong location" for a new stadium. The site selection report shows no clear reason why Kingsford is the preferred site;*
- *The site been chosen for financial reasons only, it is about making money for developers;*
- *Very few people in the local area want the stadium;*
- *The adopted, and up to date local plan identifies Loirston for a community stadium;*
- *There is no legal difficulty in using Common Good land at King's Links;*
- *The 2008 Aberdeen Community Arena Full Business Case did not see the King's Links lease as an insurmountable barrier – it made proposals for the relocation of the golf driving range as part of site acquisition;*
- *Co-location of training facilities, youth academy, community facilities and stadium is essential to the Club's future on and off the pitch;*
- *Nowhere in the city centre is large enough to accommodate a stadium;*
- *The need for co-location is a matter for AFC alone and should not be scrutinised by the Council;*
- *A review of any contract between ACC and Craig Group should be carried out to explore the opportunity for ACC to cancel the lease of the driving range area for the "greater good" in order for a King's Links development to take place;*
- *The justification for site selection appears to be financial;*
- *AFC has adequately demonstrated that that King's Links and Loirston cannot be delivered;*
- *In terms of impact on the greenbelt, co-location is the preferred option rather than having two separate greenbelt sites;*
- *12.5 hectares for each element of the proposal (i.e. stadium and training facilities) is based purely on 'want' rather than 'need' - a review of stadia across Europe shows that a site of 8 hectares is more than sufficient for a stadium, for example Bristol City (27,000 capacity) sits in 3.8 hectares, Chelsea (41,663 capacity) 3.3 hectares, Rangers FC (50,817 capacity) 6.6 hectares, Arsenal (59,817 capacity) 8.0 hectares, Real Madrid (81,044 capacity) 7.2 hectares;*
- *The justification for site selection appears to be mainly financial rather than based on the most appropriate location – a site that is 'financially' lucrative/ available site does not make it sequentially preferable;*
- *The cost to purchase land identified for development is not a material consideration*
- *No data has been presented to determine the impact on communities and businesses around Pittodrie;*
- *The assertion that AFC cannot afford to build on the designated areas (Kings Links or Loirston) is not a justification to remove the last area of greenbelt between Westhill and Kingswells or for discounting other more sequentially preferable sites;*
- *The added value of co-location is grossly over stated by the club and it is clear that most other greater clubs operate successfully across separate sites;*
- *The "benefits" of co-location are presented as an emotional sales-pitch rather than having demonstrably positive impact on the community;*
- *Co-location of the training facilities and the stadium is extremely beneficial as transportation costs and time will be greatly reduced compared to a split site facility;*

- *AFC has not demonstrated sufficient flexibility (as required by Scottish Planning Policy) and no due consideration of alternative sites and that the case for colocation of facilities is not successfully justified;*
- *The validity of statements by applicant that Pittodrie does meet UEFA requirements is questioned – the pitch size exceeds the minimum UEFA requirement for domestic play. Many teams across Europe have pitches that do not fully meet the International play requirements (e.g. Liverpool, Chelsea, Hearts, Dundee and Dundee United) yet they regularly accommodate European football.*

### **5.3 The Environmental Statement (ES) and environmental impacts**

- *Deficiencies in the ES – it is not comprehensive, it is inaccurate and misleading;*
- *Significant impacts to local wildlife and protected species – loss of wildlife habitat through reduction in biodiversity;*
- *Impact on the flight path of geese;*
- *The proposal would cause light pollution;*
- *Negative impact on air quality;*
- *Impact on the Local Nature Reserve;*
- *Impact on water courses & water quality;*
- *Impact on the flora & fauna within Denman Park;*
- *The surface water drainage proposals are unrealistic;*
- *The foul drainage proposals are unclear, there appear to be different proposals for this within the Drainage Assessment and Environmental Statement;*
- *The ES is comprehensive and proposes suitable mitigation to deal with any adverse impacts;*

### **5.4 Transport, accessibility and sustainability**

- *Unsustainable location – car-reliant development. The transport strategy does not offer the sustainable transport arrangements that would be needed to support a development in the Green Belt;*
- *Local transport links are inadequate (bus, walking, cycling and rail) and thus will be inaccessible for many supporters;*
- *The proposed development is contrary to the Aberdeen City Council Local Transport Strategy and the NESTRAN's Transport Strategy;*
- *Major traffic holdups on the A944 as a result of queuing traffic waiting to enter/ exit the development site;*
- *Potential for significant tailbacks at the AWPR junction, its slip roads and carriageway at peak times;*
- *The purpose of the AWPR is to alleviate traffic congestion in the City Centre, not to facilitate further development;*
- *Concerns regarding the TA – it may not be accurate, it takes no account of the effect of committed future significant developments in the vicinity;*
- *Whilst the applicant may have applied the HM treasury Green book Appraisal and Evaluation to the economic assessment, they did not apply the relevant guidelines to their supporter travel and shuttle bus strategy tables, which is a serious omission, as any significant variations in the numbers using shuttle buses will likely have direct and adverse impact on the number of supporters seeking to park at Kingsford;*
- *AFC's baseline figures for supporters seeking on-site or off-site parking sets an inordinately low expectation of the numbers who will travel by car. For an average match attendance,*

*the number of cars seeking a parking space over and above planned is likely to at least 1,000 cars. For a full capacity match, additional parking is likely to 4,000-6,000 cars;*

- It is remiss of the club to not apply a sensitivity analysis to the number of supporters either estimated or assumed to be driving to matches – sensitivity analyses carried out by NKS indicate that the number of cars for which parking has been provided could range between 1,000 and 3,500;*
- The impact on road safety and public safety due to additional traffic;*
- The developer should have to pay for all infrastructure / road improvement costs;*
- There are not enough local buses or drivers to cater for the proposed transport strategy;*
- Additional vehicular journeys to the site would cause greenhouse gas emissions;*
- During match times access for emergency vehicles will be impeded;*
- The suggested modal shift away from the car is unrealistic;*
- Insufficient on-site car parking;*
- There will be significant overspill car parking into adjacent residential areas;*
- It is human nature to seek to park as close as possible to the end destination and thus supports may not try to use the Bridge of Don and Dyce P&R facilities;*
- Parking restrictions should not be imposed on residents;*
- The implementation/ management of a future Controlled Parking Zone (CPZ) has not been adequately addressed/ explained;*
- The CPZ is unenforceable;*
- A 30 minute walk-time CPZ would result in restrictions being placed on 43.9km (27.2 miles) of streets in Westhill – it would take at least 2.2 police officers walking non-stop for 4 hours each to cover the required ground;*
- The applicant has not committed to operate the CPZ in perpetuity (only a 5 year commitment is offered);*
- No guarantees from Police Scotland that indiscriminate parking would be adequately policed;*
- No practical and manageable transport strategy that could cope with the number of fans attending games given the site geography and possible traffic flows;*
- There are already 13 sets of traffic lights between the Kingsford and Anderson Drive;*
- Thousands of vehicles would require parking spaces out with the stadium, resulting in indiscriminate parking within shopping centre car parks and residential streets;*
- Residential property would be inaccessible from the A944 due to increased traffic associated with the development;*
- Westhill would be “gridlocked”;*
- Additional traffic will cause further disintegration of road surface and potholes;*
- Reduced accessibility as Park and Ride buses to Kingswells/ Aberdeen are going to be stopped;*
- Overspill parking within Arnhall would restrict the number of spaces available to employees;*
- Limited number of bus stops along the A944;*
- Amenities afforded by the Core Paths network in the area would be negatively affected;*
- The proposed shuttle bus system will not be the first choice for most travelling fans. Many reasons why supporters would not use shuttle buses – waiting in the cold, sitting on a shuttle bus in slow traffic for anything from perhaps 60min to 90min, people not happy with behaviour of other passengers, the large number of supporters having to wait at end of game for a shuttle bus;*
- No transport strategy for “other events” has been provided;*
- Concern about access to Hazlehead Crematorium during match days;*
- The new AWPR will provide excellent accessibility for both home and away fans coming from areas to the North, South and West;*
- Proposed stadium will remove congestion from city centre on match days;*
- Traffic matters would prevail no matter where the development is located;*

- *Impacts would be limited to match days to match days/ events “a handful” of events throughout the year;*
- *The submitted TA and TAA fails to comply with planning policy; does not demonstrate a sustainable and accessible development; underestimates the traffic generation through the applied methodology; breaches maximum parking standards and is confusing, contradictory and lacking in detail;*
- *Corporate and hospitality figures are “vague”;*
- *Arrangements surrounding parking provision at Arnhall have not been adequately detailed or explained, including pre-match drop-offs;*
- *No direct or related away-support coach data is present within the TA model;*
- *The TA takes no account of weather patterns and how these may impact on traffic;*
- *The Prime Four “retail complex” application has not been properly considered within the TA;*
- *It is unclear why a figure of ‘3 persons per car’ has been used;*
- *Network disruption during both planned construction phases;*
- *The submitted TAA presents a travel pattern for supporters which places an over reliance on early arrival and use of buses at capacity or greater;*
- *The Aberdeen and Grampian Chamber of Commerce (AGCC) Supporter Survey was not independent;*
- *The supporter survey has not sought the opinions of visiting teams’ supporters;*
- *The proposed pedestrian footbridge will not be used, instead, visiting fans will just run across the road;*
- *An underpass should be built instead of a pedestrian footbridge;*
- *The proposed bridge over the A944 at entrance of Westhill is intended to support unsustainable transportation provision/parking;*
- *The pedestrian bridge design is not fit for purpose (lack of disabled access);*
- *A new bridge will need to be of very high architectural standards, aesthetically pleasing and provide some built landscape merit;*
- *The bridge is not enclosed and would pose a threat to traffic passing below (throwing or dropping of objects);*
- *What is the contingency if planning permission is not granted for the bridge;*
- *Who would maintain the bridge?*
- *The TA addresses only traffic arising from its own matches and not for other event at the stadium;*
- *Westhill does not have the infrastructure to cope with the volume of cars and other stadium road traffic which would add to the high traffic volumes that already exist. The influx of supporters would more than double the population of Westhill.*

## **5.5 Residential amenity**

- *Loss of a tranquil area;*
- *Noise generated from the stadium and ancillary activities before, during and after matches/ events would be heard across the wider area – insufficient evidence that noise generated from the development could be sufficiently mitigated;*
- *Light pollution emanating from the stadium and training pitches;*
- *Antisocial behaviour and increased crime within nearby residential areas before and after matches;*
- *Westhill town centre will become a “no-go” during match day for residents;*
- *Loss of a view and outlook from residential properties;*
- *Other events such as concerts will probably be given permission in future causing additional “mayhem” to residential property;*

- *The current studies do not take into account the impact of the AWPR on the community of Kingswells or Westhill;*
- *The applicant has introduced an outdoor 'Fanzone' within which noise generating activities would be held – no assessment to establish the impact on surrounding property has been carried out i.e. noise assessment;*
- *Litter;*
- *The stadium would be suitably distant from adjacent residential buildings;*

## **5.6 Design, size and scale**

- *Over development of the site;*
- *The stadium is a "carbuncle", a "blot on the landscape";*
- *The size and height of the development;*
- *The bright colour of the façade;*
- *Overbearing and incongruous development;*
- *Red cladding would be "garish" and is ill-suited to a rural landscape setting;*
- *At the Pre-Application Forum, assurances were given by AFC representatives that the proposed stadium would not be "lit up red";*
- *The proposed stadium would cast a "big shadow" over Westhill;*
- *No effort made to make the development sympathetic to its surroundings;*
- *A 20,000 seat stadium is too small – a larger stadium would provide the City and North East with a facility to host major events;*
- *A red clad stadium of the size and scale proposed would dramatically affect landscape character and would be a "blot on the landscape";*
- *The development will lead to the coalescence of the Kingswells and Westhill settlements;*
- *The proposed landscaping scheme would not provide adequate screening of the development;*
- *The design of the stadium is in keeping with nearby commercial developments;*
- *The training facilities are complementary to, and wholly compatible with a green belt setting;*
- *The proposal is an individual development that will integrate into the wide open landscape;*
- *The proposed footbridge would be an 'eyesore' and would create an opportunity for 'over-road' advertising space, to the detriment of visual amenity;*
- *The application claims that the footbridge will only be used for a minority of the games that would take place at the stadium. A permanent bridge would be put into place for little use, having an aesthetic impact on Westhill;*
- *The proposed 3m footbridge width is not sufficient to cater for the number of fans likely to use it;*
- *The claim that 12.5 hectares is required to develop a professional training facility is incorrect. Many clubs within the SPL operate successfully with training facilities of a smaller size.*

## **5.7 Economic and social benefits/ impacts**

- *There would be little or no benefit to the local economy through job creation, as there are no plans to significantly increase AFC staffing numbers;*
- *Proposal is contrary to City Centre Masterplan because it would remove a large amount of expenditure within the city;*
- *Undesirable shopping/ retail environment will restrict shoppers and impact on local businesses;*
- *Loss of city centre spend and negative impact on local business adjacent to Pittodrie;*
- *Few jobs would be created - likely part-time/ minimum wage/zero hour contracts which are of little economic benefit to a community;*
- *City centre businesses, pubs and restaurants would suffer as a result;*

- *The development would be located in an area where there is little/ no social deprivation – disadvantaging communities that need it most;*
- *The social aspects of a stadium in City Centre will be lost;*
- *The creation of suitable community facilities is vital to extend the reach of the charity (AFCCT);*
- *AFC generates money for the city as well as goodwill and feel-good factor;*
- *This facility will provide extensive business and social benefit to the City and Shire, with additional off-shoot economic benefits to the local area through employment during and following construction;*
- *The development will bring confidence to region at the current economic challenging times and will enhance the region's position as a sporting centre of excellence;*
- *Approval of the application will send a clear message that Aberdeen is “open for business”;*
- *The development represents a much-needed boost for the City in the recent downturn in the region;*
- *The proposal would result in an enhancement of facilities in NE Scotland and increase access for children and young adults to adequate football training facilities;*
- *The proposal would be more economically efficient & environmentally friendly than Pittodrie;*
- *Good for the local and regional economy in terms of job creation and revenue;*
- *Increase in programs that centre around positive activity, health & wellbeing, equality & inclusion, good citizenship and learning;*
- *Knock on benefits for the retail, leisure, hotel and hospitality sectors;*
- *Numerous opportunities for sport and will attract other events into area;*
- *A much-needed source of investment for the whole region;*
- *Would result in a significant increase in footfall within the surrounding area;*
- *Any economic benefit attributable to the development is not site specific, and would likely be realised in any location within the city;*
- *Figures presented discount the potential spending of the majority of those attending football events, which significantly undervalue the spend of those attending Pittodrie and the income generated in the wider-city centre and Pittodrie area. The assessment is flawed and lacks clarity;*
- *A great deal is made of the requirement of the charitable trust to be located at the stadium and training facilities. The idea of the trust is to reach out to disadvantaged areas. Kingsford is located between two communities in the most advantaged 20% of the population;*
- *There is no credible evidence to support the claimed economic benefits of the stadium and therefore these do not represent sufficient justification to deviate from the LDP and established green belt policy;*
- *AFC has significantly underestimated the volume of private car usage - the resultant impact will negatively affect the vitality and viability of Westhill as a Town Centre, diverting trade activity to other areas which would not be offset by any activity generated by the proposal;*
- *There has been a gross overestimated the economic benefit and that the data used by AGCC is weak. The local economic losses as a result of construction activity and match day traffic may be greater than any possible gains;*
- *There is no specific reference to the guidance used in carrying out the economic assessment, the full economic model has not been made available, the assessment is confusing and is flawed as it does not take account of ‘deadweight’, it does not review the options required by HM Treasury Green Book, the economic impact is overestimated at a city level, the projected 35% drop in attendances at Pittodrie is challenged, the vast majority of the benefits would occur anyway and the ‘Do nothing’ scenario should be a ‘Do minimum’ as a worst case scenario, which would ensure the stadium is fit for purpose, meets regulations etc.;*
- *A £1.1M per annum GVA injection cannot be deemed to be significant;*
- *The economic benefits are based on the aspiration of the new stadium hosting 6 significant new events per year;*

- *The claims relating to public benefit are spurious given the out-of-centre location and the difficulty in accessing the site, especially for those in Aberdeen's most disadvantaged communities.*

## **5.8 Safety matters**

- *The location of the development between BP Forties Oil Pipeline and the Shell Condensate pipeline represents a significant safety issue in respect of potential incidents (accidental or intentional i.e. terrorism) – T in the Park was re-located due to similar issues;*
- *The combined pavement and cycle path (Core Path 91) would be unable to cope with "potentially thousands" of supporters and conflict with existing Core Path users, resulting in safety issues associated with fast moving vehicular traffic;*
- *Safety concerns of the number of fans walking on/around a busy dual carriageway before and after the match;*
- *Lack of access/ egress points to and from stadium presents serious threat to public safety;*
- *Concerns about the capability of Police Scotland to sufficiently deploy enough officers for matches/ events at the stadium;*
- *Safety of children on matchdays;*
- *Stadium built on a previous landfill site is a concern for safety for the public;*
- *Doctors and nurses who live in Westhill would be held up on a congested network;*
- *There is no existing CCTV within Westhill – a secure CCTV system would require to be extended at a substantial cost. The application provides no information on this, or who would bear the cost;*
- *The lack of local amenities would mean that fans would be inclined to travel straight to the site and straight home following an event, alleviating potential nuisance;*

## **5.9 Other matters**

- *The pre-application consultation was inadequate;*
- *ACC should address 'false and fraudulent' representations in support of the application;*
- *The project will go ahead no matter what objections are raised as "the decision has already been made";*
- *Application is being considered by Aberdeen City Council yet major impact will be on residents of Westhill;*
- *The success of AFC results in a "feel good factor" to the City and region;*
- *Many of the objections are based on "fear of the unknown", rather than on a factual and objective basis;*
- *Many people that disagree with the building of the stadium are fans of other clubs and non-football fans, which should not be taken into consideration;*
- *Those submitting support to the application are doing so on the basis of being football supporters;*
- *The term "community stadium" is misleading – it will not be a community facility, but a commercial enterprise for AFC;*
- *Adjacent commercial units have been built within the area with little local resistance;*
- *Westhill is not part of the city as it is in Aberdeenshire, and has no right to interfere with Aberdeen City planning decisions;*
- *Increase in house prices;*
- *Development will increase localised flooding within and around the site;*
- *The stadium should be located within Aberdeen and not Aberdeenshire;*
- *Little or no public facilities within Westhill to cope with hundreds of fans;*
- *Archaeological sites like the Long Cairn and the Quakers Graveyard will be affected;*

- *Impact on water resources for the area to facilitate aspects of the development;*
- *Doubts that local clubs would be able to book and use the pitch in the stadium;*
- *The facilities would be limited to football only, precluding all other sports;*
- *A new Stadium will severely undermine the historical identity, foundations and fabric of AFC;*
- *The local Council should therefore be looking to maintain, promote, redevelop and harness this historical identity of Pittodrie;*
- *The development should not be allowed to proceed until AFC can evidence that they have a financial resources to deliver such a “mammoth” concept;*
- *The city of Aberdeen should not be giving public money/ funding to a stadium;*
- *Reduction in attendances as a result of proposed location/ proximity from city centre;*
- *If Heart of Midlothian can redevelop their stadium, why can't AFC redevelop Pittodrie?;*
- *The club has manufactured a justification for relocation by deliberately withholding routine maintenance expenditure on existing stadium;*
- *AFC is integral to the identity and reputation of the city;*
- *Without the development, AFC would cease to exist;*
- *New housing is badly needed in the centre of Aberdeen and the stadium move will open up a new area for development which will help boost the city;*
- *Details of the proposed pedestrian footbridge have not been submitted with the application;*
- *Planning permission is required for the proposed footbridge and has not been sought.*

## **5.10 PRE-DETERMINATION SITE VISIT AND HEARINGS**

Under Regulation 27 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 there was a requirement to hold a Pre-determination Hearing.

A Hearing site visit was held on Monday 11<sup>th</sup> September 2017 to familiarise members with geographical context of the site and the positioning, appearance and scale of, and means of access to, the proposed development.

A Pre-Determination Hearing (PDH1) took place on Wednesday 13<sup>th</sup> September 2017. The Hearing afforded the applicant and those people who submitted written representations on the proposed development the opportunity to present verbally their arguments/case directly to the Planning Development Management Committee, which on this occasion, was open to all Members of the Council. The minute from that hearing can be found on the Council website along with the agenda pack –

<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=5831&Ver=4>

The hearing was addressed:

- by officers from the City Council on the planning and roads considerations pertinent to deciding the planning application,
- by the applicants and applicants' representatives in terms of the merits of the proposed development
- by organisations and individuals speaking for and against the proposal including Westhill and Kingswells Community Councils and organised Groups for and against the stadium.

Members asked questions of many of the speakers.

The minute of the hearing has been scrutinised to make sure that any material planning issues and points raised in the hearing have been addressed in the evaluation of the application.

Further supporting information was lodged after that initial hearing. Neighbour notification and advertisement was undertaken in order to allow further public comment on this new material. In order to satisfy the regulatory requirement for all those who have made representations an opportunity to be heard by a committee of the Council, it has been necessary to hold a further Pre-Determination Hearing (PDH2). This took place on 17<sup>th</sup> January 2018.

## **6. DEVELOPMENT PLAN**

---

### **6.1 Aberdeen Local Development Plan (2017)**

#### D1: Quality Placemaking by Design

*All development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Proposals will be considered against six essential qualities: distinctive; welcoming; safe and pleasant; easy to move around; adaptable; resource efficient.*

#### D2: Landscape

*Developments will have a strong landscape framework which improves and enhances the setting and visual impact of the development, unifies urban form, provides shelter, creates local identity and promotes biodiversity. Quality development will:*

- be informed by the existing landscape character, topography and existing features to sustain local diversity and distinctiveness, including natural and built features such as existing boundary walls, hedges, copses and other features of interest;*
- conserve, enhance or restore existing landscape features and should incorporate them into a spatial landscape design hierarchy that provides structure to the site layout;*
- create new landscapes where none exist and where there are few existing features;*
- protect and enhance important views of the City's townscape, landmarks and features when seen from busy and important publicly accessible vantage points such as roads, railways, recreation areas and pathways and particularly from the main city approaches;*
- provide hard and soft landscape proposals that is appropriate to the scale and character of the overall development.*

#### D3: Big Buildings

*The most appropriate location for big buildings is within the city centre and its immediate periphery. Big buildings must be of a high quality design which complements or improves the existing site context.*

#### NC1: City Centre Dev - Regional Centre

*The city centre is the preferred location for retail, office, hotel, commercial leisure, community, cultural and other significant footfall generating development serving a city-wide or regional market. Proposals for new retail, office, hotel, commercial leisure, community, cultural and other significant footfall generating development (unless on sites allocated for that use in this plan) shall be located in accordance with the sequential approach referred to in this section of the Plan and in Supplementary Guidance.*

#### NC4: Sequential Approach and Impact

*All significant footfall generating development appropriate to town centres (unless on sites allocated for that use in this plan) should be located in accordance with the hierarchy and sequential approach as set out below and detailed in Supplementary Guidance:*

*Tier 1: Regional Centre*

*Tier 2: Town Centres*

*Tier 3: District Centres*

*Tier 4: Neighbourhood Centres*

*Tier 5: Commercial Centres*

*In these circumstances, proposals serving a catchment area that is city-wide or larger shall be located in the city centre if possible.*

#### NC5 - Out of Centre Proposals

*All significant footfall generating development appropriate to designated centres, when proposed on a site that is out-of-centre, will be refused planning permission if it does not satisfy all of the following requirements (unless on sites allocated for that use in this plan):*

- 1. No other suitable site in a location that is acceptable in terms of Policy NC4 is available or likely to become available in a reasonable time.*
- 2. There will be no adverse effect on the vitality or viability of any centre listed in Supplementary Guidance.*
- 3. There is in qualitative and quantitative terms, a proven deficiency in provision of the kind of development that is proposed.*
- 4. The proposed development would be easily and safely accessible by a choice of means of transport using a network of walking, cycling 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.*
- 5. The proposed development would have no significantly adverse effect on travel patterns and air pollution.*

#### I1: Infrastructure Delivery & Planning Obligations

*Development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed. Where development either individually or cumulatively will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities.*

#### T2: Managing the Transport Impact of Development

*Commensurate with the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel. Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in Supplementary Guidance. The development of new communities should be accompanied by an increase in local services and employment opportunities that reduce the need to travel and include integrated walking, cycling and public transport infrastructure to ensure that, where travel is necessary, sustainable modes are prioritised. Where sufficient sustainable transport links to and from new developments are not in place, developers will be required to provide such facilities or a suitable contribution towards implementation. Further information is contained in the relevant Supplementary Guidance which should be read in conjunction with this policy.*

#### T3: Sustainable and Active Travel

*New developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, cycling and public transport penetration. Links between residential, employment, recreation and other facilities must be protected or improved for non-motorised transport users, making it quick, convenient and safe for people to travel by walking and cycling. Existing access rights, including core paths, rights of way and paths within the wider network will be protected and enhanced. Recognising that there will still be instances in which people will require to travel by car, initiatives*

such as like car sharing, alternative fuel vehicles and Car Clubs will also be supported where appropriate.

#### T4: Air Quality

Development proposals which may have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are proposed and agreed with the Planning Authority.

#### T5: Noise

In cases where significant exposure to noise is likely to arise from development, a Noise Impact Assessment (NIA) will be required as part of a planning application. There will be a presumption against noise generating developments, as identified by a NIA, being located close to noise sensitive developments, such as existing or proposed housing, while housing and other noise sensitive developments will not normally be permitted close to existing noisy land uses without suitable mitigation measures in place to reduce the impact of noise.

#### B6: Pipelines, Major Hazards and Explosives storage sites

Where certain types of new development are proposed within the consultation zones of pipelines, major hazards and explosive storage sites, the Council will be required to consult the Health and Safety Executive (HSE) to determine the potential risk to public safety. The Council will take full account of the advice from the HSE in determining planning applications. In addition to consultation with the HSE, the Council will consult the operators of pipelines where development proposals fall within these zones. Pipeline consultation zones are shown on the LDP Constraints Map.

#### NE2: Green Belt

No development will be permitted in the Green Belt for purposes other than those essential for agriculture; woodland and forestry; recreational uses compatible with an agricultural or natural setting; mineral extraction/quarry restoration; or landscape renewal. The following exceptions apply to this policy:

1. Proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met:
  - a. The development is within the boundary of the existing activity;
  - b. The development is small-scale;
  - c. The intensity of activity is not significantly increased; and
  - d. Any proposed built construction is ancillary to what exists.
2. Essential infrastructure (such as electronic communications infrastructure, electricity grid connections, transport proposals identified in the LDP or roads planned through the masterplanning of opportunity sites) will only be permitted if it cannot be accommodated anywhere other than the Green Belt.
3. Buildings in the Green Belt which have a historic or architectural interest, or a valuable traditional character, will be permitted to undergo an appropriate change of use which makes a worthwhile contribution to the visual character of the Green Belt. Please see relevant Supplementary Guidance for detailed requirements.
4. Proposals for extensions of existing buildings, as part of a conversion or rehabilitation scheme, will be permitted in the Green Belt provided:
  - a. The original building remains visually dominant;

- b. The design of the extension is sympathetic to the original building in terms of massing, detailing and materials, and*
  - c. The siting of the extension relates well to the setting of the original building.*
- 5. Replacement on a one-for-one basis of existing permanent houses currently in occupation will normally be permitted provided:*
  - a. It can be demonstrated to the Council that they have been in continuous occupation for at least 5 of the seven years immediately prior to the date of the application;*
  - b. The replacement house, except in exceptional circumstances (e.g. to improve a dangerous access), occupies the same site as the building it would replace. Where replacement houses are permitted on sites different from the original site, the original house will require to be removed;*
  - c. Replacement houses should be of a scale, design and external appearance that contribute to the visual character of the Green Belt.*

*All proposals for development in the Green Belt must be of the highest quality in terms of siting, scale, design and materials. All developments in the Green Belt should have regard to other policies of the Local Development Plan in respect of landscape, trees and woodlands, natural heritage and pipelines and control of major accident hazards.*

#### NE5: Trees and Woodland

*There is a presumption against all activities and development that will result in the loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation. Buildings and services should be sited so as to minimise adverse impacts on existing and future trees.*

#### NE6: Flooding, Drainage & Water Quality

*Development will not be permitted if:*

- 1. It would increase the risk of flooding: a) by reducing the ability of the functional flood plain to store and convey water; b) through the discharge of additional surface water; or c) by harming flood defences.*
- 2. It would be at risk itself from flooding;*
- 3. Adequate provision is not made for access to waterbodies for maintenance; or*
- 4. It would require the construction of new or strengthened flood defences that would have a significantly damaging effect on the natural heritage interests within or adjacent to a watercourse.*

#### NE8: Natural Heritage

*Sites protected by natural heritage designations are an important consideration in the planning process. Notes the requirement for Habitats Regulations assessment in specified circumstances, and sets out that development that would have an adverse impact on designated sites will only be permitted where there are no alternative solutions and there are imperative reasons of overriding public interest, including those of a social or economic nature, and compensatory measures are provided.*

*Highlights requirement surveys, protection plans and necessary mitigation measures where there is a likelihood of protected species being present.*

#### NE9: Access and Informal Recreation

*New development should not compromise the integrity of existing or potential recreational opportunities including general access rights to land and water, Core Paths, other paths and rights of way. This includes any impacts on access during the construction phase of a development.*

*Wherever possible, developments should include new or improved provision for public access, permeability and/or links to green space for recreation and active travel.*

**R2: Degraded & Contaminated Land**

*The City Council will require that all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a level suitable for its proposed use. This may involve undertaking site investigations and risk assessments to identify any actual or possible significant risk to public health or safety, or to the environment, including possible pollution of the water environment, that could arise from the proposals. Where there is potential for pollution of the water environment the City Council will liaise with SEPA. The significance of the benefits of remediating a contaminated site, and the viability of funding this, will be taken into account when considering proposals for the alternative use of such sites.*

**R6: Waste Management Requirements for New Development**

*All new developments should have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. Recycling facilities should be provided in all new superstores or large supermarkets and in other developments where appropriate. Details of storage facilities and means of collection must be included as part of a planning application for any development which would generate waste.*

**R7: Low & Zero Carbon Buildings & Water Efficiency**

*All new buildings must meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application through the installation of low and zero carbon generating technology.*

*To reduce the pressure on water abstraction from the River Dee, and the pressure on water infrastructure, all new buildings are required to use water saving technologies and techniques.*

## **6.2 Aberdeen City and Shire Strategic Development Plan (2014) (SDP)**

The SDP sets out a series of key objectives for the growth of the City and Aberdeenshire. It is framed around a vision, spatial strategy and a series of aims and objectives; with those relating to economic growth, sustainable mixed communities, quality of environment and accessibility being the most relevant to this application. The SDP sets a strong framework for investment decisions, and its purpose is to focus the right development in the right places and to prevent inappropriate and poorly located development.

In terms of the plan's spatial strategy (p8- 23), the proposed stadium falls within the outer edge of the Aberdeen City "Strategic Growth Area" (p12-14). The plan explicitly supports the principle of the development of "a new community stadium, a regionally important facility which will bring economic, social and cultural benefits" (para 3.24, Diagram – p13 and Schedule 2). Two possible locations are identified – on and around the current stadium site at Pittodrie / Kings Links and to the south of the city as part of the Loirston development.

The SDP acknowledges the importance of Aberdeen City Centre as being vital to the economic future of the area (SDP para 3.21). The regeneration of the City Centre and a number of city communities is vital to reduce inequality (paras 3.47 and 3.48). A key facet of this is acknowledging that a varied mix of uses must be maintained and expanded in order to have a successful city which is attractive to business, residents and tourists. The importance of reducing travel distances and making walking, cycling and public transport more attractive is also

highlighted as vital for the future (para 3.16). This again focuses attention on the City Centre or sites that are well connected to existing or planned communities.

### **6.3 Supplementary Guidance and Technical Advice Notes**

#### Supplementary Guidance

Planning Obligations

Resources for New Development

Trees and Woodlands

Air Quality

Big Buildings

Flooding, Drainage and Water Quality

Landscape

Hierarchy of Centres

Natural Heritage

Noise

Open Space

Transport and Accessibility

## **7. MATERIAL CONSIDERATIONS**

---

### **National Planning Policy and Guidance**

#### 7.1 National Planning Framework 3 (NPF3)

**7.1.1** NPF3 is a long-term strategy for the development of Scotland - the spatial expression of the Scottish Government's Economic Strategy, with a focus on supporting sustainable economic growth and the transition to a low-carbon economy. A series of national developments is identified across Scotland to deliver the strategy. NPF3's section on Aberdeen and the North East states that the city centre will be a focus for regeneration efforts.

**7.1.2** NPF3 also highlights that city centres are key assets for attracting investment and providing services. Quality of place is fundamental to the success of Scotland's cities, in particular city centres. The Scottish Government wishes to see ambitious, up-to-date frameworks for city centre development. These should focus on the quality, sustainability and resilience of the built environment and wider public realm, and on improving accessibility by public and sustainable transport modes, such as cycling. An aspiration of NPF3 is for more sustainable cities, which utilise greater population density and shared infrastructure as well as fostering better connections between our cities. The scheduled opening of the Aberdeen Western Peripheral Route (AWPR) is anticipated to significantly improve transport in and around Aberdeen, and the strategic location of park and ride facilities is highlighted as having an important role in providing public transport access to Scotland's city centres.

**7.1.3** Reducing the impact of the car on city and town centres is seen as having the potential to make a significant contribution to realising their potential as sustainable places to live and invest by addressing congestion, air pollution and noise and improving the public realm. Significant health benefits could be achieved by substantially increasing active travel within our most densely populated areas.

#### 7.2 Scottish Planning Policy (SPP - 2014)

**7.2.1** Scottish Ministers, through SPP, expect the planning system, amongst other things, to focus on outcomes, maximising benefits and balancing competing interests; play a key role in facilitating sustainable economic growth, particularly the creation of new jobs and the strengthening of

economic capacity and resilience within communities; and be plan-led, with plans being up-to-date and relevant.

**7.2.2** SPP's identified outcomes include achieving 1. *'A successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places'*; 2. *'A low carbon place – reducing our carbon emissions and adapting to climate change'*; and 3. *'A natural, resilient place – helping to protect and enhance our natural and cultural assets and facilitating their sustainable use.'* Para 15 highlights the role of SPP to set out how these outcomes should be delivered on the ground. By locating the right development in the right place planning can provide opportunities for people to make sustainable choices and improve their quality of life.

**7.2.3** Para 28 states, as a policy principle, that the planning system should *'support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost'*.

**7.2.4** As regards green belts, para 49 sets out in the context of development planning that these will not be appropriate to all settlements, however, where planning authorities consider it appropriate, the development plan may *'designate a green belt around a city or town to support the spatial strategy by:*

- *directing development to the most appropriate locations and supporting regeneration;*
- *protecting and enhancing the character, landscape setting and identity of the settlement; and*
- *protecting and providing access to open space.'*

**7.2.5** Again in the context of development planning, para 52 sets out that local development plans should describe the types and scales of development which would be appropriate within a green belt. These may include:

- *development associated with agriculture, including the reuse of historic agricultural buildings;*
- *development associated with woodland and forestry, including community woodlands;*
- *horticulture, including market gardening and directly connected retailing;*
- *recreational uses that are compatible with an agricultural or natural setting;*
- *essential infrastructure such as digital communications infrastructure and electricity grid connections;*
- *development meeting a national requirement or established need, if no other suitable site is available; and*
- *intensification of established uses subject to the new development being of a suitable scale and form.*

**7.2.6** Para 58 of SPP, addressing subject policies, states that it *'is important that planning supports the role of town centres to thrive and meet the needs of their residents, businesses and visitors for the 21st century'*. Para 59 continues, stating that *'the town centre first principle, stemming from the Scottish Government's Town Centre Action Plan, promotes an approach to wider decision-making that considers the health and vibrancy of town centres'*.

**7.2.7** In relation to Development Plans, Para 68 of SPP sets out that these should *'adopt a sequential town centre first approach when planning for uses which generate significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where*

*appropriate, other public buildings such as libraries, and education and healthcare facilities*'. It further states that this requires that locations are considered in the following order of preference:

- *town centres (including city centres and local centres);*
- *edge of town centre;*
- *other commercial centres identified in the development plan; and*
- *out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes*

**7.2.8** Para 69 highlights that planning authorities, developers, owners and occupiers should be *'flexible and realistic in applying the sequential approach, to ensure that different uses are developed in the most appropriate locations'*.

**7.2.9** In relation to development management, para 70 sets out that *'Decisions on development proposals should have regard to the context provided by the network of centres identified in the development plan and the sequential approach outlined above'* (at para 68), and highlights that the impact of new development on the character and amenity of town centres will be a material consideration in decision making. The aim is to *'recognise and prioritise the importance of town centres and encourage a mix of developments which support their vibrancy, vitality and viability'*. Para 71 places the onus on applicants to demonstrate that sequentially preferable options *'have been thoroughly assessed and that the impact on existing town centres is acceptable'*.

**7.2.10** Para 73 states that out-of-centre locations should only be considered for uses which generate significant footfall where:

- *all town centre, edge of town centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable;*
- *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;*
- *the proposal will help to meet qualitative or quantitative deficiencies; and*
- *there will be no significant adverse effect on the vitality and viability of existing town/city centres.*

**7.2.11** In its section on 'Supporting Business and Employment', at para 93 SPP identifies policy principles that the planning system should:

- *promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;*
- *locate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; and*
- *give due weight to net economic benefit of proposed development.*

**7.2.12** Paras 193 & 202-204 address the policy 'Valuing the Natural Environment'. Para 193 notes the importance of planning in *'protecting, enhancing and promoting access to our key environmental resources, whilst supporting their sustainable use'*. Para 202, in the context of development management, states that *'The siting and design of development should take account of local landscape character'*, and that *'developers should seek to minimise adverse impacts through careful planning and design, considering the services that the natural environment is providing and maximising the potential for enhancement'*. Para. 203 states that *'Planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment'*.

**7.2.13** Para 204 sets out that planning authorities should *‘apply the precautionary principle where the impacts of a proposed development on nationally or internationally significant landscape or natural heritage resources are uncertain but there is sound evidence indicating that significant irreversible damage could occur. The precautionary principle should not be used to impede development without justification. If there is any likelihood that significant irreversible damage could occur, modifications to the proposal to eliminate the risk of such damage should be considered. If there is uncertainty, the potential for research, surveys or assessments to remove or reduce uncertainty should be considered’.*

**7.2.14** Paragraph 207 sets out obligations in relation to sites designated as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), including the requirement for ‘appropriate assessment’ of the implications for conservation objectives where development is likely to have a significant impact.

**7.2.15** In terms of promoting sustainable transport and active travel, paragraph 287 of SPP states in relation to Development Management functions that *‘Planning permission should not be granted for significant travel-generating uses at locations which would increase reliance on the car and where:*

- *direct links to local facilities via walking and cycling networks are not available or cannot be made available;*
- *access to local facilities via public transport networks would involve walking more than 400m; or*
- *the transport assessment does not identify satisfactory ways of meeting sustainable transport requirements.’*

### **7.3 Local Transport Strategy (2016-2021)**

**7.3.1** The vision for the Local Transport Strategy is to develop *“A sustainable transport system that is fit for the 21st Century, accessible to all, supports a vibrant economy, facilitates healthy living and minimises the impact on our environment”*. Its five associated high-level aims are:

1. A transport system that enables the efficient movement of people and goods.
2. A safe and more secure transport system.
3. A cleaner, greener transport system.
4. An integrated, accessible and socially inclusive transport system.
5. A transport system that facilitates healthy and sustainable living.

**7.3.2** These are underpinned by five identified outcomes. By 2021 Aberdeen’s transport system should have:

- A. Increased modal share for public transport and active travel;
- B. Reduced the need to travel and reduced dependence on the private car;
- C. Improved journey time reliability for all modes;
- D. Improved road safety within the City;
- E. Improved air quality and the environment; and,
- F. Improved accessibility to transport for all.

### **7.4 Strategic Infrastructure Plan (2013)**

**7.4.1** Aberdeen City Council’s Strategic Infrastructure Plan (SIP) focuses on the delivery of Strategic and Local Development Plans and also identifies five key infrastructure goals, as follows:

- A step change in the supply of housing;

- High quality digital connectivity at home and at work;
- Better local transport;
- The skills and labour that Aberdeen needs to thrive;
- A better image for Aberdeen.

**7.4.2** Specifically in relation to a new football stadium, the SIP states that the city council will be continuing negotiations with Aberdeen Football Club and others on the establishment of a new stadium at Loirston.

## **7.5 Aberdeen City Centre Masterplan (CCMP)**

**7.5.1** Approved by the Full Council in June 2015, the CCMP outlines a 20 year development strategy for Aberdeen City Centre. It identifies a series of ambitious but deliverable projects that will support future economic growth and will secure more benefits and opportunities for the communities of Aberdeen City and Shire. The projects are complemented by a robust, costed and achievable delivery programme and together these provide a framework for managing city centre development up to 2035. The strategy for the CCMP is focused on reviving the historic core and incorporating areas of growth between the Denburn and the River Dee.

## **8. ENVIRONMENTAL STATEMENT**

---

**8.1** Before considering the merits of the proposed development it is appropriate to comment on the background to the necessary Environmental Impact Assessment process and the Environmental Statement submitted in conjunction with this application for planning permission.

### EIA Directive

**8.2** EU Directive 2011/92/EU (as amended by Directive 2014/52/EU) aims to ensure that an authority granting consent (the 'competent authority') for a particular project makes its decision in full knowledge of any likely significant effects on the environment. The directive sets out a procedure that must be followed for certain types of project before they can be given 'development consent'. This procedure - known as Environmental Impact Assessment or 'EIA' - is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the competent authority before it makes its decision.

### EIA (Scotland) Regulations

**8.3** The purpose of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 is to transpose the relevant EU directive into the Scottish planning system. It is noted that regulations relating to the Environmental Impact Assessment (EIA) process in Scotland were recently updated through the coming into force of the *Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017* on 16<sup>th</sup> May 2017. For the avoidance of doubt, the previous 2011 Regulations continue to apply to this application as the application and its associated ES were lodged with the planning authority prior to that date. These transitional arrangements are provided for by the 2017 EIA Regulations.

**8.4** It is the applicants' responsibility to prepare the Environmental Statement (ES). There is no statutory provision as to the form of an ES. It must contain the information specified in Part II, and such of the relevant information in Part I of Schedule 4 to the Regulations as is reasonably required to assess the effects of the project and which the applicant can reasonably be required to compile. Whilst every ES should provide a full factual description of the development, the emphasis of Schedule 4 is on the 'main' or 'significant' environmental effects to which a development is likely to give rise. Other impacts may be of little or no significance for the particular

development in question and will need only very brief treatment to indicate that their possible relevance has been considered.

**8.5** The relevant Circular (Scottish Government Planning Circular 3/2011) highlights that an ES is not necessarily invalid if it does not fully comply with a scoping opinion issued by the planning authority (para 108), but also recognises that an ES which does not cover matters raised through the scoping process is likely to be subject to calls for further information, as provided for by regulation 23. Furthermore, para 109 of the Circular states that the fact that a planning authority has given a scoping opinion does not prevent them from requesting further information at a later stage under regulation 23.

**8.6** It is for the Council to satisfy itself of the adequacy of the ES, ensuring that the submitted statement contains the information specified in Part II of Schedule 4 to the Regulations and all the relevant information set out in Part I of that Schedule that the applicant can reasonably be required to compile. Schedule 4 also sets out requirements for the provision of a non-technical summary of this information.

#### Environmental Statement - Adequacy

**8.7** This proposal was subject to Environmental Impact Assessment as a “Schedule 2 Development”, by virtue of the characteristics of the proposed development and its potential impacts. This was established via a process of EIA Screening and confirmed via a Screening Opinion issued by Aberdeen City Council, which identified that the project falls within Schedule 2 Class 10(b) of the EIA Regulations, relating to Infrastructure Projects.

**8.8** The ES, dated January 2017, was supplemented by further information sought by the planning authority under Regulation 23 of the relevant EIA Regulations (dated 17<sup>th</sup> May 2017).

**8.9** The ES includes a Schedule of Mitigation (at Chapter 14), which summarises the proposed environmental mitigation measures that would be undertaken by the applicant/contractor, or other parties, to avoid, reduce or offset environmental effects before, during and after construction and during the operation of the development.

**8.10** Following initial consideration of the submitted Environmental Statement, the planning authority sought further information in some areas, as provided for by Regulation 23 of the relevant EIA regulations. Having received further submissions from the applicants, it is considered that the Environmental Statement contains the required information and is therefore adequate for the purposes of informing assessment of the environmental effects of the proposal.

#### Summary of Environmental Statement (ES) findings

**8.11** The Environmental Statement is a suite of documents comprising:

- Volume 1: Non-Technical Summary;
- Volume 2: Environmental Statement (ES)
- Volume 3: Technical Appendices
- Volume 4: Landscape and Visual Impact Assessment Figures

**8.12** The results of the Environmental Impact Assessment are intended to inform the planning process on what environmental effects are predicted to arise and what will be done to avoid or reduce them, and also to demonstrate how design decisions have been taken to avoid or reduce the significance of any impacts where it was practical to do this and it can be demonstrated. The consideration of alternative sites, contained within chapter 4 of the ES, is addressed elsewhere in this report. The impacts identified and mitigation measures proposed within chapters 5-14 are summarised below.

## **ES Chapter 5: Ecology, Biodiversity and Nature Conservation**

**8.13** During construction, there will be a loss of most of the existing site habitat, considered to be of minor to negligible significance, with areas of woodland retained. There is also potential for a major effect to the River Dee, which has the potential to be subject to pollution and construction surface water run-off if construction were not properly controlled.

**8.14** Once constructed, there would be a site-level impact upon habitats, watercourses, and associated species until the proposed planting is established.

**8.15** Mitigation measures include: the removal of potential breeding bird habitats outwith breeding season; all lighting being shielded and directional to mitigate disturbance to potential bat commuting or foraging habitat; During construction, all open pipework must be sealed and all deep holes or excavations are to be covered or fenced-off to mitigate dangers to badgers or other mammals; Preventative drainage solutions, prior to the commencement of construction, with any crossings adhering to best practice guidelines, will mitigate the impact to the adjacent watercourses

## **ES Chapter 6: Landscape and Visual Impacts Assessment**

**8.16** This chapter incorporates consideration of the likely effects of the development upon Landscape Character, Visual Amenity, Residual Receptors within 1km, and the effects of Lighting.

**8.17** In terms of landscape character, the assessment highlights significant localised effects on the site itself. There would be a fundamental change to the 'open and rural' character of the site and its immediate environs as a result of the proposed development.

**8.18** As regards visual amenity, an assessment of its theoretical visibility indicates that views of the development would be limited to less than 10% of the total study area, and its visibility would not extend beyond 3km of the site boundary, which the ES contends is indicative of the localised nature of the impact on visual amenity. Significant residual visual effects are noted at: the A944 at Westhill, Westholme and the junction with the B9119; the eastern edge of Westhill, at Westhill Road and in elevated northern parts of the town; and along core path 48, southeast of the site, and from users of core path 34 at Brimmond Hill.

**8.19** Mitigation of impact is provided by way of landscape planting. The ES concludes that the proposed landscape planting, once established, would assist in ensuring that the development becomes integrated into the wider landscape.

**8.20** Residual receptors within 1km are considered within an assessment of Residential Amenity. This concludes that there would be a '*permanent and in most cases significant*' change to visual amenity from residential receptors within 1km where they have existing views of the site. In mitigation of these effects, the ES again points to proposed structure planting and its role in progressively reducing the overall visual effect of the development, with the effects considered to reduce as landscaping matures. Nevertheless, whilst the landscaping will assist in mitigating the impact from the closest residential receptors, it remains the case that there will be a fundamental and permanent change in the context of those properties. This is discussed further in the 'Residential Amenity' section of the report.

## **ES Chapter 7: Historic Environment**

**8.21** No direct effects on heritage assets are predicted due to previous disturbance of the site. A 'minor-moderate' effect is predicted upon the setting of the Category B Listed Friends Burial Ground, Kingswells, and a moderate effect is predicted on the setting of the Scheduled West Hatton Croft, long cairn.

**8.22** No mitigation is proposed for direct impacts as no direct impacts are predicted to result. While a significant residual effect upon the setting of West Hatton Croft, long cairn is predicted the assessment considers that the main cultural value of the long cairn and its relationship to its setting will largely still be legible once the proposed development is in place.

No mitigation is therefore considered necessary.

## **ES Chapter 8: Water Resources, Hydrology, Flood Risk and Drainage**

**8.23** During construction, effects are identified in relation to the following:

- Flood water could be displaced by temporary earthworks operations should a flood event occur during construction;
- Construction will result in significant disturbance of the current greenfield discharge from the site;
- The development may result in increased rates of runoff of the site during construction conditions;
- The removal of the grass and topsoil will impact conveyance/partial infiltration of surface water;
- Silt and other contaminants have the potential to be discharged into the adjacent watercourse and further downstream;
- The development of the site will involve significant alterations to the site prior to the installation of permanent drainage systems designed to mitigate the post-development environmental impact.

**8.24** Once operational, the ES identifies effects in relation to:

- Land raising to take car parking areas without functional floodplain. This has the potential to displace floodwater, resulting in increased flood risk elsewhere;
- Significant areas of hard, impermeable surfaces such as roofs, roads and parking areas would potentially result in significant increase in the rate of surface water run-off to the watercourses;
- New impermeable areas would result in the potential for contamination of the watercourse with pollutants, such as silt, hydrocarbons and surface debris;
- The proposal has potential to introduce large peaks in the discharge of foul drainage flows from the site. In the absence of upgrading, these peak flows have the potential to overload the existing Scottish Water drainage system.

**8.25** Mitigation measures include the following:

- Prohibit stockpiling of materials within the floodplain of the minor watercourses in order to minimise potential for displacement of flood water by temporary earthworks operations;
- 6m buffer between the watercourse and the construction works to be provided in order to mitigate the potential impact on the Brodiach Burn;
- temporary construction phase measures to intercept surface water run-off;
- provide compensatory flood storage on a volume for volume and level for level basis, in order to mitigate the increased risk associated with land raising within the functional floodplain;
- attenuate surface water runoff flows within the site, and discharge these flows at a rate restricted to that of the existing run-off rate;
- surface water drainage system will incorporate sustainable drainage measures (SUDS) in order to ensure adequate treatment of surface water before it is discharged into existing water environment;
- include foul effluent 'balancing' tanks within the site to provide short term storage during times of peak flows, allowing discharged into the downstream network at a controlled rate.

**8.26** Following implementation of these mitigation measures, including those related to the construction phase, the ES predicts that all potential significant impacts from the development would be fully mitigated and no significant residual effects are identified.

## **ES Chapter 9: Ground Conditions, Hydrogeology, Geology and Soils**

**8.27** During construction, effects are identified in relation to the following:

- Reduction in biodegradable material within waste mass resulting in a reduction in ground gas generation – a major permanent beneficial effect due to reduction in greenhouse gas emissions and reduced risk to off-site human receptors
- Processing and reclamation of waste – a moderate permanent beneficial effects due to reduction in regional waste volume
- Reduction in pore space due to waste compaction resulting in reduction in ground gas generation – a moderate permanent beneficial effect due to a reduction in greenhouse gas emissions and reduced risk to off-site human receptors
- Reduction in pore space due to waste compaction resulting in reduction of leachate generation – a moderate permanent benefit due to reduced leachate entering groundwater and surface water receptors
- Reduction in contamination within the waste mass resulting in reduced soil and leachate contamination – a minor permanent benefit due to reduced leachate entering groundwater and surface water receptors, and reduced soil contamination potentially impacting human health
- Increased potential for odour generation – a minor negative short term effect due to potential nuisance impact on nearby residents
- Increased potential for fuel spills to enter soil and groundwater – a minor negative short-term effect due to potential for groundwater and surface water to be contaminated
- Increased potential for surface water run-off – a minor negative short-term effect due to potential for groundwater and surface water to be contaminated

**8.28** Once operational, the ES identifies effects in relation to:

- Hard standing and positive drainage systems will reduce surface water infiltration – a minor permanent benefit due to reduction in leachate generation entering groundwater and surface water receptors
- Hard standing and positive drainage systems will reduce surface water infiltration resulting in a change in biochemistry that is less favourable to gas generation – a major permanent benefit due to a reduction in greenhouse gas emissions and reduced risk to off-site human receptors
- Hard standing will partially cap the site resulting in potential increase in lateral ground gas migration – a minor negative long-term effect due to potential increase in ground gas risk to adjacent residents
- Increased potential for fuel spills to enter soil and groundwater – a negligible negative short-term effect due to potential for groundwater and surface water to be contaminated

**8.29** As most of the predicted effects are positive, the ES highlights that mitigation is not for most of the effects identified. Mitigation is however proposed in relation to the following:

- Potential for short-term effects during construction from odour generation, dust generation, localised fuel spills and surface water run-off will be mitigated through procedures put in place through a Construction Environmental Management Plan (CEMP), which contractors will be required to follow throughout construction. Any residual effects will be negligible if the CEMP is implemented correctly.
- Potential risk of increased lateral gas migration to adjacent properties will be mitigated through a boundary gas monitoring regime and through the use of a gas cut-off trench. Any residual effects will be negligible.

- Potential residual risk to end-users on site due to ground gas generation post-development will be mitigated through the use of basic gas protection measures incorporated into building design.

**8.30** Any residual negative effects on ground conditions, hydrogeology, geology and soils are predicted to be negligible.

## **ES Chapter 10: Traffic, Transportation and Access**

**8.31** During construction, effects are identified in relation to the following:

- The volume of construction traffic movements will have a temporary negligible impact on the surrounding road network
- Construction site access on the A944 will cause temporary negligible impacts on driver and pedestrian / cyclist delay
- Construction traffic movements on the A944 will have a slight adverse impact on pedestrian / cyclist amenity on Core Path 91
- Construction traffic movements will have a temporary negligible impact on road safety
- If unmanaged, dirt trailed onto the A944 from construction traffic could have a substantial impact on road users

**8.32** Once operational, the ES identifies effects in relation to:

- Daily use of the stadium by staff and visitors will have a negligible impact on the environment relating to traffic, transportation and access
- Operational use of the stadium on match days will give rise to traffic levels which will have a substantial impact on some sections of the A944 corridor, particularly close to the site. The impacts will be off-peak, and infrequent
- Operational use of the stadium on match days has the potential to result in temporary substantial night time noise from traffic and pedestrian movement on an infrequent basis. A small number of nearby houses would be impacted
- Operational traffic and pedestrian movement on match days will lead to moderate traffic delay for exiting road users around match start and end times. Occurrence will be infrequent
- Increased pedestrian and cyclist use of Core Path 91 on match days will cause a moderate delay to a small number of existing pedestrian and cyclist users of the infrastructure. There would be a slight impact on pedestrian and cyclist amenity. Occurrence will be infrequent
- If unmanaged, traffic and pedestrian movement on match days would have a moderate infrequent impact on road safety
- Operational traffic on match days has potential to cause infrequent but substantial impact on residential amenity as a consequence of parking on residential streets and minor roads

**8.33** Mitigation measures include the following:

- A Construction Traffic Management Plan will be prepared and agreed with Aberdeen City Council. It will include relevant measures to control and manage the movement of traffic on and off-site to remove or reduce environmental impacts. Measures will be included to control site access and prevent dirt being trailed onto the A944. Residual environmental impacts will be negligible and temporary.
- A number of mitigation measures will be put in place to control and manage operational traffic, transport and access impacts on match days. Measures will include a match day Traffic Management Plan, traffic control by Police Scotland, a planned Access Strategy, advanced directions provided to travellers, a match day Controlled Parking Zone, official parking zones, and match day Clearway restrictions. These measures will reduce any environmental impacts

of traffic. Due to the infrequent off-peak nature of match day travel, controlled and managed environmental impacts will be negligible.

- Additional mitigation measures will be used to reduce the environmental effects on pedestrians and cyclists on match days. Measures will include footway improvements, stewarding, and crossing assistance at the main site access. There will be slight infrequent residual impacts on a small number of existing pedestrians and cyclists.

**8.34** The occurrence of evening football matches will be infrequent and the stadium will be substantially cleared of supporters before 23:00. Match programming and stewarding will reduce night time disruption from traffic and pedestrians to a negligible one, occurring very infrequently.

## **ES Chapter 11: Air Quality**

**8.35** During construction, effects are identified in relation to the following:

Based on the Institute of Air Quality Management guidance the development at the construction stage, in the absence of any mitigation, was assessed as having a medium risk potential in respect to dust soiling and low risk potential in respect to impacting on human health.

**8.36** Once operational, the ES identifies effects in relation to:

The impact from traffic emissions once the proposed development is operational is predicted to have a negligible effect on air quality on both a short and long term basis.

**8.37** A range of mitigation measures are proposed and will be specified in a Construction Environmental Management Plan (CEMP). These include, but are not limited to:

- Planning the site layout so that machinery and dust causing activities are located away from receptors as far as possible
- Undertaking daily on-site and off-site inspections to monitor dust, recording inspection results and making logs available to Aberdeen City Council on request
- Erecting solid screens or barriers for dusty activities
- Fully enclosing the site or specific operations where there is a high potential for dust production and the site is active for an extensive period
- Minimising the potential of wind whipping from stockpiles by covering or erecting fences
- Ensuring bags of fine powder material are sealed after use and stored appropriately to avoid dust emission
- Ensuring vehicles entering and leaving the site are covered to prevent the escape of dust during transport

**8.38** With the above and other good site practice measures in place it is not anticipated there would be any significant residual effects.

**8.39** As the operational assessment predicts the development will have negligible effects on air quality, no mitigation measures for the operational phase are proposed.

## **ES Chapter 12: Noise and Vibration**

**8.40** During construction, effects are identified in relation to the following:

Construction activities have the potential to cause significant noise and vibration and the precise operations and levels generated will not be known until a later stage in the process. However, contractors will be required to employ all reasonably practicable measures to control noise and vibration in accordance relevant standards and guidance, and to comply with best practice mitigation measures to be included in the Construction Environmental Management Plan (CEMP).

**8.41** Once operational, the ES identifies effects in relation to:

**8.42** Using predicted average daily traffic flow data to calculate the future noise levels due to road traffic indicates no significant change in noise levels including the development over noise levels without the development. When weekday evening matches are played the increase in evening road traffic will cause a rise in noise levels. The effect of noise from car parking activities will not be significant compared to the noise generated by traffic arriving and leaving the area.

**8.43** Noise from fans arriving at and leaving the stadium will be a reasonable distance away from existing residences and is not predicted to result in a significant impact. Noise associated with temporary fast food stalls or similar may have more impact but the most significant noise associated with match day activities will be crowd and public address systems from within the stadium itself.

**8.44** Delivery vehicles servicing the development and use of the training pitches are also likely to generate noise which may be audible at nearby residences. This is likely to have less of a significant effect during the daytime as existing road traffic noise will be the dominant noise source, but evening training sessions could have a greater impact.

**8.45** The majority of construction works will be a reasonable distance away from the residential properties, and would take place during the daytime when existing background noise levels are highest. These factors should serve to minimise construction noise impacts. The residual effect may be audible noise from construction activities at some nearby properties.

**8.46** It is not feasible to mitigate evening football match traffic noise so there will still be a temporary increase in noise levels at these times. The enclosed stadium design, with no gaps between stands or between the stands and the roof, provides mitigation of noise from within. Temporary fast food units can be suitably located and screened to reduce their noise impact on residential areas. The residual effect may be that some crowd noise is audible outside nearby residences during matches.

**8.47** Timings of deliveries to the site will be restricted to daytime hours and located away from existing dwellings, resulting in no significant noise impacts from these activities.

**8.48** Management of usage times of the nearest training pitches to the residences will be required to ensure activities do not continue beyond early evening. There is still potential for audible activity noise in the early evening outside the nearest dwelling.

### **ES Chapter 13: Socioeconomics**

**8.50** The assessment predicts that the proposed development will have major beneficial socioeconomic construction impacts and effects at the local level, along with minor beneficial construction-related impacts and effects at the regional level.

**8.51** There beneficial construction impacts and effects will be through the use of local/regional companies, employees, and contractors. These people will also use local and regional suppliers and services during the construction period, which will help generate additional economic impacts.

**8.52** Once operational, the ES identifies effects in relation to:

- Negligible operational (on-site and off-site) gross impacts and effects at both geographic levels.

- Once fully operational, the development will bring more people to the local area, and it is likely that these people will make use of local shops and amenities – restaurants, cafes, pubs, shops, hotels – thereby supporting employment within the local and regional areas.

**8.53** The assessment concludes that there are unlikely to be any notable adverse socio-economic impacts arising as a result of the proposed and therefore no mitigation is proposed.

### **ES Chapter 14: Schedule of Mitigation**

**8.54** Chapter 14 of the Environmental Statement summarises all of the committed measures and actions that are proposed throughout to avoid, reduce or offset the environmental effects of the proposed development and maximising opportunities for environmental enhancements.

**8.55** The mitigation measures presented are specific further actions that will be taken over and above the range of embedded mitigation measures which have been incorporated into the scheme design.

## **9. EVALUATION**

---

**9.1** The evaluation of this planning application is set out below. This begins with an executive summary, followed by the evaluation of the application against the DP and material considerations.

### **Executive summary**

**9.2** The proposed development relates to a site allocated as Green Belt in the Aberdeen Local Development Plan (ALDP), and the following report identifies that the proposal represents a significant departure from the associated Green Belt Policy NE2. This is because a significant part of the proposed development (specifically the main football stadium building itself and associated car parking areas) is considered not to be a type of development that would be permitted under that policy. Furthermore - whilst elements of the proposal such as the training pitches are compatible with Green Belt policy and would maintain separation of settlements and openness of the Green Belt landscape - other elements (most notably the stadium building itself), would cause a degree of harm in terms of the main aims of Green Belt Policy. This is because the dominant size of the stadium would intrude into, and erode, a green buffer which visually separates existing settlements of Kingswells and Westhill and contributes to maintaining their separate identities as well as the wider landscape setting of Aberdeen. The harm is considered significant enough that the possibility of avoiding or reducing that harm by an alternative location and/or proposal requires to be addressed. It is considered that the applicants have failed to properly consider that possibility. Nevertheless, sufficient information has been submitted by the applicant to enable the officers to conclude that there are no other sites within Aberdeen and the area covered by the Aberdeen Local Development Plan that would be suitable, available and deliverable for the development proposed or for either a stadium or training facility as part of a disaggregated development, that would avoid or reduce the of environmental impacts.

**9.3** The proposed stadium use is considered to represent a '*significant footfall generating use*' serving a City-wide or regional market for the purposes of assessment against local and national policy. Policy NC1 of the ALDP highlights that the city centre is the preferred location for such significant footfall generating development. Policy NC4 sets out that footfall generating uses should be located in accordance with a hierarchy, and applicants must demonstrate that development is appropriate to its proposed location, with regard to the associated 'Hierarchy of Centres' Supplementary Guidance. Policy NC5 sets out that proposals for significant footfall generating developments on out-of-centre sites will be refused unless all of the five stated criteria

are satisfied. The approach to assessing alternative sites outlined above is commonly referred to as a sequential approach.

**9.4** In applying the sequential approach, SPP states that applicants and planning authorities are required to be 'flexible and realistic' in their approach, with appropriate consideration given to reasonable alteration or reduction in scale to allow development to be accommodated at a sequentially preferable location. It is considered that the applicants have applied the sequential approach on the basis of a fixed requirement for a site of 25 hectares, accommodating both a stadium and training facilities in a single location (co-location) and have not definitively demonstrated the necessity of a single 25 ha site. They have not taken a sequential approach that demonstrates due consideration for providing the development in a different form, in this case through consideration of the disaggregation of the stadium and its associated training facilities. Nevertheless, sufficient information has been submitted by the applicant to enable officers to take a sequential approach to the consideration of alternative sites on the basis of both co-location and disaggregation and in the light of planning policy including identified sites for such a stadium at Loirston and Kings Links. The conclusion reached is that there are no other sites within the ALDP area on which the proposed co-located development or either one of the stadium or training facilities individually could be accommodated that would be both available and deliverable in a reasonable timescale.

**9.5** The development is proposed in a peripheral location, within the green belt. As a result, it is not readily accessible by sustainable modes of transport. This would be mitigated to some extent by match-day shuttle buses that would run from the city centre to the site. However, this only addresses travel needs from the city centre, and travellers from outlying areas would have longer journey times to access the site via public transport or other sustainable means. The location is such that it would be largely separated from its catchment populations, reducing the potential for travel by walking or cycling. This, together with the provision of off-site car parking in addition to the on-site provision at the maximum levels permitted by policy, is considered to encourage car-borne travel, which runs contrary to the stated aims of ALDP Policies T2 and T3 in relation to minimising traffic generated by development and promoting sustainable travel.

**9.6** In terms of public benefits (economic and social) it is considered that approval and implementation of the proposal would result in potentially millions of pounds of additional GVA per annum for the region, in addition to a significant £50 million up front investment, and would create additional short and long term jobs as well as promoting the image of the region as a potential sporting event-related destination and allowing for synergies with the existing success of the Aberdeen Sports Village and Aquatics Centre. It would give the potential for improved performance by the football team and of at least maintaining, if not increasing crowd numbers together with the attraction of additional major sporting events and concerts - all of which would bring visitors from outside the region along with associated spending which would benefit the local economy. This would be in accordance with planning policies in SPP. The new stadium would enable the expansion of the work of the AFCCT to increase the number of people in the region who participate in sport and physical activity. These benefits are highly unlikely to occur if approval is not given for the current proposal and, given the availability and suitability of alternative sites, certainly not in the short to medium term future. These potential public benefits to the region represent a significant material consideration weighing in favour of approval of the application.

**9.7** In conclusion, it is considered that the proposal would have significant public benefits for the region - both economic and social. A thorough evaluation of potential sites has been carried out by officers and it is considered that there are no sequentially preferable sites in the ALDP area for the stadium (whether co-located or disaggregated) that are available and deliverable at this time or in a reasonable timescale. Given the lack of available or deliverable sites, it can be concluded that the public benefits will not be realised if approval is not given for the development on the site that is currently proposed. The proposal is unique - Aberdeen Football Club is the only sports club in

the region with a region-wide fan base - that can potentially deliver the economic and social benefits envisaged - and as such approval of the stadium does not set an undesirable precedent for future applications for other sports stadia or other uses that would not deliver the same benefits or where land is specifically zoned for such uses. Whilst the proposal is considered to be contrary to Green Belt Policy NE2 of the ALDP there are significant elements of the proposal - notably the training pitches and car parking that would either be compatible with Green Belt Policy or accord with the general aims of policy to maintain the openness of the green belt and visual separation between settlements. There are tensions with transportation policy in that the proposal would not be readily accessible by sustainable means but these would be mitigated by a green travel plan incorporating the extensive use of shuttle buses from the City Centre and other accessible locations.

**9.8** On balance, therefore, it is considered that the material considerations set out above outweigh the provisions of the development plan with which the application does not accord, and the application is recommended for approval, subject to necessary conditions and successful conclusion of a legal agreement. Should members resolve to approve the application, due to the objection from Aberdeenshire Council, the Town and Country Planning (Neighbouring Planning Authorities and Historic Environment) (Scotland) Direction 2015 requires that formal notification is given to Scottish Ministers, who would then have the opportunity to 'call-in' the application for determination.

### **Legislative requirements**

**9.9** Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that where, in making any determination under the Planning Acts, regard is to be had to the provisions of the Development Plan, the determination shall be made in accordance with the Development Plan, unless material considerations indicate otherwise.

**9.10** Section 37(2) of the Town and Country Planning (Scotland) Act 1997 provides that in dealing with an application for planning permission the planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.

## **1. DEVELOPMENT PLAN**

---

### **Green Belt zoning**

**9.11** The application site is zoned within an area designated as Green Belt in the ALDP. Within such areas, Policy NE2 (Green Belt) applies. Policy NE2 provides that development in the Green Belt is prohibited other than for the purposes of the listed exceptions. None of policy NE2's listed exceptions (*set out in full at section 6.1*) relates to the development as proposed, although it is recognised that elements of the development, such as the training pitches, may in themselves be appropriate to a Green Belt location.

**9.12** The proposal therefore represents a major development on an unallocated Green Belt site, and is not a development type which is provided for in Policy NE2, nor does it represent one of the exceptions specified within that policy. On that basis, the proposal is considered to represent a significant departure from the Development Plan and has been advertised on that basis.

**9.13** The Planning Statement (Green Belt) submitted by Halliday Fraser Munro (HFM) on the applicants' behalf recognises that the proposal represents a departure from Policy NE2, but contends that the development can be considered an acceptable departure on the basis that the overriding purpose of the development is for 'sports and recreation' use, which would not undermine the aims of the Green Belt zoning when considered in conjunction with other material considerations. The applicants' case relies on the benefits attributed to the development proposal

outweighing the failure to accord with Policy NE2, which they contend is of limited harm, and any other identified planning harm.

**9.14** This report considers the merits of the proposal, its compliance with the policies contained within the Development Plan, and the weight to be afforded to any other material considerations, including the benefits cited by the applicants.

**9.15** In considering the impact of the proposal on the Green Belt, it is appropriate to first establish the value of this site as part of the wider Green Belt, having regard to the stated aims of Green Belts in the ALDP and SPP.

#### ALDP

**9.16** In its preamble to policy NE2, the ALDP states (para.3.101) that *‘the aim of the Green Belt is to maintain the distinct identity of Aberdeen and the communities within and around the city, by defining their physical boundaries clearly. Safeguarding the Green Belt helps to avoid coalescence of settlements and sprawling development on the edge of the city, maintaining Aberdeen’s landscape setting and providing access to open space. The Green Belt directs planned growth to the most appropriate locations and supports regeneration’*.

**9.17** The Green Belt at Kingsford separates existing settlements at Kingswells and Westhill, and therefore has value in defining the outer boundary to Aberdeen, preventing coalescence between Kingswells and Westhill, and maintaining the identity of these respective settlements. The protection of Green Belt land from development is consistent with SPP’s stated expectation of a ‘plan-led’ system, where the location of new development is directed by Development Plans, and plans are both up-to-date and relevant. At time of writing, the ALDP has been adopted for a little over 12 months of its intended 5 year period, and therefore represents an up-to-date framework within which planning applications may be determined with a high degree of certainty.

**9.18** The proposed development is for a large building, extensive areas of parking, both grass and all-weather training pitches with associated floodlighting and ancillary structures. The construction of the stadium would introduce a visually dominant structure into what is currently an open landscape. This, in combination with the car parking areas and the playing pitches, would have an urbanising effect on the Green Belt landscape and contribute to some extent to the coalescence of built development between Kingswells and Westhill. Notwithstanding the foregoing it is recognised that there are significant elements of the proposal that would be compatible with the planning policy aims of Green Belt. In particular, the training pitches are an open air recreational use not dissimilar in character to other playing fields such as those on Countesswells Road that have been granted planning permission in the Green Belt. Furthermore, with the exception of the floodlights, the car parking and playing pitches would be low level structures that would become less visible from the main public viewpoints particularly from the A944, as the landscaping around the periphery of the site matures. These elements of the proposal, which occupy a sizeable majority of the total site area, would maintain, to some extent, the essential openness of the Green Belt landscape and retain a visual separation between the settlements of Kingswells and Westhill.

**9.19** Taking into account the foregoing it is considered that, over and above the development not being provided for by Policy NE2 in and of itself, there is a degree of planning harm to the aim of Policy NE2 arising from the erosion of a green buffer which (i) serves to visually separate existing settlements and maintain the identity of these communities; and (ii) maintains the landscape setting of Aberdeen. These are stated aims of the green belt in Policy NE2, and therefore it is considered that the identified planning harm should be afforded weight. The landscape impact of the proposal will be discussed further below, in relation to Policy D2 (Landscape) of the ALDP.

**9.20** At the Pre-Determination Hearing (PDH1), the applicants highlighted that the previous application for the development of a stadium at Loirston was considered at a time when the site

was zoned as Green Belt. The applicants noted that the Loirston stadium proposal was considered by the Council to provide economic, social, sports and cultural benefits for the whole community of Aberdeen, which justified approving the application contrary to the green belt policy that applied to the site at that time. The Loirston site was indeed zoned as green belt at the time that members expressed a willingness to approve the proposal. However at the time that Loirston site was considered it was allocated as a potential site for a stadium within the Proposed Aberdeen Local Development Plan, which represented a material consideration of significant weight. In that context, the development plan policy contexts for the Kingsford site and the Loirston site are not directly comparable, as the Loirston site had standing in an emerging Development Plan and was subsequently included in the adopted ALDP of 2012 (now superseded by the 2017 ALDP, which retains provision for a stadium at Loirston). In contrast, the Kingsford site has not been put forward for consideration as part of the process of preparing a new Development Plan.

### **Development Plan Provision for a Stadium**

**9.21** In the context of this proposal, the Development Plan comprises the Aberdeen City and Shire Strategic Development Plan (approved by Scottish Ministers, March 2014) and the Aberdeen Local Development Plan (adopted 20<sup>th</sup> January 2017).

**9.22** Schedule 2 to the Strategic Development Plan (SDP) lists proposals, including ‘*a new community stadium – a regionally important facility which will bring economic, social and cultural benefits*’. In its spatial strategy text and the associated diagram showing Aberdeen City, the SDP identifies two possible locations for a ‘*new Community Stadium to support the growing sporting infrastructure of the city*’. These sites are (i) on and around the current stadium site at Pittodrie/King’s Links and (ii) to the south of the city as part of the Loirston development.

**9.23** The Aberdeen Local Development Plan (ALDP) allocates a site of 119.2ha at Loirston (OP59) for development. The supporting text for the OP59 allocation states that this site is an ‘*opportunity for development of 1500 homes and 11 hectares of employment land. Potential to accommodate football or community stadium and supermarket to meet convenience shopping deficiencies in south Aberdeen.*’ The ALDP also identifies the 15ha Calder Park (OP61) site as the location for the new City South Academy and recognises that permission has been granted for a new stadium and ancillary facilities for Cove Rangers. Therefore the ALDP, in allocating land for development, does not consider the progression of the City South Academy to preclude the possibility of a community or football stadium within the wider 119.2ha Loirston allocation.

**9.24** In the light of the foregoing it is considered that the application does not accord fully with the spatial strategy for Aberdeen City in the Development Plan in as far as it provides for the possibility of a football stadium within or around two sites, neither of which is at Kingsford.

### **Requirement for Sequential Approach**

**9.25** Both the ALDP and SPP recognise and prioritise the importance of identified town centres by requiring that all significant footfall generating uses are located in accordance with a sequential ‘town centre first’ approach.

**9.26** The ALDP expresses this requirement through Policies NC1 (City Centre Development – Regional Centre), NC4 (Sequential Approach and Impact) and NC5 (Out of Centre), as set out in the policy narrative above.

**9.27** Policy NC1 states that the city centre is ‘*the preferred location for retail, office, hotel, commercial leisure, community, cultural and other significant footfall generating development serving a city-wide or regional market*’. Policy NC4 then sets out that ‘*All significant footfall generating development appropriate to town centres (unless on sites allocated for that use in this plan) should be located in accordance with the hierarchy and sequential approach as set out below and detailed in Supplementary Guidance:*

*Tier 1: Regional Centre*

*Tier 2: Town Centres*

*Tier 3: District Centres*

*Tier 4: Neighbourhood Centres*

*Tier 5: Commercial Centres*

**9.28** Policy NC5 (Out of Centre Proposals) sets out that proposals to located significant footfall generating uses that are appropriate to designated centres on out-of-centre sites will be refused unless all five of the stated requirements are satisfied (*listed at NC5 in section 6.1*).

**9.29** Para 68 of SPP sets out that Development Plans should *‘adopt a sequential town centre first approach when planning for uses which generate significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities’*. It further states that this requires that locations are considered in the following order of preference:

- *town centres (including city centres and local centres);*
- *edge of town centre;*
- *other commercial centres identified in the development plan; and*
- *out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes.*

**9.30** Para 70 subsequently addresses the role of the sequential approach in the context of Development Management decision-making, stating that *‘Decisions on development proposals should have regard to the context provided by the network of centres identified in the development plan and the sequential approach outlined above’* (at para 68).

**9.31** AFC contends that the proposed development does not represent a significant footfall generating use and/or is not appropriate to the city centre. In coming to that view, the applicants compare average attendances across a year to those attributable to the new AECC site and highlight that the sequential approach was not applied to that application or the previous stadium proposal at Loirston. The comparison with other developments is of limited weight, as it does not justify why the sequential approach should not apply in this instance. It relies upon highlighting instances when it was not applied to other completely different developments. However, the focus should be on the terms of the policy, its objective and its underlying intention in directing new development, having regard to the context of the overriding objectives of ADLP.

**9.32** The applicants’ *‘Planning policy Statement on City Centre Impacts’* makes comparison with the Highland-Wide Local Development Plan 2017, which includes a definition of what it considers to be significant footfall generating uses appropriate to city centres, however (i) that plan is not applicable to the proposal under consideration (ii) it has not been adopted by Highland Council and is therefore of limited weight even within that administrative authority area; and (iii) the definition included in Highland Council’s main issues report is clearly not exhaustive, stating that *‘significant footfall developments include: retail, restaurants, commercial leisure uses....’*

**9.33** The applicants point to the fact that the existing Pittodrie stadium is not located in the city centre to argue that the sequential approach does not apply. However that fact does not itself mean that the sequential approach does not apply to the location of any new stadium. The applicability of the sequential approach is based on the proposed location of the new development, not the location of any vacated site. So, the issue in terms of Policy NC1 is whether the new development is a “significant footfall generating development serving a city-wide or regional market”. The issue in terms of Policy NC4 is whether the new development is a “significant footfall generating development appropriate to town centres”. The issue in Policy NC5

is whether the new development is a “significant footfall generating development appropriate to designated centres, when proposed on a site that is out-of-centre”.

**9.34** It is recognised that the level of footfall generated by the proposed development would differ significantly between match-day and non-match-day operations. On non-match-days, footfall would be limited to office uses within the stadium, the management and playing staff’s use of the training facilities, the academy players and any community use of the facilities. These elements of the development would generate relatively modest footfall in comparison to match-days, when the 20,000 capacity stadium would attract large numbers of supporters from all over the region, as well as visiting supporters from further afield. The volume of footfall generated by match-days is of such intensity and from such a wide geographical spread that, despite its relative infrequency, the development is considered to represent a significant footfall-generating use, which would serve a City-wide and indeed regional market. On that basis, Policy NC1 would be applicable and the development should be located in accordance with the sequential approach set out in the ALDP. In that event, the provisions of policies NC4 and NC5 would also form part of the planning authority’s assessment. This sequential approach in the ALDP is consistent with para.68 of SPP, which sets out a requirement for Development Plans to adopt a sequential ‘town centre first’ approach when planning for uses which generate significant footfall.

**9.35** The ‘*Statement on Co-location, Site Selection and Sequential Test*’ restates the applicants’ position that a sequential approach is not relevant or necessary in relation to the current proposal, on the basis that the key policy consideration is the departure from Green Belt Policy NE2.

**9.36** It is well established that Development Plans should be considered in the round, as there are inevitably aspects of policy which will pull in opposite directions. However, policies relating to green belt and the promotion of identified centres are consistent in that they seek to direct development to appropriate locations. In the event that development is proposed in green belt, contrary to Development Plan policy, the question is what would be the extent of planning harm caused by that development. If the harm is significant, the Council is entitled to consider whether that harm could be avoided or reduced by an alternative development or considering alternative sites. So, a consideration of alternatives is relevant and necessary because there may be a less harmful suitable and available alternative. There is no inherent contradiction between green belt policy’s focus on brownfield land and existing settlements, and the ‘town centre first’ approach which seeks to direct particular types of use to existing retail centres identified through a Local Development Plan. The aim is to direct development to appropriate locations. The ALDP (by virtue of Policies NC1, NC4 and NC5) and SPP require that the sequential approach is applied to all ‘significant footfall generating’ development outwith town and designated centres. This means that retail, leisure or other significant footfall-generating uses may be developed within sites allocated through a Development Plan without requiring the sequential approach. However in this instance there is no such allocation applicable to the Kingsford site and, as discussed above, the proposal is not provided for by Green Belt Policy NE2.

**9.37** The sequential approach is therefore applicable to the proposed development because, as detailed previously in this report, it is considered that (i) the proposal relates to a significant footfall generating development which would be appropriately located within a city centre or other designated centre; and (ii) the Green Belt zoning referred to by the applicant offers no exemption from application of the sequential approach. The consideration of alternatives is applicable because planning harm has been identified as a result of the proposal, on the basis that it represents a significant departure from the Development Plan, not least Policy NE2, giving rise to the need to give consideration to whether that harm could be avoided or reduced by a suitable and available location elsewhere. In other words, the sequential approach, and consideration of alternatives, is applicable to ensure that the proposed development is sited in what is overall to be considered an appropriate location in planning terms.

## **Co-Location of Stadium and Training Facilities**

**9.38** The question of 'need' is central to consideration of this application. 'Need' is relevant to the overall assessment of the application and its Kingsford location against the Development Plan. 'Need' may also be a material consideration which might justify any identified departure from the Development Plan. In that connection, it will be necessary to assess and weigh the extent of the harm in planning terms (the conflict with the Development Plan and also SPP) against 'need'. It is important that 'need' is addressed in a planning context. In other words, the 'need' should be within the wider public interest and relate to the use and development of the land. The personal circumstances of the applicants are of limited relevance. However, their private interest can be relevant if it leads into a wider public interest. Thus, the public interest may require that the applicants' private interest is taken into account. In this application, there are three 'needs' which require to be assessed in that planning context.

**9.39** Firstly, there is the need for a new football stadium. Secondly, there is the need for purpose-built training facilities for the football club. Thirdly is the need for those two components to be provided at a single location. This third need provides the basis for the applicants' approach to the sequential approach, and their consideration of alternative sites. If there is a need for co-location, in the planning context previously discussed, the sequential approach and consideration of alternative sites has to be assessed on that basis. The need for co-located facilities is considered below on the basis both of the stated advantages to AFC, which represent a private interest, and of the need in the wider public interest, associated with the potential for social and economic benefits as a result of the proposed development.

**9.40** The need for, and therefore the public benefit of, a new stadium has been previously established through the allocation of sites for this purpose in the Strategic Development Plan and both the 2012 and 2017 Local Development Plans. This was further evidenced through the planning authority's stated willingness to approve proposals for a stadium within the site at Loirston.

**9.41** The information provided in support of the application makes a persuasive case that the lack of professional training facilities brings significant challenges to the day-to-day operation of the business, both from a financial perspective, with the additional costs incurred in leasing facilities from third parties, and in the qualitative deficiencies of the available facilities. It is accepted that the provision of purpose-built training facilities would likely be beneficial to the applicants' business, and offers the potential for public benefit as a result of academy and AFCCT events run from a purpose-built training facility, with dedicated accommodation for the AFCCT.

**9.42** The applicants contend that there is a need for the stadium and training facilities to be co-located, and therefore have applied the sequential approach on the basis of a requirement for a single site of 25ha, without consideration for accommodating the development in a different form, which might have included a smaller site or the provision of the stadium and training facilities in separate locations.

**9.43** Section 2 of the applicants' Statement on *'Co-Location, Site Selection and Sequential Test'* refers extensively to the *'Advantages and Benefits'* of co-location. Advantages are identified in relation to the recruitment and retention of playing and coaching staff; the development of youth players; fostering of a shared 'one club' spirit; enhancement of non-match-day visitor experience and promotion of Kingsford as a regional destination; and provision of facilities for AFC Community Trust. These benefits are accepted. However, the extent to which they are reliant on a co-located development is considered to remain unsubstantiated. The submitted statement does not demonstrate that the co-location of the stadium and training facilities is necessary in order to achieve these benefits. Put another way, it is considered that there is no compelling evidence provided to demonstrate that these same benefits could not reasonably be achieved with a new stadium and new training facilities in separate locations.

**9.44** The applicants state that AFC is *'woefully behind other top-flight clubs in Scotland in terms of facilities'*, however that speaks to the deficiencies of the existing training facilities rather than the need to co-locate these alongside a football stadium. Similarly, letters from other Scottish professional clubs appear to indicate that the majority of clubs would see the business and operational benefits of having such co-located facilities, but these generally acknowledge that the co-location of stadium and training facilities is often not a practicable option, and do not speak to the necessity of co-location. On that basis, it is considered that these benefits and the correspondence from Scottish Premiership clubs ought not to be afforded significant weight.

### **Economic and Social Benefits/Impacts**

**9.45** The potential economic and social benefits and impacts of the proposal together constitute what can be regarded as the "public benefits" of the development which is a material consideration in the assessment of the application. These benefits/impact are inter-related and co-dependent so they are considered together in the discussion below.

**9.46** The evidence presented by Aberdeen & Grampian Chamber of Commerce on behalf of AFC includes a quantitative analysis, which sets out GVA (Gross Value Added) under a series of different scenarios. These include a base case; two 'do nothing' scenarios based on AFC remaining at Pittodrie; and two 'with project' scenarios based on relocation to Kingsford.

**9.47** Taking into account the information submitted by the applicant, ACC's Economic Development (ED) Team has identified the following potential economic and related benefits stemming from the proposal:

- The development is consistent with the Regional Economic Strategy's aims to diversify the regional economy and prioritise increasing visitor spending the North East Scotland's tourism and leisure sector;
- The development would contribute to the overall ambition to diversity the city and regional economy and lever in additional investment into the region;
- The development would offer greater opportunities for attracting sporting events to the city, with associated potential to promote Aberdeen as a sporting destination through partnership working with VisitAberdeenshire and to benefit from associated overnight/ weekend visitor stays;
- In terms of the impact of the development on the City Centre the ED Team confirm that the lost spend to the City Centre is likely to be around the lower end of the range of £0.51m to £1.78m per annum estimated by the applicant. This is based on the assumption that those travelling by car to attend games at Pittodrie are unlikely to spend in the City Centre, and that fans who currently do not travel by car to Pittodrie are likely to utilise bus services to Kingsford from the City Centre and therefore maintain a proportion of city-centre spending;
- The analysis shows that in the context of the scale of challenges in operating the club under a 'do nothing' scenario, the net benefit under the Kingsford option does show a significant economic benefit resulting from the project.

**9.48** The GVA figures arrived at under each scenario are largely driven by the assumptions made about match-day attendances, the suitability of Pittodrie for hosting European matches, and the possibilities that the proposed development at Kingsford would offer in terms of attracting additional sporting and non-sporting events such as competitive international matches and concerts (see table 1) .

These scenarios include the following assumptions:

- Baseline scenario: attendance stated as 13,083;
- Kingsford scenarios assume increased attendances (13476 in central scenario; 15000 in high-end scenario);
- Kingsford scenarios assume increased potential for sporting and other events (as shown in the table below);
- Kingsford scenarios assume increased potential for functions and other non-sporting events;
- Pittodrie scenarios assume that attendances would decline (8,500 in central scenario; 10,000 in high-end scenario);
- Pittodrie scenarios assume European matches would have to be played elsewhere, and attaches a nil value accordingly
- Pittodrie scenarios assume none of the events stated in this table, quoting a nil value;

Table 1

Event	Attendance
Men's international match	1 per year with 20,000 attendees
AFC European matches	2/3 per year with 40,000 attendees total
International rugby match	1 per year with 20,000 attendees
Ladies international match	1 per year with 3,000 attendees
Schools international	1 per year with 3,000 attendees
Music concert	1 per year with 20,000 attendees

**9.49** Based on these assumptions, the submissions identify a difference of between £8.535m and 9.529m in GVA between the central Pittodrie scenario (8,500 average attendance) and the central (13,476 average attendance) and high-end (15,000 average attendance) Kingsford scenarios, respectively. These figures are then used as the basis for identifying an increase of 347-408 Full time equivalent (FTE) jobs when compared to the central Pittodrie scenario. In addition, there are a further 443 net jobs associated with the Kingsford development, however these are recognised as one-off impacts, so are not included in those job totals.

**9.50** The £8.535m-£9.529m additional GVA figure quoted must be considered in the context of these assumptions. The analysis is based on the applicants' own assumptions which include:

- that the recent exemptions granted by UEFA that have allowed European matches at Pittodrie will not continue, and
- that attendances will drop due to expenditure on upkeep of the existing stadium reducing the playing budget with a consequent negative impact on on-field performance and therefore attendances.

**9.51** Some of the assumptions regarding the implications of the "do nothing" scenario on which the applicants' GVA predictions can be considered pessimistic; whilst the "with Kingsford" assumptions could be considered optimistic. For instance, pessimistic "do nothing" assumptions include the assumptions that the recent exemptions granted by UEFA that have allowed European matches at Pittodrie will not continue and that attendances will drop due to expenditure on upkeep of the existing stadium reducing the playing budget with a consequent negative impact on on-field performance and therefore attendances. On the other hand optimistic "with Kingsford" assumptions include that 6 or 7 International and European sports matches and at least one concert will occur at Kingsford every year.

**9.52** Notwithstanding the foregoing, it is considered that the construction of a new stadium would ensure that European matches could continue to be held in the City in perpetuity by future proofing

against a possible scenario whereby UEFA start to take a firmer line on enforcing regulations. Furthermore, as confirmed by a representative of the Scottish Football Association at the earlier Pre-Determination Hearing (PDH1) Pittodrie is not considered suitable for competitive international matches, and therefore has been limited to holding friendly matches in recent years. International friendly matches are to be largely phased out and replaced with a new competition (UEFA Nations League), which is likely to further reduce the likelihood of Pittodrie hosting such events in future. The supporting correspondence provided by the applicants from the Scottish Football Association (SFA), in addition to the SFA representative's presentation at PDH1 confirm that a new stadium would, therefore, offer the potential for such competitive international matches to be held in the North-East. Finally as detailed in the '*Colocation of Stadium and Training Facilities*' section, above, (whilst not unique to Kingsford) there are clear benefits to the club from locating a new stadium and training pitches on a larger site in terms of enhanced facilities and the ability to attract and retaining playing, coaching and managerial talent. The crowd attendances at Pittodrie for seasons 2009/10 to 2012/13 average 9,932 when the club finished in 8<sup>th</sup> and 9<sup>th</sup> positions in the league. This compares to 13,057 for the seasons 2013/14 to 2016/17 when the club finished 2<sup>nd</sup> or 3<sup>rd</sup> in the league (source: www.worldfootball.net). These figures would indicate that there is a correlation between attendances at matches and the success of the team. It can be said, therefore, that a new stadium and training facilities makes it more likely that the club will be able to maintain or enhance its on-field performance and achieve the wider economic benefits to the region associated within increased attendance. All these factors combined would potentially increase or at least maintain crowd numbers. A new stadium would also provide opportunities to attract visiting supporters and associated overnight stays and spending to the region giving greater potential for realising some of the benefits predicted by the applicants' socio-economic impact assessment.

**9.53** Both music concerts, in the event that planning permission is granted for such use in future, and rugby union international matches have been held at Pittodrie in the past, albeit not on an annual basis. A new stadium is likely to offer an enhanced opportunity to compete for such events to come to the City which, if realised, would bring significant number of visitors and associated spending to the region.

**9.54** City centre spending by fans attending Pittodrie is estimated by the applicant (in Appendix P to the November 2017 Supporting Statement) to be between £0.51m and £1.78m per annum, based on assumptions made about the nature of fans' spending when travelling by car. In terms of the impact of the development on the City Centre the ED Team confirm that the lost spend to the City Centre is likely to be around the lower end of the range estimated by the applicant. This is based on the assumption that those travelling by car to attend games at Pittodrie are unlikely to spend in the City Centre, and that fans that currently do not travel by car to Pittodrie are likely to utilise bus services to Kingsford from the City Centre and therefore maintain a proportion of city-centre spending. On this basis the impacts on the vitality and viability of the City Centre are considered not to be significant.

**9.55** As explained by the Chief Executive of the AFC Community Trust at the first pre-determination hearing, the new stadium would benefit the work of the AFC Community Trust by giving access to high quality football pitches, indoor play areas and classrooms that it currently does not have at Pittodrie. It would enable class based activities and physical activity at the same location and facilitate the expansion of the work of the Trust - enabling increased outreach work with schools and communities and increasing participation rates in sporting and recreational activities especially in harder to reach groups. The benefits attributable to the provision of enhanced facilities for the Community Trust represent a material consideration in the assessment of the application.

**9.56** The proposal for a new stadium is in line with policies, objectives and aims expressed in a series of strategic documents for the region which are generally supportive. These documents include:

- **The Regional Economic Strategy (2015)** in that it would support economic growth for the region; diversification into expanding the sport and leisure sectors; and investment in infrastructure and help put the North East of Scotland on the map as a sporting destination
- **Aberdeen City Council Local Outcome Improvement Plan (2016)** in as far as it would align with the aim of taking a more strategic approach to tackling the economic downturn by taking '*a more sustainable diversified approach by attracting non-oil business*'

It would support the expansion of the work of AFCCT by increasing accessibility to sports facilities and participation in group activities for a diverse range of public groups, including those from deprived areas in Aberdeen and Aberdeenshire (e.g. health walks, school breakfast clubs – see appendix O to the November 2017 Supporting Statement)

- **ACC Sports Facilities Strategy** in as far as it would align with the vision to 'create a network of highly accessible and sustainable sport and leisure facilities, which offer inclusive services for all, enabling more residents to fulfil their potential by participating in sport and physical activity, thus improving long-term health and wellbeing'. Kingsford will allow provision of a higher standard and variety of corporate hospitality packages than is presently available in the North East. It would also help establish Aberdeen as a centre of excellence for sport, complementing the success of Aberdeen Sports Village and Aquatics Centre.
- **The Strategy for an Active Aberdeen (2016-2020)** in as far as it would align with the vision to make Aberdeen the most active city in Scotland by 2020 and its three goals of increase the number of people who participate in sport and physical activity, investing our infrastructure of people and places and be inclusive, delivery of programmes that meet the needs of the entire community
- **The Strategic Development Plan** which recognises delivery of a new stadium as a regionally significant project that will bring economic, social and cultural benefits. The proposal accords with SPP policy principle of 'improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation.

**9.57** The regional benefits from a new stadium were recognised in willingness to approve a stadium in the Green Belt at Loirston.

**9.58** In conclusion, the proposal would result in potentially millions of pounds of GVA per annum for the region, in addition to a significant £50 million up front investment and would result in the creation of additional short and long term jobs. Construction of the stadium would give the potential for improved performance by the team and at least maintaining, if not increasing crowd numbers and the attraction of additional major sporting events and concerts to the region - both of which bring visitors from outside the region and associated spending which would benefit local businesses. The new stadium would enable the expansion of the work of the AFCCT to increase the number of people who participate in sport and physical activity. These benefits are highly unlikely to occur if approval is not given for the current proposal and certainly not in the short to medium term future. These potential public benefits to the region represent a significant material consideration in the determination of the application.

**9.59** It is considered that the potential public benefits of the proposed development have been demonstrated. However, there is no evidence to suggest that the benefits identified are unique to the Kingsford location, and limited evidence that there is any significant public benefit to a co-located development incorporating both a stadium and training facilities, or that the same benefits might not equally apply to a sequentially preferable or alternative site identified through the Development Plan. These benefits must therefore be considered in that context, and this is another aspect which illustrates the need to apply the required sequential approach to consideration of alternative sites flexibly and realistically in order to direct development to the most appropriate location. These considerations are evaluated in more detail in the following 'Assessment of the Sequential Test and Alternative Sites' section, below.

### **Assessment of the Sequential Approach and alternative sites**

**9.60** Para 69 of SPP states that planning authorities and developers should be '*flexible and realistic*' in applying the sequential approach, in order to ensure that different uses are developed in the most appropriate locations. This reference to a '*flexible approach*' has been cited by the applicants in the context of a legal case (*Tesco Stores Ltd. v Dundee City Council*) which they contend supports their view that there is no legal basis for the planning authority to require consideration of disaggregation of the development into two separate parts, comprising (i) a new stadium site; and (ii) separate training facilities, as part of the consideration of alternative sites.

**9.61** The *Tesco Stores* case addressed the proper interpretation of a retail policy and the facts were different from the present application. Nonetheless, the case sets out the practical application of the sequential approach. In that regard, it should first be noted that, of course, it is not for the planning authority to require disaggregation. The question for the planning authority must always be to decide the planning application submitted to it. In that regard, as the case cited by the applicant states, there is an assumption that applicants will have prepared their development in accordance with the approach recommended by the particular policy having regard to the need for flexibility and realism. As the legal case states, it would be an oversimplification to say that the characteristics of the proposed development, such as its scale, are necessarily definitive for the purposes of the sequential approach.

**9.62** There was an expectation in that case that regard would be had to the circumstances of the particular town centre, that consideration for accommodating the development in a different form would have formed part of the process, and a thorough assessment of sequentially preferable locations on that footing. But provided that an applicant has done so, then the question that remains will be whether an alternative site is suitable for the proposed development, rather than whether the proposed development can be altered or reduced so that it can be made to fit an alternative site. The applicants' November 2017 Supporting Statement refers (at 2.7, 2.20, 2.21) to the flexibility demonstrated by AFC in seeking a site/sites for stadium and training facilities over a period of some 17 years. This background is useful in providing some historical context, but does not demonstrate a flexible approach with specific regard to the sequential approach, as required.

**9.63** The applicants' requirements for (i) a single, co-located development comprising stadium and training facility; and (ii) a site of at least 25ha - are not decisive. The Council requires to be persuaded that they are justified in the planning context.

**9.64** On that basis, it is therefore considered that in developing their proposals in accordance with the relevant policies, the applicants have not demonstrated that proper consideration was given to accommodating the development in a different form, and having regard to the need for flexibility and realism.

**9.65** There appears to have been little consideration given to sites other than those which could accommodate the applicants' stated requirement for co-located facilities. However, even if there is a need for co-location, the Council still requires on that basis to be satisfied that the sequential

approach has been properly addressed. The expectation remains that the applicants will assess alternative sites having adopted a flexible and realistic approach. It appears that the proposal has evolved without proper consideration being given to whether development in an alternative form would, or could, be more appropriate. It is considered that the applicants have not adopted the flexible approach required. They have proceeded on an approach that has been fixed on sites which could accommodate a co-located development on a single 25 ha site. There is some commentary within the statement on *'Co-Location, Site Selection and Sequential Test'* and later November 2017 Supporting Statement, stating that there are no 12.5ha sites within the City Centre, and that there are no sequentially preferably 12.5ha sites on allocated or brownfield land. Whilst this regard for disaggregating the development is welcomed, it remains based on a fixed requirement for sites of 12.5ha, the necessity of which has not been adequately evidenced.

**9.66** It is noted also that the alternative sites considered by the applicants in the Environmental Statement and in the later statement on *'Co-Location, Site Selection and Sequential Test'* refers to 'advantages' and 'disadvantages' throughout, with the ES concluding that the alternative sites present no *'significant advantages'* to the Kingsford site. This is a further indication that the applicants have approached the consideration of alternative sites and application of the sequential approach from a perspective of advantage to the applicants' interests, rather than an objective assessment. This approach is reinforced by the November 2017 Supporting Statement, which refers (at 2.15 - 2.18) to capital costs and operational expenditure as guiding AFC's consideration of sites.

**9.67** Similarly, the financial information submitted in part 4 of the statement on *'Co-Location, Site Selection and Sequential Test'* in relation to the King's Links site details a series of 'additional' costs that would be incurred in developing the King's Links site for a stadium, with training facilities provided at a separate location. The rationale for assumed costs is not detailed, and costs are not presented for any other site in a way that would allow for like-for-like comparison. There may well be lower costs associated to the development of the Kingsford site, as contended by the supporting statement, however that in itself cannot be of significant weight in the planning authority's assessment, as the evidence simply demonstrates that development of that site would be more expensive, rather than establishing that it would not be financially viable. The advantages for the applicants cannot be considered as definitive for the purposes of the sequential approach.

**9.68** The preceding text explains why it is considered that the applicant has not carried out the sequential approach with flexibility and realism in accordance with SPP, ALDP policy and case law. Nevertheless, the applicant has provided a substantial amount of information on possible alternative sites. It is considered that there is sufficient information to enable the planning authority to carry out an evaluation of whether there are sequentially preferable sites in the ALDP area when assessed against relevant planning policies in the Local Development Plan and the SPP.

### **Policy NC1**

**9.69** As regards assessment against the policies of the ALDP, Policy NC1 identifies the city centre as the preferred location for significant footfall generating development serving a city-wide or regional market. As discussed above, the proposed development is considered to represent a significant footfall generating use, which would attract visitors from across the region. Policy NC1 further states that such footfall-generating uses should (unless on a site specifically allocated for that purpose in the ALDP) be located in accordance with the sequential approach outlined in Policy NC4 and the associated *'Hierarchy of Centres'* Supplementary Guidance. The Kingsford site does not lie within any designated centre, nor is it specifically allocated for the purposes of the proposed development via the ALDP.

### **Policy NC4**

**9.70** Policy NC4 (Sequential Approach and Impact) requires that significant footfall generating uses *'appropriate to town centres'* should be located in accordance with the hierarchy and

sequential approach specified in the policy and the 'Hierarchy of Centres' Supplementary Guidance. As has been discussed above, the proposed development (at least insofar as the stadium and its associated match-day footfall is concerned) is considered to represent a significant footfall generating use. On the basis of its associated footfall and the town-centre-first approach advocated in both the ALDP and SPP, the proposed development is considered to be 'appropriate' to a town centre location. The hierarchy and sequential approach are therefore applicable for the purposes of Policy NC4.

**9.71** The relevant 'Hierarchy of Centres' Supplementary Guidance reiterates that the city centre will be the preferred location for significant footfall generating development serving a City-wide or regional market. Policy NC4 requires that proposals of this type are located in the city centre 'if possible'. This requires consideration of whether it is 'possible' to accommodate the development within the identified city centre. The Kingsford site is remote from the city centre.

### **CITY CENTRE SITES**

**9.72** The supporting documentation provided (ES Chapter 4 and 'Statement on Co-Location, Site Selection and Sequential Test'), dismisses the possibility of accommodating the development on a site within the identified city centre, stating that there are no allocated or potential brownfield redevelopment sites within the City Centre which extend to 25ha. This again links back to the applicants' focus on fixed requirements in considering alternative sites for development, which the planning authority considers to be flawed. Reference is made (at 3.46) to consideration of two separate sites of 12.5ha. Whilst this demonstrates a degree of flexibility in considering the potential for development to be provided in a disaggregated form, it nevertheless remains based on a fixed requirement in terms of the site area required, with no evidence that any options for a reduced or altered form of development below 12.5ha have been considered.

**9.73** As a broad proposition it is accepted that there are inherent difficulties in providing a site for the stadium within the identified city centre, and of course the planning authority's assessment of the sequential approach must be realistic. Whilst the applicants have erred in failing to display the required flexible approach in considering alternative sites, it is accepted as a matter of fact that the largest allocated City Centre site extends to only 1.9ha, and therefore there is no realistic prospect of the development being accommodated within the City Centre.

### **EDGE OF CENTRE SITES (Pittodrie & King's Links)**

#### Pittodrie

**9.74** It is considered that the need for AFC to relocate from their existing premises at Pittodrie is well established. In its submissions AFC has highlighted the shortcomings of the existing venue in terms of its current physical condition, its ability to meet UEFA and SFA criteria for hosting AFC matches in European competitions and competitive international matches respectively, as well as the limitations of the existing facility in terms of the supporter experience and the facilities available to the AFC Community Trust. A Full Business Case for an Aberdeen Community Arena, prepared by Gardiner and Theobald on behalf of AFC and Aberdeen City Council in 2008, noted that studies had shown that it was 'economically unviable to redevelop the existing Pittodrie Stadium'. This study recognised the constrained nature of the site and the conflict between providing a venue to modern standards and the potential for significant impact on neighbouring residents. Whilst it was recognised that redevelopment of existing stands within a smaller footprint could overcome some shortcomings, it was concluded that this would have severe impact on the day to day running of the football club and would likely involve a substantial reduction in both the stadium's capacity and the extent of its corporate facilities. A piecemeal approach to redevelopment would take a number of years, with the alternative involving temporary relocation to another venue whilst works took place. Taken together, these factors led to the conclusion that it would be economically unviable, involving great expense but achieving no additional community benefits and resulting in increased conflict with the surrounding neighbourhood during works. The conclusions of the Full Business Case in relation to Pittodrie were the basis for further consideration of sites at King's Links and

Loirston, and the findings of the study in relation to those sites were reflected in subsequent Development Plan allocations. Whilst a significant period of time has passed since the publication of the Full Business Case, its findings in relation to the redevelopment of Pittodrie remain credible. The Supporting Planning Statement provided by Burness Paull on behalf of AFC highlights that the club's most valuable asset is the land owned at Pittodrie, and that the financial return from the redevelopment of the existing stadium site is central to funding the construction of a new stadium. As noted previously, AFC's interests represent a material consideration in the planning authority's assessment where it can be demonstrated that they align with the realisation of significant public benefit. Taking these factors together, it is concluded that Pittodrie is not realistically suitable for the development of a new stadium for AFC.

### King's Links

**9.75** King's Links does not lie within a designated centre, however it lies within walking distance of the City Centre, recognised as the preferred location for a development with a city or region-wide catchment, and is therefore considered to be an 'edge of centre' site. Furthermore, the King's Links site has standing in the Development Plan, as it is identified in the Strategic Development Plan as a potential location for a stadium development and is therefore sequentially preferable to out-of-centre sites such as Kingsford. The status of allocated sites is recognised by Policies NC1, NC4 and NC5. This SDP allocation is such that the sites can reasonably be considered 'suitable' for a development of this nature in terms of the Development Plan context.

**9.76** In its Supporting Statement of November 2017, AFC highlights Green Space Network, Urban Green Space and Coastal Management Area designations on the King's Links site as a barrier to development. This is noted, however these designations, and the characteristics of the King's Links site have not precluded its identification in the Strategic Development Plan, nor the detailed consideration of its potential as one of two potential sites for a new community arena as part of the 2008 Full Business Case. These designations in themselves are not considered to be of significant weight in assessing the suitability of the site for development. AFC's supporting statement highlights that the King's Links golf centre and driving range occupies 6ha in the northern part of the King's Links site, and that this land is held on a long lease from ACC by the Craig Group Ltd. Appendix G to the Supporting Statement is a letter from the Craig Group Ltd, confirming that this land is held on a lease until 2040 and that the current leaseholders have no intention to break that lease early. The statement concludes that the remaining 4ha of land adjacent to the Links Ice Arena is not of a sufficient size to accommodate either the stadium or training facilities, noting that each would require at least 12.5ha. As discussed previously, this fixed requirement for 12.5ha represents an unsubstantiated and therefore inflexible approach to the consideration of sites. However, it is nevertheless acknowledged that this correspondence confirms that the land at the golf centre is not available for the proposed development. Furthermore, whilst the reference to a 12.5ha requirement for either component of a disaggregated development is not supported by evidence, it is nevertheless acknowledged that there is no realistic prospect of either a stadium or training facilities being readily accommodated within a 4ha site.

## **SITES SPECIFICALLY ALLOCATED FOR THIS TYPE OF DEVELOPMENT**

### Loirston

**9.77** Loirston does not lie within a designated centre included in the 'Hierarchy of Centres' Supplementary Guidance. However, it is sequentially preferable by virtue of its allocation for a potential stadium development in the Aberdeen Local Development Plan. The status of allocated sites is recognised by Policies NC1, NC4 and NC5. This allocation is such that the site can reasonably be considered 'suitable' for a development of this nature in general terms.

**9.78** The justification given for discounting the Loirston site in the applicants' '*Statement on Co-Location, Site Selection and Sequential Test*' identifies a site area of 15ha and refers to the site as no longer being deliverable due to lack of land for training facilities and stadium parking. For the avoidance of doubt, the OP59 (Loirston) site extends to 119.2ha, whereas the applicants' initial

consideration appears to have been limited to the land falling within the boundary of AFC's earlier application for a stadium at Loirston. AFC's initial basis for discounting the Loirston site is that the delivery of the previously designed scheme, which included the provision of car parking and training pitches on the adjacent OP61 Calder Park site, is precluded by the development of the Calder Park site for other purposes, including the construction of a new 'South of the City' academy, along with associated car parking and landscaping, and a new Cove Rangers ground.

**9.79** Whilst the approved Development Framework for the Loirston area was based around a stadium being provided in a slightly modified version of that footprint, it does not necessarily follow that any deviation from the framework would preclude planning permission being obtained. It is recognised that recent development on these sections of the Calder Park site are such that the land is no longer 'available' for development, however the remaining undeveloped parts of the Loirston site must also be considered in terms of their availability and suitability to deliver the proposed development.

**9.80** It has previously been highlighted that an overriding public need for co-located stadium and training facilities, and by extension a single site of 25ha, has not been evidenced by the applicants, so any consideration of these remaining parts of the site must be undertaken with regard for accommodating the development in a different, reduced or altered form.

**9.81** AFC's November 2017 '*Supporting Statement*' offers further comment on the availability and suitability of land within the wider Loirston site.

**9.82** Appendix H identifies an area of land which was the subject of a planning consent allowing for formation of a landscaped earth bund, required to store peat displaced from the construction of the new academy within the OP61 (Calder Park) site. This same area of land was envisaged as accommodating car parking associated with the Loirston stadium at the time of that proposal.

**9.83** Appendices I and J identify land within OP61 which has been sold by ACC to a third party and include correspondence from the Asset Management team confirming that sale. The earlier Loirston stadium application envisaged land accommodating circa 319 car parking spaces to serve the development. Appendix K is a letter from the current owners of that land, Balmoral Group Holdings Ltd, which states that the owners have no intention to sell any land at Loirston over which it has control, and intimates that the owners have plans for its future use. On that basis, it is accepted that the land shown green in Appendix I is not available.

**9.84** Section 4.7 of the November Supporting Statement makes reference to the remaining land within the AFC Loirston planning application boundary, highlighting that the remaining 8.3ha is not sufficient to accommodate either a stadium or training facilities. It is noted that this includes a degree of consideration for disaggregation of these two components, however remains based on a fixed land requirement for each. As has been mentioned previously, the boundary of the earlier planning application should not be treated as a fixed constraint, as the delivery of a stadium within an altered footprint is not precluded in principle. It is acknowledged that this is likely to involve a degree of departure from the Development Framework for the Loirston site, however that would need to be considered as part of a rounded assessment against the policies of the Development Plan and weighed alongside any other material planning considerations.

**9.85** Section 4.7 recognises that the wider OP59 (Loirston) site may offer potential to accommodate the development, but then seeks to discount the site on the basis of the Council having approved a 'Matters Specified in Conditions' application (151073) in connection with the earlier Planning Permission in Principle (PPiP). The existence of another planning consent on this land does not automatically render it unsuitable or unavailable for the development proposed, and the absence of any reference to a stadium within that consent is immaterial.

**9.86** Appendix M to the November Supporting Statement is a letter from Hermiston Securities, which is the lead developer for the Loirston consents noted above. Hermiston express an opinion that the Loirston site is no longer an appropriate location for a football stadium, noting the progression of other developments within the boundary of AFC's earlier Loirston stadium application. Sale of land within the Loirston site is not ruled out, however Hermiston's letter confirms that full residential value would be sought. A similar letter from Churchill Homes (Appendix N), which has land holdings to the north of Redmoss Road, indicates that the current owners intend to seek Planning Permission in Principle for this area of the OP59 (Loirston) site, and should that situation change Churchill Homes would seek full market value based on residential development.

**9.87** The cost of land represents a material planning consideration in this instance because the proposed development would create significant public benefit in terms of both its economic and social benefits to the region and its social benefits to the local community through the provision of new dedicated facilities for AFCCT, which would allow it to expand its activities and promote a programme of community events throughout the week. ACC is obliged to achieve best value for any site which it owns, as required by legislation. It is understood that the starting point for determining best value is the market value of any particular site. ACC has a development agreement with Hermiston Securities Ltd, which involves ACC and Hermiston landholdings being pooled and developed jointly. Hermiston Securities is the majority landowner, and therefore acts as lead developer. It is understood that there is an obligation on Hermiston Securities Ltd under that development agreement to achieve market value for any future development.

**9.88** Appendix E to the November 2017 Supporting Statement is a letter from property consultants FG Burnett. This correspondence provides a hypothetical comparison of land costs, setting out the respective figures for residential land, commercial/industrial land and green belt/enhanced farmland. These costs are presented alongside the anticipated build costs to give an indication of how the land costs would affect the viability of development. Scenarios are also provided for a disaggregated development where training facilities are provided at Kingsford and the stadium is provided on residential or industrial land. These submissions support the case that, whilst there are areas within the Loirston site that may technically remain available, the residential zoning of this land, the commercial realities of its value and the legal obligation for ACC to achieve best value in the disposal of land are such that there is no realistic prospect of a development in this location being financially viable for AFC. The fact that the development would not be viable at Loirston does not justify development of the Kingsford site. Nevertheless, it is for the planning authority to consider the extent of any public benefit arising from the development, and to weigh this against the viability of development at Loirston. If development is not viable due to prohibitive land cost, and the potential for significant public benefit would be lost, then land cost and development viability may represent a material consideration.

### **Policy NC5**

**9.89** Policy NC5 relates to out of centre proposals, stating that significant footfall generating uses which are appropriate to designated centres will be refused planning permission on other sites unless they would satisfy all of the listed criteria.

NC5 (1) – no 'suitable' site (acceptable in terms of NC4) is 'available or likely to become so in a reasonable time'

**9.90** The first of these relates to the availability of other sites, stating that proposals will be refused unless there is no such '*suitable*' site, which is acceptable in terms of Policy NC4, either available or '*likely to become available in a reasonable time*'.

#### (i) City centre

**9.91** As discussed above in relation to Policy NC4, the footfall-generating nature of the proposed use and its city/region-wide catchment are such that the City Centre is the preferred location.

Consideration against Policy NC4 has established that there is realistically no suitable site available within the city centre which would be capable of accommodating the proposed development, even if the stadium and training facility were to be separated.

(ii) Edge-of-centre sites (Pittodrie and King's Links)

**9.92** Policy NC4 states that proposals for such footfall generating uses will not be supported on edge-of-centre sites unless (i) it would be on the edge of a centre of the appropriate type (i.e. the City Centre in this instance due to the development's city-wide/regional catchment); and (ii) there is no site available (or likely to become so in a reasonable time) within the appropriate designated centre. Edge-of-centre sites are discussed above in relation to Policy NC4, concluding that there are no such sites that are both 'suitable' and 'available'.

(iii) Site specifically allocated for the proposed purpose

**9.93** The allocation at Loirston is such that it would also be 'acceptable in terms of Policy NC4' for the purposes of assessment against Policy NC5, however as discussed above, there are issues of availability across parts of that site, and the applicants have demonstrated that the associated land costs would be prohibitive, leaving no realistic prospect of the development being financially viable. This represents a material consideration in this instance as AFC's interests are tied in with the realisation of significant economic benefit to the region, as well as community benefit associated with the expanded activities of the AFC Community Trust, all of which rests upon the development remaining financially viable.

NC5 (2) – Impact on other centres

**9.94** The second of the NC5 criteria requires refusal unless there would be no adverse effect on the vitality or viability of any centre listed in Supplementary Guidance. The applicants' *'Planning Policy Statement on City Centre Impacts'* and *'Socio-Economic Impact Assessment'* documents contend that, based on the travel patterns identified from supporter surveys, the majority of supporters are not walking through the city centre or using the facilities on offer there. On that basis, and having regard to the number of home matches occurring in any year, the former document concludes that there would not be a large amount of footfall lost from the city centre, and that those who are making use of city centre facilities can continue to do so by utilising the shuttle buses running between the city centre and Kingsford. The further *'Economic Analysis and Clarification'* provided by AGCC and included as appendix P to the applicants' Supporting Statement provides further commentary on the potential impact on the City Centre, estimating that the current City Centre spend is at the lower end of a range from £0.51m to £1.78m and reiterating the view that supporters travelling by bus to Kingsford would continue to spend within the City Centre, whilst those travelling by car at present are less likely to spend within the City Centre. The Council's Economic Development Team has expressed satisfaction that the impact on the City Centre is likely to be around the lower end of this range, at around £0.51m per annum. It should be noted that AFC's relocation from the City Centre to an outlying area of the city has previously been accepted in principle through the allocation of land at Loirston for a new stadium and the Council's 'willingness to approve' decision in relation to the associated application for planning permission. When considered in the context of these earlier decisions and the previously discussed economic, and social benefits of the development, it is considered that the estimated impact on City Centre spend is unlikely to result in adverse impact on the vitality or viability of the City Centre, and would be more than compensated for by the economic benefits to the region as a whole.

NC5 (3) – Proven deficiency in the kind of development proposed

**9.95** NC5 also requires refusal unless there is, in qualitative and quantitative terms, a proven deficiency in provision of the kind of development proposed. As noted in the 'Co-Location' section of this report, it is acknowledged that there are established qualitative deficiencies in the existing football site, and the need for a new stadium has been accepted through the earlier Full Business Case for a Community Stadium, the allocations made in the Development Plan and the Council's

expression of a 'willingness to approve' a stadium development at Loirston. The applicants present a convincing case that the lack of permanent and purpose-built training facilities presents difficulties in the day-to-day operation of the club. Whilst it remains the case that the need for co-location of these two elements in a single location has not been adequately demonstrated, the foregoing discussion of alternative sites concludes that there is no sequentially preferable site which is both suitable and available of accommodating the development, even if the stadium and training facility were to be separated.

#### NC5 (4) – Accessibility

**9.96** The fourth criterion of Policy NC5 states that development should be refused unless proposals would be *'easily and safely accessible by a choice of means of transport using a network of walking, cycling and public transport routes which link with the catchment population'*. In particular, developments should be *'easily accessible by regular, frequent and convenient public transport services and not be dependent solely on access by private car'*. The Council's Roads Development Management Team has not objected to the application. However, its consultation response raises a number of concerns in relation to the accessibility of the site via public transport and other sustainable means, particularly from areas outwith the city centre, which largely stems from its location on the periphery of the city. Improvements and upgrades to the cycling and pedestrian infrastructure in the surrounding area can mitigate the impact of match-day crowds, however there remain concerns regarding the availability of buses to service the needs of the development, the assumptions made about shuttle services operating at 100% capacity, and the provision of off-site car parking within Arnhall Business Park via a separate commercial arrangement, which appears to undermine the requirements of the ALDP and SPP for the promotion of sustainable means of travel. The ease with which the Kingsford site could be conveniently reached by public transport on match-days is also still of some concern, with public transport journeys from locations other than the city centre reliant on taking two buses to reach the Kingsford site.

**9.97** These concerns must be considered alongside the assessment of sequentially preferable sites, the Council's acceptance that AFC would relocate from Pittodrie, and the decision to allocate land for the purpose of a new stadium at Loirston. It has been established that there are no sites within the City Centre, or in an appropriate edge-of-centre location or allocated site which would be both suitable and available. The Loirston site is not located within the City Centre, and sits on the periphery of Aberdeen's urban area, in a location which would necessitate travel by car or bus for a large proportion of supporters. Whilst the Kingsford site is yet further removed from the City Centre, it is similarly reliant on match-day shuttle bus services running from the City Centre to the stadium. Whilst a more centrally-located site would offer greater potential for travel by sustainable means, as promoted by local and national transport-related policies, the planning authority is obliged to take a realistic approach and acknowledge that the availability of suitable sites is a significant material consideration. In the absence of any centrally located sites which can be a focus for sustainable travel, the proposed shuttle bus services go some way to making the site accessible for supporters on match-days, and the site's proximity to an AWPR junction is such that it would be readily accessible to those travelling by car. There would also be a benefit in reducing congestion in the City Centre, with associated benefits to air quality. On balance, it is considered that, despite some areas of tension arising from the peripheral location of the site and the associated limitations this places on travel by sustainable means, the absence of any suitable and available site in a sequentially preferable location is such that it represents the best viable option. In this context, the proposal is, on balance, considered to satisfy this test within Policy NC5 (Out of Centre Proposals).

#### NC5 (5) – Significantly adverse effect on travel patterns and air pollution

**9.98** The final test within Policy NC5 requires that proposals have '*no significantly adverse effect on travel patterns and air pollution*'. The proposed development would clearly alter existing travel patterns, by relocating a facility which attracts significant footfall on match-days from its current site at Pittodrie to the Kingsford site, which lies more than 6 miles to the east. Chapter 11 of the Environmental Statement relates to Air Quality, identifying potential for medium risk potential in relation to dust soiling during construction, however proposals are made in relation to the mitigation of this impact. Once operational, the impact associated with traffic emissions is predicted to have a negligible effect on air quality on both a short and long term basis. The Council's Environmental Health team accepts these findings, noting that the impact of the development on nitrogen dioxide and particulate concentrations at the relevant receptors would be considered negligible. As noted previously, the proposal would also remove a degree of congestion from the local road network around the existing Pittodrie site and in the City Centre, with likely benefits to air quality.

**9.99** Taking account of these factors, it is considered that there is sufficient evidence to demonstrate that there is no realistic prospect of development being accommodated within the preferred City Centre location, in either a co-located or disaggregated form, nor the sequentially preferable 'edge-of-centre' options or the allocated site at Loirston. Established patterns of travel and spending suggest that the impact on the City Centre in terms of lost spend would be at the lower end of the estimated range, and it is considered that this lost spend is offset by the economic and social benefits of the development, as outlined earlier in this report. It is accepted that there is an established qualitative deficiency in terms of the existing stadium, which cannot viably be rectified in its existing location, and there is a quantitative and qualitative deficiency in terms of dedicated training facilities for AFC and its Academy, as well as the AFCCT.

**9.100** The findings of the Environmental Statement, Transport Statement (and later addenda) and the responses provided by ACC's Environmental Health Service and Roads Development Management Team are sufficient to demonstrate that there would not be any significantly adverse effect on travel patterns and air quality, with mitigation measures and access improvements implemented where practicable and related to the impact of the development.

**9.101** On the basis of these factors, it is concluded that the proposed out-of-town location, despite some areas of tension in relation to accessibility, would broadly accord with the provisions of policy NC5 (Out of Centre Proposals).

#### **OTHER SITES – ENVIRONMENTALLY PREFERABLE SITES WHICH AVOID/LESSEN HARM**

**9.102** It should be noted that the lack of suitable, deliverable and available sites in sequentially preferable locations does not in itself justify the application site at Kingsford. Given the serious planning harm that arises from the development of a Green Belt site, the planning authority is entitled to consider whether there is a viable alternative which would be environmentally preferable. In this context it is recognised that not all Green Belt land is equally sensitive. The value of the site at Kingsford is discussed in the 'Green Belt Zoning' section of this report, which recognises its role as part of a buffer between existing settlements, which helps to maintain the distinct identity of these communities and prevent coalescence. Notwithstanding its value in this regard, it is recognised that the stadium footprint equates to approximately 10% of the Kingsford site area, and the stadium would be confined to the western part of the site. The open-air training pitches represent a recreational use which is not inconsistent with a green belt setting, and the 'Green Belt Zoning' section of this report highlights the generally low-level nature of the other elements of the development, concluding that the essential openness of the Green Belt landscape would be retained to some degree, particularly as strategic landscaping matures. In terms of its environmental value, it is also noted that the site is not subject to any site-specific environmental designations, and as a former landfill site, there is a degree of environmental improvement that would be associated with its remediation as part of any development scheme.

### Existing AECC (BoD)

**9.103** The existing Aberdeen Exhibition and Conference Centre (AECC) site at Bridge of Don is owned by Aberdeen City Council. AFC has highlighted that the site extends to 21ha and that the Council has expressed a 'Willingness to grant planning permission' for a mixed-use redevelopment of the site. AFC also highlight that the site is of an irregular shape, with limited road frontage, and whilst it is relatively accessible there are concerns that the local road network may struggle to accommodate development.

**9.104** As with the Loirston site, planning permission does not in itself mean that the site is unavailable or unsuitable for development. ACC Asset Management has advised that ACC has 10-year 'ancillary land agreement' with its development partner, Henry Boot Development (HBD), which covers the redevelopment of the existing AECC site. This site could only be developed after the new AECC facility is operating, which is expected for completion in Summer 2019. It is understood that the existing venue has contracted events into 2018 and early 2019. Thereafter, HBD would be responsible for demolition and site clearance, with a duration of 4-6 months anticipated. Redevelopment could therefore commence in early 2020 at the earliest. ACC is obliged to seek best value in the disposal of land and assets, and the starting point for this would be the market value of any given site. The existing land agreement places obligations on the Council's development partner to maximise the development value from the site, and it is acknowledged that market value would reflect the site's allocation in the ALDP (as site OP13) for mixed use development. It is noted also that during the tender exercise for the new AECC, bidders were asked to consider (i) options for redevelopment of the existing site; and (ii) potential alternative locations for a venue. It is understood that the redevelopment of the existing site as a conference and exhibition venue was discounted primarily on the basis of poor transportation links to the site and the opportunities that a new site would offer in terms of establishing transport connections via road, rail and proximity to the airport. On this basis, there are clearly obstacles to the availability and suitability of the existing AECC site which, when considered together present a persuasive case that the site would not be available in the short-term, and that should it become available for development its mixed residential/commercial zoning would prove prohibitive in terms of land costs, likely rendering the development non-viable.

### New AECC (Rowett North)

**9.105** The Rowett North site (OP19) is allocated in the ALDP as an '*Opportunity for development of Aberdeen Exhibition and Conference Centre and complementary employment uses*'. The site extends to approximately 64ha, and AFC's submissions note that the replacement AECC facility is presently under construction. It is stated that the OP19 site is not available due to the replacement AECC being under construction, however it is noted that the consent currently being implemented does not cover the entire OP19 site, indicating that further consideration is required. Having reviewed the boundaries of the development underway, it was established that there are other developable areas of the site. However, the presence of Aberdeen Airport presents a constraint within the identified Public Safety Zone area, which severely limits development potential. A remaining area to the east of the Public Safety Zone would not be of sufficient size to accommodate a stadium and necessary car parking, and a further area to the west of the site includes landscaped areas which would not be readily developable due to the presence of an existing watercourse and constraints posed by site topography. Options for sharing car parking resource with the new AECC would be limited by the similar nature of the developments and the conflict in hours of operation. As noted in relation to other sites, the zoning of the site for commercial development is such that any land that did become available, notwithstanding the limitations in terms of developable area and suitability noted above, would likely be prohibitive to AFC in terms of development viability. These factors present a compelling case that land at OP19 is not suitable for the development, even if the possibility of disaggregation is considered.

### Other ALDP allocations

**9.106** AFC has undertaken a review of ALDP allocations in excess of 25ha (Appendix 4 to the *Statement on Co-Location, Site Selection and Sequential Test*). This clearly remains based on a fixed requirement for a single site of 25ha, which has been discussed previously in this report. Page 25 of that statement highlights that there are no such sites within walking distance of the city centre, but that there are 19 allocated sites across the city. Para 3.46 states that a 12.5ha site requirement does not highlight any suitable site allocated in the ALDP, however there is no further commentary on how this conclusion was arrived at. Notwithstanding the lack of evidence to support conclusions that these allocated sites are not available or not suitable for development, the applicants' submissions in relation to land values and their relationship to development viability (at Appendix E to the November 2017 Supporting Statement) are of significant weight in demonstrating that a site allocated for commercial or residential development would be prohibitive in terms of land costs, which represents a material consideration in terms of achieving the wider public benefits discussed previously in this report. On that basis, it is accepted that the prohibitive cost of allocated sites is such that they would not be deliverable. It is noted also that development on land allocated in the ALDP for business or housing purposes would raise a further conflict with the Development Plan by prejudicing delivery of any such allocation, undermining the aim of the ALDP to maintain housing and business land supply and meeting targets for housing development across the plan period.

#### Other Green Belt sites (whether 1 or 2 sites)

**9.107** Para 3.39 of the applicants' *Statement on Co-Location, Site Selection and Sequential Test* states that a review of the Green Belt area around Aberdeen does not suggest any 25ha sites that would be environmentally preferable to Kingsford. This highlights Kingsford's advantages in terms of the site's low environmental value, relationship to other development within the A944 corridor and accessibility to the A944 and AWPR.

**9.108** It is recognised that the proposal could reasonably be disaggregated to comprise a stadium and a separate training facility. Whilst the applicant has asserted that each of those sites would need to be a minimum of 12.5ha, there is an absence of evidence to support that assertion. On that basis, it is concluded that the consideration of alternative sites in green belt locations should not be limited to those of 12.5ha and above. Green Belt land is not universally sensitive, and some land will have a specific function that is not shared by other land. In the case of the Kingsford site, the 'Green Belt Zoning' section of this report recognises that the site does not benefit from any site-specific environmental designations, and that its former use as landfill is such that there is a potential benefit in the remediation of land within the site. This specific area of Green Belt sits between the settlements of Westhill and Kingswells, and therefore has a role in preventing coalescence between Kingswells and Westhill, and maintaining the identity of these respective settlements. Nevertheless, it is recognised that there are significant elements of the proposal that would be compatible with the planning policy aims of Green Belt. In particular, the training pitches are an open air recreational use and, with the exception of the associated floodlighting, the car parking and playing pitches would be low level structures that would become less visible from the main public viewpoints as the landscaping around the periphery of the site matures. The 'Green Belt Zoning' section of this report concludes that these elements of the proposal, which occupy a large proportion of the total site area, would maintain, to some extent, the essential openness of the Green Belt landscape and retain a visual separation between the settlements of Kingswells and Westhill. In this respect, the impact of the development is largely weighted towards the stadium structure itself, which would be located towards the western end of the site, closest to Westhill. Whilst other Green Belt sites would not share the value of the proposed Kingsford site in providing a buffer between settlements, a high level review of potential Green Belt sites suggests that such sites are likely to have greater environmental and/or ecological value, and they are unlikely to be so readily accessible from the AWPR and a main arterial A-class road (in Kingsford's case the A944). Taking these factors together, it is concluded that there is no readily apparent site (or sites) within the Aberdeen's Green Belt that would be both suitable for the development and

environmentally preferable in terms of avoiding the planning harm that arises from development of the proposed site at Kingsford.

### **Pipelines and Safeguarding**

**9.109** Policy B6 (Pipelines, Major Hazards and Explosives storage sites) relates to development proposed within the applicable consultation zones for pipelines and major hazards, stipulating that the planning authority will consult with the Health and Safety Executive (HSE) to determine the potential risk to public safety, and will take full account of any advice from the HSE in determining planning applications. This consultation has been undertaken, based on the presence of two major accident hazard pipelines - the BP Forties Cruden Bay Terminal/Kinneil Terminal pipeline and the Shell Expro St Fergus to Mossmorran NGL Pipeline. In its consultation response, the HSE notes that the stadium itself would lie outwith the consultation distance for both of these pipelines, but that other elements of the proposal lie either wholly or partially within those distances. The only element of the proposal that gave rise to concern for HSE related to queuing shuttle buses, however these have been addressed through a reconfigured site plan which locates waiting/queuing areas for bus passengers outwith the middle zone applicable to the Shell pipeline.

**9.110** Policy B6 also sets out that the Council will consult the operators of pipelines where development proposals fall within the applicable consultation zones. As noted in the Consultations section of this report, both Shell and BP operators raise no objection to the proposal, and note no conflict with operation of the pipelines (note – Forties Pipeline now owned by INEOS). Both operators recommend that construction works and any service routing should take account of the pipelines. On the basis of the advice given by the HSE, it is considered that the proposed development is appropriately sited relative to the identified major accident hazard pipelines, would not materially increase the potential risk to public safety and would not result in any significant conflict with their continued operation. The proposal therefore accords with policy B6: Pipelines, Major Hazards and Explosives storage sites. Concerns were expressed at the Pre-Determination Hearing regarding the potential for these pipelines to represent a target for terrorism. The Health and Safety Executive (HSE) is a statutory consultee on developments within the vicinity of major hazard sites and major accident hazard pipelines. The overriding aim of HSE's involvement in the land use planning system is to *'manage population growth close to such sites to mitigate the consequences of a major accident'*. In the context of these pipelines, the concern highlighted at the hearing related to the impact of an explosion and the risk associated with large numbers of supporters congregating at the stadium and its associated spaces. Whether accidental or intentional, the implications of an explosion have been considered by HSE in establishing the relevant consultation distances around major accident hazard pipelines. Particular land uses are restricted within the inner, middle and outer zones depending on the *'sensitivity level'* attributed to a particular land use by HSE in its categorisation of development types.

### **Alternative Uses for Stadium**

**9.111** It is noted that AFC's presentation to the Pre-Determination Hearing (PDH1) included mention of a desire to utilise the stadium for other, non-sporting, events such as concerts. Whilst this was mentioned as an infrequent occurrence, with perhaps one such event occurring per year, it is the case that the environmental statement, associated assessment of potential noise sources and proposals for mitigation of any noise impacts have been undertaken on the basis of the venue operating as a football stadium. In the absence of the necessary supporting information to identify, assess and mitigate noise from such use, the planning authority does not have the necessary information to make a proper informed planning assessment of any such use. In that regard, and notwithstanding the requirement for a thorough assessment of the proposal against the provisions of the Development Plan and any other material planning considerations, it is considered necessary for any consent to be restricted by condition, such that non-sporting events may not be undertaken. An application for variation of such a condition would be required so that a proper assessment could be made of proposals for non-sporting events. Any such planning application would have to include a detailed assessment of potential noise impact and proposals for

appropriate mitigation, sufficient to allow the planning authority to use this as the basis for any judgement on its acceptability or otherwise.

### **Transport and Accessibility**

**9.112** A detailed Transport Assessment (TA) has been provided in support of this application. This was later supplemented by a Road Safety Audit Report, TA Addendum (TAA), Updated Shuttle Bus Strategy, Travel Plan Framework and Transportation Response.

**9.113** The initial TA used a supporter survey conducted by Dons Supporters Together (DST) as the basis for traffic generation and modal split figures. The TAA incorporated a further supporter survey, carried out by Aberdeen and Grampian Chamber of Commerce (AGCC). Whilst the sample size and return rate are considered sufficient to provide a representative sample, the Council's RDM Team has expressed concern regarding the methodology used in conducting both surveys. Notably the AGCC survey, in addressing chosen mode of travel, relates entirely to travel to the current Pittodrie site. The survey results appear to back up a view that people will walk further to football matches than might otherwise be assumed, and therefore demonstrate that the city centre and its public transport connections across the region are relatively accessible from Pittodrie. By contrast, the Kingsford site is in a peripheral location on the edge of the city, where it would be quite heavily reliant on a combination of car borne travel and dedicated match-day shuttle services from the city centre. The proposals for city centre shuttle services serve to make the site more accessible than it otherwise would be, however its location on the edge of the city, far removed from the bus and railway stations, largely precludes the possibilities for supporters from outlying areas of the city and further afield to take a bus or train to Aberdeen and then make the remainder of their journey on foot. Nevertheless, it is acknowledged that this is similarly true of the allocated site at Loirston, which has been accepted through its inclusion in the Local Development Plan and through the Council's stated 'Willingness to Approve' the associated planning application. Car travel is further encouraged by the provision of off-site car parking within Arnhall Business Park. The Council's car parking standards apply maximums to car parking within the development site, therefore the provision of spaces off-site does not represent a failure to comply with those maximums as expressed in the '*Transport and Accessibility*' Supplementary Guidance. However such off-site provision does undermine efforts to promote sustainable travel, which is encouraged in policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel) of the ALDP and in SPP. It is recognised that such commercial arrangements for car parking are in many instances outwith the control of the planning authority, unless precluded by conditions relating to an earlier grant of planning permission at the off-site location, however in this instance the off-site arrangements form part of the applicants' Transport Assessment and overall Transport Strategy, so are material to determination of the application.

**9.114** Given that the opening of the stadium for use would likely be 2-3 years after the granting of planning permission, it is not realistic at this stage to develop a detailed Bus Management Plan. Notwithstanding, the principles of the Bus Strategy already established are broadly acceptable. It is considered appropriate that a Steering Group be established which would include representatives of the City Council, Police Scotland, Bus Operators and Aberdeen FC. The Steering Group would develop an agreed Bus Management Plan prior to the opening of the development and would review and revise the strategy once implemented. This approach is acceptable and can be delivered through a legal agreement entered into by Aberdeen FC.

**9.115** The application site would be accessed via three vehicular junctions with the A944. The general operation of these junctions has been agreed between the Council's RDM Team and the applicants' transportation consultants. The main stadium access would be permanently signalised, with a significant right-turn stacking land required within the 2-lane westbound carriageway. On non-matchdays, the traffic signals at the main access would be activated on demand for right turns in and left turns out of the development. Right turns out of the development would be prohibited.

**9.116** The Eastern access would accommodate shuttle buses only, and would incorporate part-time traffic signals which would operate on matchdays only. A short right-turn stacking land would be required to the westbound carriageway. These signals would give priority to shuttle buses exiting and turning left onto the A944 after matches/events. On non-matchdays, the Eastern access would not be in use, and would be secured by gates.

**9.117** The Western access would not include traffic signals, and would operate on a left-in/left-out basis on matchdays/during events. This access would be available to coaches and a proportion of home supporters with spaces allocated in the west car park. Access from the AWPR (which would account for most coaches) would be signposted towards the A944/Straik Road Roundabout, where a U-turn would be required for stadium arrivals. On non-matchdays, the Western access would not be in use, and would be secured by gates. ACC's RDM Team has expressed satisfaction with the access arrangements on this basis, and the detailed design of the junctions can be secured through conditions attached to any consent, with a requirement for implementation prior to first use of the stadium for matches/events.

**9.118** Proposals to implement a Controlled Parking Zone (CPZ) in Westhill would help to prevent indiscriminate parking in the surrounding residential streets, however it is noted that (i) there is a separate regulatory process for the promotion of Controlled Parking Zones, the outcome of which cannot be prejudged in assessment of this application; (ii) the streets where this would be required lie outwith Aberdeen City Council's administrative area, within Aberdeenshire, where parking is not currently decriminalised, meaning that Police Scotland would, unless Aberdeenshire Council were to decriminalise parking, be responsible for enforcement of any CPZ. As highlighted by ACC's RDM Team, Police Scotland have committed to enforcement of any CPZ on a priority basis, which suggests that match-days/events would be the most likely focus for active enforcement. Without adequate enforcement, a CPZ may prove to be ineffective in deterring on-street parking by supporters in Westhill, but ultimately that will be a matter for the judgement of Police Scotland for so long as parking remains decriminalised in Aberdeenshire. On the basis of these factors, the delivery of any CPZ in Westhill would be outwith the control of the applicant, and would require third party involvement and separate regulatory processes. The requirement for a CPZ will need to be addressed through a 'Grampian condition'. This type of condition is used to grant permission which is conditional upon something else happening first (in this case the requirement for implementation of a CPZ) *but without specifying who is responsible for its implementation*. The use of such conditions is established by case law, and offers a means of granting planning permission where there is a necessity for something to happen that is not solely within the gift of an applicant. The possibility of a CPZ to prevent on-street car parking around Kingswells was raised in representations however it is considered that this would not be necessary due to the availability of car parking at the Kingswells Park and Ride site, which would allow supporters to access the match-day shuttle services. With these facilities available, it is considered that the potential for supporters parking on residential streets within Kingswells is not likely to be significant.

**9.119** The applicants have also proposed the construction of a pedestrian bridge over the A944 dual carriageway, to allow safe access between the stadium and off-site car parking at Arnhall Business Park. This would help to address previous concerns regarding the volume of pedestrian movement across this road and the associated safety issues. RDM Team notes that the provision of laybys for buses adjacent to the pedestrian bridge would reduce walking distances and offer greater convenience both for match-day supporters and for staff and others accessing the facilities on a more regular basis. It is noted that the indicative details shown would have the bridge straddling the City and Shire boundary. In its current position any such bridge would be likely to require a separate grant of planning permission in its own right, and its straddling of the administrative boundary means that applications would be required to both Aberdeen City and Aberdeenshire Councils. A 'Grampian condition' is necessary to prevent development unless evidence of an appropriate solution to provide safe pedestrian access (including evidence that any

necessary consents have been obtained - from both authorities if necessary), and preventing first use of the stadium unless the bridge has been delivered in complete accordance with those approvals. Whilst the specification shown by AFC for a pedestrian bridge is indicative, recent submissions included calculations relating to pedestrian movements in order to establish that such a structure is feasible and would have adequate capacity to accommodate the anticipated volume of pedestrian movement between the site and Arnhall. ACC's RDM Team has reiterated its satisfaction with the applicants' evidence provided to demonstrate the feasibility of such a structure, noting that at this stage it is feasibility that is being established and the detailed design and capacity of any pedestrian crossing solution would be assessed on consideration of any planning application(s) concerning a new bridge structure or, in the event that another crossing solution was to be proposed, on consideration of further submissions to satisfy the terms of a condition attached to any consent issued.

**9.120** These supporting documents show that there are potentially technical solutions to matters such as upgrading pedestrian and cycle paths, providing a pedestrian bridge to ensure safe access to the site, and requiring a Controlled Parking Zone (CPZ) to prevent indiscriminate parking on surrounding residential streets. These measures relate to addressing direct impacts of the proposal which are in large part a result of its inherently peripheral location, however this must be considered in the context of the availability or otherwise of sequentially preferable sites and the Council's acceptance of the principle of AFC relocating from the City Centre to a peripheral location. On the basis that there are no suitable, available and deliverable alternatives, the significant commitment to the provision of dedicated matchday shuttle bus services represents a notable measure to promote sustainable travel by supporters. It is recognised that a proportion of supporters will drive to matches, as is currently the case at Pittodrie, and the presence of the AWPR junction and A944 are such that the site can be accessed via major roads and would reduce pressure on the road network within the City Centre and the area immediately around Pittodrie. Whilst there remain areas of tension with policy T2 (Managing the Transport Impacts of Development), the lack of alternative sites, previous commitment to an out-of-centre location of a new stadium, significant commitment to the provision of shuttle bus services and relative accessibility via the AWPR are such that the proposal is considered to be broadly acceptable in that context.

**9.121** The reliance on car borne travel and dedicated shuttle services are considered to be a direct result of there being no alternative site in a highly sustainable, central location. On the basis that the proposed site can be readily reached by car and the club will be obliged to provide adequate match-day travel to meet supporter demand (which is in AFC's interest), it is considered that on balance the proposal must be accepted as the only viable location for the development. In that context, the proposal would broadly accord with the provisions of Policy T3 (Sustainable and Active Travel) of the ALDP, in that it would promote sustainable travel to the extent that it is realistically possible, and would make provision for the improvement of facilities where practicable, including the upgrading of pedestrian/cycle routes and contribution towards offsetting additional impact associated with increased use of Core Paths.

### **Core Paths**

**9.122** Core Path 91 is an existing shared footway/cycle path which runs immediately to the south of the site, partially alongside the A944 and partially along the Old Skene Road. This section forms part of the wider Hazlehead to Westhill route, which is of variable width along its route. All three access points to the site would allow access onto the Core Path route, and the Council's RDM Team highlights in its response that, in order to accommodate increased use associated with the development, the existing route will need to be improved to provide a 3m wide route for pedestrians and cyclists. This would allow for direct connections, via sustainable means of travel, between the development accesses and Westhill at Westhill Drive, and to the east to allow connection to the Park and Ride site at Kingswells. Upgrading the route to the east may be more problematic, as there are several areas where widening is required, but the adjacent land is in

third party ownership, and therefore outwith the control of the applicants. There may be an alternative option to allow widening of the footway/cycle route via localised narrowing of the carriageway. Ultimately, it will be necessary to utilise a 'Grampian' condition to require that the development cannot be implemented unless the necessary improvements are implemented. In this regard, existing access rights associated with the use of the Core Path would be maintained, with the route being retained and upgraded to provide appropriate routes to serve the proposed new development. In addition to these specific interventions, the Council's Developer Obligations Team has assessed the development as generating a requirement for a financial contribution of £9,064.71 due to the increased use associated with the development. Such contribution can be secured through a planning obligation (section 75 agreement). In doing so, the proposal is considered to accord with the provisions of Policy NE9 (Access and Informal Recreation) of the ALDP.

## **Air Quality**

**9.123** Policy T4 (Air Quality) of the ALDP sets out that proposals which may have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are proposed and agreed with the planning authority.

**9.124** An Assessment of the development's impacts on air quality was carried out as part of the Environmental Impact Assessment, and is detailed in Chapter 11 of the associated Environmental Statement. That assessment identified a medium risk potential relating to dust soiling and a low risk potential in respect of impact on human health, in the absence of any mitigation. Traffic emissions once the development became operational are predicted to have a negligible effect on air quality on both a short and long term basis.

**9.125** Mitigation measures are proposed, and would be contained within a Construction Environmental Management Plan, to be agreed by the planning authority prior to construction commencing. These include planning of the site layout to keep machinery and dust-causing activities away from sensitive areas; on and off-site inspections to monitor dust during construction; erection of screens/barriers around dusty activities; covering or enclosing stockpiles to reduce potential for wind carrying dust from these sources. With the identified mitigation measures, the ES concludes that significant residential effects are not anticipated.

**9.126** The Council's Environmental Health (EH) Team notes that air quality in this area is currently good. Modelling was undertaken to assess air quality with and without the stadium, factoring in the AWPR and other committed development projects. This found that nitrogen dioxide (NO<sub>2</sub>) and particulate (PM<sub>10</sub>) concentrations would remain well below national air quality objectives in both scenarios (with and without the proposed development). The impact of the development on air quality locally was therefore found to be negligible. The EH Team recommends that, a dust risk assessment and dust mitigation plan are secured by condition.

**9.127** By undertaking the necessary assessment of air quality impacts and making appropriate proposals for the mitigation of any identified impacts, the proposal is considered to accord with the provisions of Policy T4 (Air Quality) of the ALDP and its associated 'Air Quality' Supplementary Guidance.

## **Noise**

**9.128** Policy T5 (Noise) of the ALDP sets out a requirement for Noise Impact Assessment to form part of planning applications where there is a likelihood of significant exposure to noise as a result of a proposed development. This policy states a presumption against noise generating developments being located close to uses which are sensitive to noise, such as existing housing. Equally, new housing and other noise-sensitive developments will not normally be granted permission close to existing noisy land uses without suitable mitigation measures to reduce the impact of noise.

**9.129** Noise and vibration impacts associated with the development have been assessed as part of the Environmental Impact Assessment, and are addressed in Chapter 12 of the Environmental Statement. This highlights the potential for noise and vibration at the construction stage, however it is noted that the detail of construction operations and the level of impact associated will not be known at this stage. Nevertheless, the ES highlights the role of a Construction Environmental Management Plan (CEMP) in identifying and mitigating noise and vibration impacts associated with construction activities. The Council's EH Team highlights a requirement for a noise and vibration management plan in accordance with BS5228-1:2009 in the event that the application is to be approved. This could form part of any CEMP, as noted above.

**9.130** Once operational, there is potential for noise impact associated with increased road traffic, fans arriving on foot to the stadium, temporary fast food stalls or similar, crowd noise and public address systems. In addition, delivery vehicles and use of the training pitches are identified as potential sources of noise.

**9.131** It is noted that the properties closest to the stadium are also in close proximity to the A944, and therefore existing noise levels associated with road traffic are high. The EH Team comments that, whilst 'major adverse' impacts are identified in the ES, noise mitigation is not feasible due to the location of the affected properties relative to the road. Noise related to match-day crowds and PA systems would be sporadic and variable in nature. The ES identifies a major adverse impact to the nearest residential property during an evening weekday match, with moderate adverse impact at that property for a Saturday afternoon match. Again, it is recognised that these impacts would be limited by the number of matches held per year, and that the noise source is not constant.

**9.132** Noise arising from fast food units can be addressed by prohibiting their siting within 150m of the nearest residential property, unless details of acoustic screening or other mitigation has first been provided and agreed. Similarly, moderate adverse noise impact associated with deliveries can be minimised by prohibiting deliveries to the site outwith the hours of 7am to 7pm and requiring that larger delivery vehicles use the SW road access. The EH Team also recommends that use of the pitches nearest to residential property is not permitted after 9pm.

**9.133** It is considered that conditions can secure significant mitigation in relation to identified sources of noise. Impact from road traffic noise must be viewed in the context of the residential properties' location relative to a busy dual carriageway, which is such that baseline noise levels are currently high. Noise impact relating to weekend afternoon matches is assessed as being moderate adverse which, in the context of the limited number of home matches played per year, is considered to be acceptable. The impact from evening weekday matches would be more severe, having been assessed as 'major adverse', however this again must be seen in the context of the small number of evening weekday matches held over the course of a year. It is therefore considered that the most severe impacts would be temporary and relatively infrequent, and would affect a small number of properties, and that the noise impacts arising from the development have been adequately mitigated where possible, as required by Policy T5 (Noise) of the ALDP.

### **Design and Placemaking**

**9.134** A Design and Access (D&A) Statement and a later addendum to that statement were submitted in support of the planning application. Planning Advice Note 68: 'Design Statements' (PAN 68) sets out their role in the Scottish planning system, as a means of conveying the design principles that have influenced the design and layout of a proposal. This site appraisal recognises important viewpoints of the site and identifies the constraints posed by the presence of two major hazard pipelines in terms of land uses and site layout. These pipelines and the associated restrictions on land uses set out by HSE's 'Planning Advice for Developments near Hazardous Installations (PADHI+)' guidance have limited possibilities for the location of the stadium within the site, with the eastern half of the site incorporating inner, middle and outer consultation zones.

Development is most restricted at the south-eastern corner of the site, which lies within the inner consultation zone. Car parking and training facilities can be accommodated within consultation zones under PADHI+ guidance.

**9.135** Overall the design concept is positive, creating a distinctive building which is architecturally interesting. The red and white translucent panelling is a striking feature in the stadium design, and the prominent south-east corner of the building has been reconfigured to continue its use around this section and to better highlight the shop, café and museum facilities in this area. Continuing the use of the translucent cladding here also offers the potential to allow greater natural light into museum spaces. The stadium is a relatively simple 'bowl' form, with exposed steelwork and seating contained within a single tier. The supporter experience has been considered, with the bus turning area conveniently located relative to the stadium and a pedestrian-friendly Fanzone allowing easy access to the clubs shop, café and other facilities within the ground.

**9.136** The orientation of the stadium and its playing surface has changed from the initial 17 degrees off north, recommended by UEFA guidelines. The addendum to the D&A statement indicates that this is *'to ensure that management, substitutes and the main camera gantry will now face north rather than into the sun'*. This revised orientation is also seen as providing a stronger frontage to the A944, which would offer the main views of the stadium. Natural landforms would be used to signpost the entrances to the site, and potentially offer opportunities for artwork or club signage to contribute to a sense of arrival for supporters.

**9.137** Further information on aspirations for the Fanzone area came with submission of the addendum to the D&A statement, however it is noted that there is still a lack of firm detail on this element of the proposal, such as details of any structures. Detailed public realm proposals for this area would be a necessity. The addendum also sets out changes made to the south-eastern corner, detailed above, which are welcomed.

**9.138** Structural landscape buffers are proposed around the perimeter of the site to mitigate the visual impact of the proposal, provide a buffer to adjacent residential properties and assist in integrating it into the surrounding landscape, however these currently focus on screening and enclosing the development from external views and do not adequately integrate structure planting throughout the interior of the site. This would be particularly apparent in views from elevated land, such as the northern parts of Westhill. In its current form, the proposal is not considered to present a sufficiently strong landscape framework, as required by policy D2 (Landscape), however this could be rectified through revision to the landscape framework which would not conflict with the existing site layout. In that regard, it is considered that this can be adequately addressed through the application of conditions, requiring submission and agreement of a revised landscape framework and detailed landscaping proposals to provide structured landscaping through the interior of the site and along approaches to the stadium from access points.

**9.139** In terms of assessment against Policy D1 (Quality Placemaking by Design) and the six essential qualities of successful placemaking, the use of translucent cladding in club colours and the simple, contained form of the building contributes to a distinctive appearance. It is noted that in the design development the height and footprint of the stadium have been reduced where possible to allow for better integration into its surrounding landscape and to reduce visual impact. The materials utilised are considered to be appropriate to their use, with a focus on well-considered hard landscaping in the Fanzone area. Soft landscaping focuses principally on the edges of the site and screening, which has a role in protecting landscape character and embedding the development, but provision is also made for planting within car parking areas to soften their visual impact. The proposal adequately demonstrates the key characteristics of 'distinctiveness'.

**9.140** The use of colour, texture and scale is considered to be appropriate to a development of this nature, and entrance points to the development are well-positioned and demarcated through the use of raised landforms. There is a legibility to the site layout that assists in wayfinding and

pedestrian movement, and the redesign of the south-eastern corner of the stadium allows for a greater 'live frontage' and better interaction with the Fanzone space. Issues of flood risk have been addressed and are considered in the relevant section of this report. The D&A statement addendum makes reference to the possibility of buried luminaires to assist with wayfinding and creating a sense of arrival – full details of a lighting strategy for the site can be secured through use of a condition. In considering these factors, the proposal demonstrates a 'welcoming' environment, and would be 'safe and pleasant' at a human level.

**9.141** In terms of being 'easy to get to / move around', provision for cycle storage would be made within the site, and well-considered pedestrian routes would be available within the site itself. Links outwith the site require upgrading, and may present challenges in terms of deliverability due to land ownership and other constraints. The development is located on a peripheral site in a green belt location, which is not presently well served by public transport facilities. Proposals are made for the provision of shuttle buses and enhancement of existing bus routes, however it is still the case that the development is not within a sustainable location, and necessitates significant levels of car-borne travel. On this basis, it is considered that the development internally is easy to get around, however its location and the difficulties associated with accessing the site are such that it is not considered to be 'easy to get to' for the purposes of considering against the six essential tests of successful places.

**9.142** The extent to which a purpose-built sports stadium and associated facilities can be built to be 'adaptable' as envisaged by Policy D1 is limited. This is a bespoke development which would not be readily suitable for purposes other than large-scale events. On that basis, it is not practicable for the development to demonstrate many of the characteristics of 'adaptable' development. Climate change mitigation and adaptation is provided for through the net benefit to the storage capacity of the floodplain towards the northern boundary of the site, as discussed in the 'Flooding and Drainage' section of this report. This provides greater protection against future increased rainfall and the associated flood risk implications. The proposal is therefore considered to be 'adaptable' so far as can be reasonably expected for a development of this type.

**9.143** The proposal does not reuse existing buildings. The land within the site has only been developed previously for extraction, landfill and agricultural uses, all of which are consistent with its semi-rural location in a Green Belt setting. The proposals incorporate SuDS for the treatment and controlled dispersal of surface water, and measures relating to reducing carbon emissions, incorporating low and zero carbon generating technologies, water saving measures and others can be demonstrated through the submission of further information secured by conditions, such as that recommended by SEPA in relation to an Energy Strategy. Amenity would be shared with adjacent sites through the availability of academy training pitches for community use. The detail of arrangements for waste and refuse storage and disposal would be established through the use of conditions. Again, the convenience of access is of some concern, as the location is not served by good public transport services without intervention, and the level of intervention required in order to make the site readily accessible is significant. The basis for the Transport Assessment and transport strategy has been to survey supporters to establish what proportion drive to the existing Pittodrie site and then seek to provide opportunities for that proportion of supporters to access the Kingsford site via the same means, which does not appear to be consistent with an efficient use of resources.

**9.144** In summary, the proposal is generally considered to be distinctive, welcoming, safe and pleasant, easy to move around and adaptable insofar as a purpose built sports facility can be, however it is not considered that it would be easy to get to or entirely resource efficient due to its location and the apparent priority given to car-borne travel. On balance, it is nevertheless considered that the design of the proposal has evolved from a clear understanding of its context, and the proposal is considered generally to accord with the aims of Policy D1 (Architecture and Placemaking by Design). The proposal demonstrates a landscape framework, which has been arrived at following consideration of the development's impacts on the landscape through the EIA

process. Identified impacts would be mitigated where possible through the provision of structured landscaping belts, and through planting within the site, however a greater focus on providing structure to the spaces within the site is required. Detailed proposals for hard landscaping can be secured through the application of conditions, and as discussed above, revision would be required to make the landscape framework acceptable. On this basis, subject to the use of appropriate conditions to secure these submissions, the proposal is considered also to accord with the provisions of Policy D2 (Landscape) of the ALDP and its associated Supplementary Guidance.

**9.145** Policy D3 (Big Buildings) notes that the most appropriate location for big buildings will be within the city centre and its immediate periphery. Where these are proposed, they should be of a high quality of design and complement or improve the existing site context. The current proposal is entirely removed from Aberdeen's urban area, and sits in a prominent site adjacent to the A944, which will be increasingly prominent once the AWPR is operational. The impact of the large and prominent stadium building has been assessed as part of the process of Environmental Impact Assessment, and is specifically addressed by the Landscape & Visual Impact Assessment outlined in chapter 6 of the Environmental Statement. That assessment highlights that the development would result in a fundamental change to the open and rural character of the site and its immediate surroundings. Its impact is relatively localised, with impacts at their greatest: along the A944 route; at residential receptors at Westhill Road and other elevated areas to the north of the town; and at core path 48, south-east of the site, and core path 34 at Brimmond Hill. This assessment predicts that, once landscaping proposals have become established, the development would be an increasingly integrated component of the landscape. The impact on visual amenity, as experienced from residential properties within 1km of the site, is assessed as being a permanent and in most cases significant change. However, the effects are anticipated to reduce over time as structural woodland/landscape areas become established. Taking these factors into account, in strict terms there is a conflict with Policy D3 which arises as a result of the building's location in an area of green belt on the periphery of the city, rather than within the city centre and its immediate periphery. The proposal is considered to be of high quality in terms of its overall layout, materials and design concept, however its location is such that the visual impact of a large and prominent building would be more keenly felt. Whilst it is recognised that the visual impact of the building would be, in relative terms, quite contained and relatively localised due to the surrounding topography, it nevertheless remains the case that the building would detract from its semi-rural context and the mitigation provided by landscaping to the edges of the site would take time to establish itself to the point where the visual impacts are meaningfully mitigated. On balance, it is therefore considered that the proposal would not accord with the provisions of Policy D3 (Big Buildings) and the associated Supplementary Guidance.

### **Trees and Woodlands**

**9.146** Policy NE5 (Trees and Woodlands) sets out a presumption against development that would result in the *'loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation'*. The application site has been extensively used in the past for landfill purposes, and has more recently been utilised as agricultural land. As a result of these historic uses, there is no notable tree cover within the majority of the site, however there is existing mature woodland at the western site boundary, adjacent to the Brodiach Burn. The ES also highlights the presence of a single mature Sitka spruce at the eastern boundary. It is proposed to retain all of these trees and incorporate them into a wider landscape strategy for the development, which includes the provision of a landscape buffer along the Brodiach Burn watercourse, which is consistent with Policy NE5 (Trees and Woodlands) and its associated Supplementary Guidance, and has been welcomed by SEPA for its ecological and wetland habitats benefits. Extensive new tree planting and landscaping is proposed as part of a landscape strategy for the site, and this new planting has an important role in seeking to mitigate the visual impacts of the stadium within the wider landscape.

### **Natural Heritage**

**9.147** Policy NE8 (Natural Heritage) of the ALDP sets out that there are a range of natural heritage designations that are important considerations in the planning process, and also highlights that development proposals may necessitate Habitats Regulations assessment in certain circumstances. The proposal has been considered in the context of its potential impacts on the qualifying interests of the River Dee Special Area of Conservation (SAC), however that screening process has established that the development proposed is not considered likely to have any significant impact that would warrant 'appropriate assessment'.

9.148 Policy NE8 also highlights requirements for surveys and mitigation measures where there is a likelihood of protected species being present in a location affected by development. The impact of development on 'Ecology, Biodiversity and Nature Conservation' is considered in the relevant section of the ES, at Chapter 5, which is discussed in detail above. Surveys have been undertaken in relation to the relevant species and mitigation measures identified where practicable. On that basis, it is considered that the proposal, subject to the identified mitigation measures, would not result in significant impacts on habitats or wildlife, including European Protected Species.

### **Site Contamination**

**9.149** Policy R2 (Degraded & Contaminated Land) sets out that all land that is degraded or contaminated is either restored, reclaimed or remediated to a level suitable for its proposed use. The application is accompanied by a Geo-Environmental Interpretative Report and Outline Site Reclamation Strategy. This report identifies that the site consists of two closed 'inert' landfills, and is subject to two waste management licences. The proposed development therefore presents an opportunity to bring about environmental improvements in order to facilitate development. The ground investigation works undertaken as part of this initial assessment encountered no obviously contaminative or hazardous materials. The report concludes that no significant risk to human health was identified in relation to contamination within the waste material or topsoil. Elevated concentrations of ammonia were identified in watercourses and groundwater, however there was no indication of harm arising from this. Gas monitoring undertaken recorded elevated concentrations of methane and carbon dioxide across the site, however readings indicate that the generation of gas is low, with the site designated as 'low risk'. The report indicates that basic gas protection measures would be required in new buildings. The Council's Environmental Health team dealing with site contamination have expressed no objection to the approval of the application, but recommend that any approval is subject to conditions requiring that works are undertaken in accordance with a scheme to address risks associated to site contamination, which shall include site investigation, risk assessment, remediation plan and subsequent verification reporting. Subject to these conditions, as detailed in full in the 'Consultations' section of this report, it is considered that the proposal would accord with Policy R2 (Degraded and Contaminated Land).

### **Flooding and Drainage**

**9.150** The application is supported by a Drainage Assessment, Flood Risk Assessment and supplemental Technical Note: Hydrology. Policy NE6 (Flooding, Drainage and Water Quality) of the ALDP states that development will not be permitted if it would: increase the risk of flooding; be at risk itself from flooding; fail to make adequate provision for access to waterbodies for maintenance; or require the construction of new or strengthened flood defences that would harm natural heritage interests within or adjacent to a watercourse. The Flood Risk Assessment indicates that land along the north and western boundaries falls within the 200 year floodplains of the Brodiach Burn and its minor tributary, the Westholme Drain. A degree of land raising is proposed towards the north-western corner of the site, near where the Brodiach Burn meets the Westholme Drain. This serves to raise the development outwith the 1 in 200 year floodplain, and also reduces the capacity of the floodplain, however provision is made for compensatory floodplain storage further to the west, along the northern site boundary. This would result in a net gain in floodplain storage, alleviating any risk of the development increasing flood risk elsewhere.

**9.151** SEPA's consultation response recommends that a condition be used to ensure that land raising does not exceed that specified in the relevant drawings from the Flood Risk Assessment; requiring connection to the public sewer; requiring a Construction Environmental Management Plan to include details of construction phase SUDS and waterbody engineering works; and highlighting that the Council should satisfy itself of the adequacy of the Sustainable Urban Drainage Systems (SuDS) proposals. The Council's Flooding and Coastal Protection team has indicated no objection to the proposal following the submission of further information relating to flood extents and the provision of updated modelling work in line with the most recent version of the Flood Estimation Handbook (FEH13). Queries relating to the use of porous paving within floodplain areas have also been addressed. Subject to the identified mitigation measures, and the use of appropriate conditions to secure additional information and implementation of agreed measures, it is concluded that the proposal would accord with Policy NE6 (Flooding, Drainage & Water Quality) of the ALDP and the associated 'Flooding, Drainage and Water Quality' Supplementary Guidance.

### **Developer Obligations**

**9.152** Policy I1 (Infrastructure and Developer Contributions) sets out that *'Where development will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities'*. The Council's Developer Obligations Team (DO Team) has been consulted, and has identified a requirement for contributions towards implementing or linking to the Core Path Network. This response further notes that there would be no requirement for developer contributions towards off-site provision of open space. The Open Space SG sets out that the ALDP does not stipulate minimum standards for open space in non-residential development, and that appropriate provision should be considered on a site-by-site basis. In this instance, it is recognised that the proposal would result in the remediation of contaminated land which has historically been used for landfilling purposes, and the proposal makes provision for both landscaped spaces on approach to the stadium and hard landscaped open space in the form of the proposed Fanzone area. There is a clear open space function to the Fanzone as a place for supporters to congregate before and after games. In this context, it is considered that the proposal makes appropriate provision for open space on-site, and therefore a financial contribution to the provision of open space would not be warranted.

**9.153** The DO Team's response also highlights that transportation-related obligations will be advised directly by the RDM Team. Based on the RDM Team's consultation response, there will be a need to secure developer obligations in relation to a range of transportation-related matters, which would include necessary upgrading of pedestrian/cycle routes to the east and west of the site, providing connections of an appropriate standard to Kingswells and Westhill respectively; detailed arrangements for the intersections of the proposed new access junctions and the existing Kingswells to Westhill cycle route; a detailed bus strategy which includes provision for monitoring and regular review; the provision of toucan crossings at the on and off slips of the AWPR; the delivery of on-site car and cycle parking; a restriction on development and/or use of the stadium unless both a pedestrian overbridge and a Controlled Parking Zone have been approved and/or implemented; the detailed design of access junctions, including proposals for the delivery of signals where required to support the development; the signalisation of the AWPR/ A944 roundabout; proposals for and implementation of match-day advanced directional and warning signage; and a requirement for submission and agreement of a travel plan. Subject to these obligations being secured, it is considered that the proposal would demonstrate its accord with the provisions of Policy I1 (Infrastructure and Developer Obligations) of the ALDP, and its associated Supplementary Guidance.

### **Resources for New Development**

**9.154** Policy R6 (Waste Management Requirements for New Development) sets out a requirement that all new developments have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. The applicants have provided a 'Planning Sustainability Statement', which identifies the provision of recycling facilities for non-domestic waste as a key element of any sustainability strategy intended to achieve 'good practice' standard in terms of sustainable development. The site layout indicates a refuse store adjacent to the south-west corner of the stadium, immediately adjacent to the outside broadcast parking area. The Council's Waste Strategy Team (WST) notes that as a commercial development, ACC is not the only potential waste service provider available, and therefore comments are more general than would be the case for a residential scheme, which would receive to ACC refuse collection services. The requirement for hardstanding and storage at collection points is satisfied by the currently layout, however the details of its capacity and the presence of gully and wash down facilities is not clear. A condition requiring further details of the waste and recycling arrangements can be attached to any consent, for agreement prior to first occupation/use.

### **Low & Zero Carbon Buildings & Water Efficiency**

**9.155** Policy R7 (Low & Zero Carbon Buildings & Water Efficiency) sets out that all new buildings must meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application through the installation of low and zero carbon generating technology. The submitted 'Planning Sustainability Statement' recognises the requirements of Policy R7 and commits to achieving the required reduction in carbon emissions through the installation of Low and Zero Carbon Generating Technologies (LZCGTs). The detailed means of achieving this reduction would be demonstrated through submission of an Energy Strategy, and the submitted Sustainability Statement indicates that a range of potential measures would be considered, including solar photovoltaic panels, heat pumps, ventilation systems incorporating heat recovery and efficient building fabric solutions. This Energy Strategy can be secured by a planning condition, ensuring compliance with the LZCGT component of Policy R7 (Low & Zero Carbon Buildings & Water Efficiency) and the associated '*Resources for New Development*' Supplementary Guidance.

**9.156** The submitted Sustainability Statement also highlights the potential for water-saving devices and provision of dual flush toilets to significantly reduce water consumption. Further details and a requirement for the implementation of any agreed measures could also be achieved through incorporation as part of the overall Energy Strategy, ensuring compliance with the water-saving requirement of Policy R7 (Low & Zero Carbon Buildings & Water Efficiency).

## **2. OTHER MATERIAL CONSIDERATIONS**

---

### **National Planning Framework 3 (NPF3)**

**9.157** As discussed previously in the '*Co-Location of Stadium and Training Facilities*' and '*Application of the Sequential Test*' sections of this report, It has been concluded that an overriding need for co-located facilities has not been evidenced and that the sequential approach has not been correctly applied by the applicants in thoroughly assessing sequentially preferable sites. Nevertheless, the information provided in support of the application is sufficient for the planning authority to form its own view, having adopted the required flexibility and realism to the assessment of sites. On the basis of this evidence, it is accepted that there are no suitable and available sites within the City Centre, or in any sequentially preferable location. In this regard, the assessment has been carried out with due regard for NPF3's recognition of city centres as key assets and its aspirations for more sustainable cities, by ensuring that the most central and sustainable options for development are considered before out-of-centre locations are entertained. The sustainability and accessibility of the proposed development is discussed in detail in the '*Transport and Accessibility*' section of this report. The reliance upon existing park and ride

facilities functioning as remote car parks to serve the development is a source of tension with NPF3's identification of strategic park and ride facilities as having an important role in providing access to city centres, by potentially reducing these facilities' capacity to achieve their intended purpose, however this again must be considered in the context of a sequential assessment of alternative sites, which established that none were suitable, available and deliverable. On this basis, despite the relatively peripheral location of the development, NPF3 is considered to represent a material consideration that weighs in favour of approval.

### **Scottish Planning Policy (SPP - 2014)**

**9.158** The relevant sections of SPP are identified earlier in this report. SPP represents a material consideration in the assessment of planning applications, so the proposal will be considered in the context of the relevant sections of SPP in the following section.

#### Green Belt

**9.159** By proposing development of a type not provided for in Green Belt areas, the proposal does not comply with Green Belt policy as set out the Development Plan. Para 49, in setting out the scope for planning authorities to designate green belts in support of their Development Plans, highlights their role in:

- *directing development to the most appropriate locations and supporting regeneration;*
- *protecting and enhancing the character, landscape setting and identity of the settlement;*  
*and*
- *protecting and providing access to open space.*

9.160 It is acknowledged that the value of the Kingsford site for access and recreational purposes is limited by its current use as agricultural grazing land, which does not include any footpaths facilitating recreational use. It does have an important role in relation to these first two functions. The designation of the green belt around Aberdeen supports the spatial strategy as set out by the combination of the SDP and the ALDP, which includes allocations for the purposes of developing a new football or community stadium. The section of Green Belt at Kingsford has a role in contributing to the landscape setting of the city, and in maintaining the distinct identity of the Kingswells and Westhill communities respectively, however its value in these respects, and the harm arising from development on such a Green Belt location, must be weighed against the public benefits of the development, discussed previously.

#### Town-centre first approach

**9.161** As highlighted in the earlier consideration of the proposal against Policies NC1, NC4 and NC5 of the ALDP, it is considered that the information provided supports a view that sequentially preferable locations are not both suitable and available to the applicants at an affordable cost, noting that the affordability of land is relevant on the basis that it would affect the viability of the development, which is central to achieving the significant public benefits arising from the development. Having adopted the necessary flexible and reasonable approach, which in this instance would involve having regard to the possibility of providing the development on two separate sites, and considering the possibility of sites smaller than 25ha (or 2 x 12.5ha), officers nevertheless remain of the view that there is no suitable and available site that is available at an affordable cost. Questions of qualitative and quantitative need are also discussed earlier in this report, concluding that in the context of NC5(3) a need has been adequately demonstrated in relation to the provision of a new stadium; in relation to the provision of new purpose-built training facilities; but not in relation to an overriding necessity for the collocation of these two facilities. On this basis, it is concluded that the proposal accords with paras 58 and 59 of SPP in relation to establishing that sites within the City Centre and other sequentially preferable locations have first been considered, and para 73 in relation to the tests to be applied to out-of-centre locations.

### Sustainable Transport and Active Travel

**9.162** The peripheral location of the site and the lack of existing convenient and direct options for sustainable travel for supporters based outwith the city centre is such that the development are such that the site is not in a highly sustainable and accessible location, giving rise to a degree of tension with Scottish Planning Policy's stated aims (para 13) to achieve (1) '*A successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places*'; and (2) '*A low carbon place – reducing our carbon emissions and adapting to climate change*'. Nevertheless, that policy tension must be viewed in the context of the Local Development Plan's acceptance of AFC's relocation outwith the City Centre through the allocation (and willingness to grant planning permission) at Loirston. Similarly, the foregoing assessment of sequentially preferable sites evidences that there is no suitable and available site available to AFC at a reasonable cost in any such sequentially preferable location, including the allocated site at Loirston.

### Supporting Business and Employment

**9.163** The Economic, Social and Cultural Benefits/Impacts section of this report sets out the economic benefits of the development. Para 93 of SPP sets out that the planning system should '*promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets*'. In this regard, the proposal would promote business development, and the relevant 'Green Belt Zoning' section of this report highlights that, whilst it has value as part of a buffer between existing settlements, the sites is not of any significant environmental or ecological value, and therefore the proposed development would not result in any significant impact on the natural or built environment.

**9.164** Para 28 of SPP highlights that the planning system should '*support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost*'. The '*Assessment of the Sequential Test and alternative sites*' section of this report establishes that there are no suitable sites available at an affordable cost, and further that there are no readily apparent sites which are environmentally preferable. On that basis, and having given weight to the economic and social benefits of the development, the Kingsford site is considered to represent an appropriate location for the development proposed. Whilst a centrally located site would be preferable in terms of the promotion of existing town centres and the associated sequential approach, as well as the advantages this would offer in terms of accessibility and sustainability, there is no viable alternative in such a location, and therefore the proposal must be considered in that context. In the absence of viable alternative sites, the potential for significant public benefit can only be realised through development at Kingsford.

### River Dee Special Area of Conservation

**9.165** Paragraph 207 sets out obligations in relation to sites designated as Special Areas of Conservation (SACs), which in the context of this proposal includes the River Dee Special Area of Conservation (SAC). There is a requirement for 'appropriate assessment' of the implications for conservation objectives where development is likely to have a significant impact, however screening of the development has established that the proposal would not be considered likely to have such significant impact.

**9.166** In summary, whilst it is acknowledged that the proposal would result in tensions with SPP in terms of: the development of an unallocated site within the green belt for purposes not provided for; the erroneous application of the sequential approach on the basis of a fixed requirement; and development in a location which is not readily accessible to a significant proportion of the development's catchment by convenient, sustainable means, these tensions must be weighed alongside the foregoing assessment of sequentially and environmentally preferable sites, which concluded that none are both suitable and available at an affordable cost. It is recognised also that

the proposed development would help to realise significant economic and social benefits at a local and regional level, consistent with Scottish Ministers' expectation that the planning system should focus on outcomes, maximise benefits and balance competing interests.

**9.167** On this basis, and having had regard to the benefits that would be realised through the development and its limited environmental and ecological value over and above its basic function as part of a buffer between settlements, it is considered that SPP weighs in favour of approval of the application.

### **Local Transport Strategy (2016-2021)**

**9.168** Aberdeen's Local Transport Strategy sets out five high level aims and five identified outcomes, as identified earlier in this report. It has been established previously in this report that the proposed development would generate significant footfall on matchdays. By proposing such a use in an out-of-town location, there is an increased likelihood of car borne trips, however it has been established that there is no suitable, available and deliverable site in more sustainably located and sequentially preferable locations. Dedicated shuttle services from the city centre assist in making the development accessible by sustainable travel, and it is noted that the proximity of the site to the AWPR and A944 is such that existing car-borne trips and associated pressure on the local road network around the Pittodrie site would be removed. As has been previously discussed, the principle of AFC relocating from the City Centre to Loirston was endorsed through the allocation of that site in the ALDP, and in that regard an increased likelihood of car-borne trips has been established. The use of off-site car parking to provide additional car parking in excess of the maximum permitted on-site by car parking standards is a source of conflict in terms of encouraging travel by sustainable means, however it is recognised that the applicants have sought to strike a balance between providing for supporters based on existing travel habits, and encouraging a shift towards the use of scheduled buses and dedicated shuttle services. The peripheral location of the site is such that it is not conveniently located next to its catchment market, however the assessment of alternative sites section of this report establishes that there is no realistic alternative which would offer an optimal location for the purposes of encouraging modal shift. The applicants' proposals for dedicated shuttle services, and commitment to regular and ongoing review of these arrangements, is such that the transport strategy for the site can evolve over time in order to encourage supporters to utilise these services and to operate as efficiently as possible. Taking these factors into account, it is considered that the peripheral location of the site is a result of the lack of suitable available and deliverable alternatives, and that appropriate measures have been proposed in order to best encourage sustainable travel whilst acknowledging that some supporters will travel by private car. In this context, the proposal is not considered to be fundamentally contrary to Aberdeen's Local Transport Strategy, however the Kingsford site's location does present challenges. On balance, it is considered that the Local Transport Strategy does not weigh heavily against the proposal, and the public benefits of the proposal are such that they would outweigh areas of conflict.

### **Strategic Infrastructure Plan (2013)**

**9.169** Aberdeen City Council's Strategic Infrastructure Plan (SIP) focuses on the delivery of Strategic and Local Development Plans and also identifies five key infrastructure goals, as detailed earlier in this report. Relevant to this proposal are aims for 'better local transport' and 'a better image for Aberdeen'. Associated 'project selection criteria' are identified in relation to each key goal. In relation to achieving better local transport, these criteria are: '*improve access to the airport*'; '*reduce congestion and journey times*'; and '*improve cross-city connections*'. The proposal has no direct bearing on improving access to the airport. In terms of reducing congestion and journey times, it is recognised that the proposed development will put increased pressure on the local road network, however the site's proximity to the AWPR junction and the A944 is such that a proportion of car-borne trips would be able to avoid the City Centre and these roads would be better equipped to accommodate a large volume of traffic around matchdays than the local road network around Pittodrie. By relocating to Kingsford, a large volume of traffic would be

removed from the area around the stadium, and would arguable serve to reduce City Centre congestion. There is no evidence to suggest that the proposal would improve cross-city connections.

**9.170** As regards achieving *‘a better image for Aberdeen’* the key criteria identified are: *‘Boost the external appeal of the city as a place to live, visit and invest’*; *‘Foster greater civic pride’*; and *‘Celebrate and showcase existing strengths’*. The text that follows within the SIP notes that *‘high quality of life is integral to attracting and retaining the talent and investment needed to grow the economy. This sense of place, with a key emphasis on the city centre, is crucial in underpinning economic growth and essential in underpinning the necessary infrastructure requirements’*. This statement appears consistent with the ‘town centre first’ approach advocated by the ALDP and by SPP, which directs significant footfall generating developments such as this to the city centre in the first instance. Nevertheless, as has been established in the foregoing assessment, there is no realistic possibility of the development being accommodated on a site within the city centre or in an otherwise sequentially preferable location. The proposed development would build upon the successes of Aberdeen Sports Village and Aquatics Centre, promoting Aberdeen and the North-East as a destination for sporting events and offering potential for greater participation in sport by allowing for the growth of AFCCT and allowing for community use of facilities. This is consistent with the SIP’s aims to promote a better image for Aberdeen through ‘celebrating and showcasing existing strengths’ and boosting the external appeal of the city as *‘a place to live, visit and invest’*.

**9.171** Specifically in relation to a new football stadium, the SIP states that the city council will be continuing negotiations with Aberdeen Football Club and others on the establishment of a new stadium within the Loirston allocation. As noted earlier in this report, it has been demonstrated that the identified site at Loirston is not a viable site on the basis of its prohibitive land cost rendering the development financially unviable. On the basis of these factors, it is considered that the Strategic Infrastructure Plan weighs in favour of approval.

### **Aberdeen City Centre Masterplan (CCMP)**

**9.172** Aberdeen City Centre Masterplan sets out a vision for Aberdeen City Centre to be *‘A city centre for a global city’* and identifies the purpose of the masterplan and delivery programme as *‘energising the city centre to deliver prosperity and better quality of life for all’*. Its strategy is focused on *‘reviving the historic core and incorporating areas of growth between the rivers Denburn and Dee’*, and acknowledges the need to enrich Union Street as the central east-west spine through the city centre. Whilst the CCMP does not relate to the location of this development, it is nevertheless of some relevance in the context of the city centre as a first-tier location for the location of significant footfall generating development. The foregoing assessment demonstrates that there is no suitable, available and viable site within the City Centre or in an ‘edge-of-centre’ location that could accommodate the proposed development. It is recognised that there would be advantages to siting a significant footfall generating development such as this within the City Centre, however despite the peripheral location of the stadium, the City Centre would still be a starting point and return point for shuttle bus services, generating a significant amount of City Centre footfall. The direct impact on the City Centre in terms of lost spend has been assessed in the foregoing Economic and Social Benefits/Impacts section of this report, and it is concluded that the impact on the vitality and viability of the City Centre would not be significant, particularly when considered in the context of the significant economic benefits identified.

### **Residential amenity**

**9.173** It is recognised that, whilst the site is not within a residentially zoned area where policy H1 (Residential Areas) of the ALDP would apply, there are nevertheless residential properties in close proximity to the site. This proximity is such that the potential impact on residential amenity is a material consideration in determining this application.

**9.174** The properties closest to and most likely to be affected by, the proposed development are those along Old Skene Road and along the site frontage to the A944. The stadium itself is proposed towards the western end, so those at Old Skene Road are closest and most likely to be adversely affected. The most obvious change as a result of the development would be the introduction of a large and prominent building in a location which presently affords an open outlook across open ground to the north. The manner in which that building would be appropriate to its context has been discussed previously within policies D1 (Quality Placemaking by Design), D2 (Landscape) and D3 (Big Buildings) of the ALDP. Given the scale of the stadium building and its proximity to the 4no dwellings along Old Skene Road, it is reasonable to anticipate that a sizeable proportion of any northerly outlook would be altered, however the assessment of the development's landscape and visual impacts undertaken as part of the process of Environmental Impact Assessment has identified potential impacts accordingly. There would be visual impacts resulting from construction works and also operational effects, including the potential for visual impact associated with the increased traffic on match-days and the use of floodlighting for mid-week fixtures and evening/winter training sessions. Table C4 sets out a residential amenity assessment as part of the wider Landscape & Visual Impact Assessment, with properties on the Old Skene Road identified as receptor 2. This assessment notes that one property (Cherry Grove) has open views northwards across the site, and that the remaining dwellings would currently have oblique views of the site, some of which are partially restricted by the presence of garages and outbuildings and existing landscape planting. The assessment concludes that the magnitude of change in this location is high, and the significance of its effect at year 1 is 'major and significant'. Proposals for landscaping are intended to progressively reduce the overall visual impact of the development, and on that basis the ES assumes that the effects would reduce over time as structural woodland on the site boundary matures, concluding that that proposed development would not cause unacceptable or detrimental effects on residential amenity generally. Whilst the outlook northwards from these residential properties would be substantially altered as a result of the proposed development, it is not considered that the presence of the building would in itself result in significant harm to residential amenity.

**9.175** The ES highlights a dedicated Lighting Assessment, which was undertaken as part of the Landscape and Visual Impact Assessment, and which notes that temporary construction lighting would be limited to operational hours and would be required during some winter working times. The potential impact from construction-related lighting, although temporary in nature, is recognised as being potentially locally significant in affecting residential properties adjacent to the southern site boundary. Once operational, it is noted that the majority of fixtures take place during the day at weekends, when artificial lighting would either not be required, or would be required for only a short duration. Mid-week games offer greater potential for adverse impact as they would generally be held in the evening, when artificial lighting is more likely to be required. The stadium itself incorporates floodlighting into the internal roof façade, reducing the potential for light spillage and nuisance when compared to roof-mounted or pole-mounted floodlighting solutions. It is noted also that the development incorporates 1no floodlit grass training pitch and 2no floodlit all-weather pitches. The floodlit grass pitch would be located at the northern end of the site, and it is likely that the 2no floodlit all-weather pitches represent have greater potential for adverse impact on residential amenity. Subject to appropriate restrictions on the hours that these all-weather pitches could be used, and in relation to screening and alignment of floodlighting to avoid spillage outwith the site boundaries, it is considered that the noise and lighting impacts associated to the all-weather pitches can be accommodated without adverse impact on residential amenity.

**9.176** Match-day activities would result in an increase in traffic on the local road network, and would potentially result in on-street car parking in residential streets closest to the stadium. The applicants have proposed a Controlled Parking Zone to address this, as discussed previously. As with other match-day impacts, traffic and parking impacts would be temporary and intermittent, and would be limited by the number of home fixtures in any year. On-street car parking availability could also be mitigated through the introduction of a CPZ.

**9.177** Noise impacts associated with the proposed development have previously been discussed in relation to policy T5 (Noise), which concluded that the most severe impacts would be temporary and relatively infrequent, and would affect a small number of properties. Noise impacts arising from the development are subject to appropriate mitigation, where possible. On balance, it is recognised that a development of this nature is likely to result in some degree of impact on residential amenity unless on a site completely removed from any residences. The semi-rural location of the site is such that there are a relatively small number of residential properties that would be directly affected by the proposed development. In a more urban location, there is a greater likelihood of amenity impact, and a likelihood that the number of properties affected would be greater. Whilst significant impacts are identified in relation to a small number of properties closest to the site, it is considered that the impacts can in many instances be mitigated. Match-days present the greatest potential for impacts on residential amenity, however it is noted that the impact of match-days would be limited by the number of home fixtures undertaken in a season, and the limited duration of those events. It is recognised also that activities within the Fanzone may involve other noise sources not accounted for within the Noise Assessment undertaken as part of the ES. The Fanzone is at present a hard landscaped area intended for some element of match-day activities, however the proposal gives only an indicative idea of what these might involve. As far as determination of the planning application is concerned, the Fanzone would be considered to represent a use ancillary to that of the stadium as a sports venue within class 11, as defined in the relevant Use Classes (Scotland) Order, and in that context is not distinct from use of the venue as a stadium in planning terms. In the event that amplified music or similar was to form part of the match-day entertainment within the Fanzone, there would be a separate licencing regime that would consider the merits of any proposal.

### **Matters Raised in Written Representations**

**9.178** Matters relating to: National, Regional and Local planning policy; co-location, site selection and the sequential approach; the environmental impacts of the development; transport, accessibility and sustainability; residential amenity; design, size and scale; economic and social benefits/impacts; and safety matters are addressed in the foregoing report.

**9.179** A number of issues raised are not material planning considerations and are therefore not relevant to the determination of this application. These are as follows:

- *The site will unlikely remain as green belt in the future;*
- *The Council has shown with previous planning applications that they can make the case to “be flexible”, where they deem it necessary;*
- *The site been chosen for financial reasons only, it is about making money for developers;*
- *The need for co-location is a matter for AFC alone and should not be scrutinised by the Council;*
- *The project will go ahead no matter what objections are raised as “the decision has already been made”;*
- *Many of the objections are based on “fear of the unknown”, rather than on a factual and objective basis;*
- *Many people that disagree with the building of the stadium are fans of other clubs and non-football fans, which should not be taken in to consideration;*
- *Those submitting support to the application are doing so on the basis of being football supporters;*
- *Adjacent commercial units have been built within the area with little local resistance;*
- *Westhill is not part of the city as it is in Aberdeenshire, and has no right to interfere with Aberdeen City planning decisions;*
- *Increase in house prices;*

- *The development should not be allowed to proceed until AFC can evidence that they have a financial resources to deliver such a “mammoth” concept;*
- *The city of Aberdeen should not be giving public money/ funding to a stadium*
- *The club has manufactured a justification for relocation by deliberately withholding routine maintenance expenditure on existing stadium;*

**9.180** Many of these points are not material to determination of the application on the basis that they are speculative, either about the future zoning of land, the motives of the football club or other individuals who have submitted representations, or in speculating that the outcome of the application has already been pre-judged. It is well established that any effect on property prices as a result of development is not a material planning consideration. Similarly, the funding arrangements for delivery of the proposed development are not material – the granting of planning permission is not contingent on demonstrating that funding has been secured, nor is the source of any funding a relevant factor in the planning authority’s assessment. Similarly any accusation that routine maintenance of the existing stadium at Pittodrie has been intentionally neglected is entirely speculative, and is not material to the planning authority’s assessment. Whilst the application site lies entirely within Aberdeen City Council’s administrative area, Aberdeenshire Council has a role as a statutory consultee on the basis of the proposal’s potential for cross-boundary impacts. Matters relating to development viability, land cost, and the circumstances under which this can represent a material planning consideration on the basis of a direct link to the realisation of public benefit has also been discussed in this report.

**9.181** Other matters raised in representations which are not otherwise addressed in the foregoing sections of this report can be addressed as follows:

**9.182** *The refusal of two previous planning applications (golf driving range and housing development) adjacent to the application site has set a precedent* – The proposed development is fundamentally different from the earlier applications cited. It is a well-established principle of the planning system that applications will be determined on the individual merits, with due regard for the provisions of the Development Plan and any other material considerations identified. The refusal of these other proposals, which are understood to be quite different in nature from the current proposal, does not serve to preclude a different outcome for any alternative proposal.

**9.183** *The loss of farmland* – the agricultural use of the land is not afforded any particular protection, and it is for the planning authority to consider the proposed development on its merits, with regard for the provisions of the development plan and any other material considerations.

**9.184** *The site is not green belt but ‘brownfield’, and should be re-classified as such* – The site is zoned as Green Belt in the Aberdeen Local Development Plan. It is assumed that this point refers to the distinction between ‘greenfield’ and ‘brownfield’ land. ‘Greenfield’ refers to land that has not previously been developed, whereas ‘brownfield’ refers to previously developed land. ‘Green Belt’ refers to an area of land around a city where building is restricted, as described previously in the narrative of Policy NE2 of the ALDP and the relevant sections of SPP.

**9.185** *The need for co-location is a matter for AFC alone and should not be scrutinised by the Council;*

The case for co-located facilities is discussed in detail within the ‘Co-Location of Stadium and Training Facilities’ section of this report.

**9.186** *Parking restrictions should not be imposed on residents;*

It is not within the remit of the planning authority to impose parking restrictions. In assessing this application, the planning authority must have regard to the impacts resulting from the proposal and any practicable means of mitigating those impacts. If parking restrictions would address an

identified impact, and are considered to be necessary in order to make the development acceptable in planning terms, then a planning condition may be used to preclude implementation of the development unless those restrictions have been imposed, however it would be for other parties to secure the implementation of the restrictions as there are separate regulatory processes outwith the control of the planning system.

**9.187** *No transport strategy for “other events” has been provided;*

This is noted and recognised. As discussed in the ‘residential amenity’ section of this report, the impacts of non-sporting events has not formed part of the associated Environmental Impact Assessment, and the planning authority does not have sufficient information before it to assess the impacts arising from non-sporting events such as concerts. On that basis, it is considered necessary, in the event that planning permission is to be granted, to restrict the use within class 11 in order to preclude the use of the stadium for large-scale non-sporting events. It would then be possible for an application to be made with the necessary supporting information to allow an informed assessment of the planning merits and associated impacts relating to large-scale non-sporting events.

**9.188** *The Prime Four “retail complex” application has not been properly considered within the TA*

A recent application for planning permission for retail purposes at the Prime Four business park was withdrawn by the applicants before the planning authority had come to a decision. On that basis, there is no live planning consent, and the proposal would not be considered a ‘committed development’ for the purposes of inclusion in predictions of traffic levels within the Transport Assessment.

**9.189** *At the Pre-Application Forum, assurances were given by AFC representatives that the proposed stadium would not be “lit up red”;*

Applicants are not obliged to act upon any assurances made at a Pre-Application Forum meeting. Such meetings are intended to afford members the opportunity to ask questions of the applicant about a development proposal at an early stage in the design / development process and in most cases at a stage where design proposals are still evolving. The stadium would in fact be illuminated from within, due to the translucency of the cladding panels to be applied to its facades. This would result in a diffuse red ‘glow’ as opposed to the building being illuminated with red light externally.

**9.190** *The proposed stadium would cast a “big shadow” over Westhill;*

The south-east edge of Westhill is located c.500m from the north-west corner and west elevation of the proposed stadium at its closest point. The proposed stadium would reach a height of c.20m. As such, there would be no impact to residential or commercial property within Westhill in respect of overshadowing or loss of light by virtue of the height of the proposed stadium and the distances involved.

**9.191** *There is no existing CCTV within Westhill – a secure CCTV system would require to be extended at a substantial cost. The application provides no information on this, or who would bear the cost;*

The above would be a matter for Aberdeenshire Council.

**9.192** *ACC should address “false and fraudulent” representations in support of the application;*

Aberdeen City Council has removed false and fraudulent representations where there is clear evidence that this is the case.

**9.193** *Application is being considered by Aberdeen City Council yet major impact will be on residents of in Westhill;*

The detailed planning application relates to land within the Aberdeen City Council administrative boundary. As such, the application can only be determined by that council. Aberdeenshire

Council was consulted on the application in line with regulatory requirements. All matters raised in the representations received, both from within and out with the ACC administrative boundary have been taken into account.

**9.194** *Adjacent commercial units have been built within the area with little local resistance;*

It is not for ACC to comment or speculate on any perceived support or objection to previous planning applications for commercial development within Aberdeenshire, adjacent to the site. Representations made (or not made) in relation to other developments within a different administrative area are of no direct relevance to the assessment of the development proposal at hand.

**9.195** *Archaeological sites like the Long Cairn and the Quakers Graveyard will be affected;*

HES was consulted on the application in respect of the historic environment, concluding that the development proposals do not raise historic environment issues of national significance. Further, ACC/Shire archaeology and conservation services were also consulted on the application, raising no concerns. The Environmental Statement accompanying the application identifies a moderate effect on the setting of the West Hatton Croft, long cairn, however the assessment concludes that the main cultural value of the cairn and its relationship to its setting will largely remain legible.

**9.196** *Doubts that local clubs would be able to book and use the pitch in the stadium;*

The above is speculative – finer detail surrounding provision of facilities, times, booking details etc. for the community use elements of the proposal would be developed should the application be approved.

**9.197** *A new Stadium will severely undermine the historical identity, foundations and fabric of AFC;*

The above is not a material planning consideration and as such, cannot be taken into account in the assessment of the development proposal.

**9.198** *Without the development, AFC would cease to exist;*

The protection of private interests is not a material planning consideration. Supporting documentation indicates that there are higher costs associated with the development of other sites, however there has been no reference to the viability of the business.

**9.199** *New housing is badly needed in the centre of Aberdeen and the stadium move will open up a new area for development which will help boost the city;*

Housing need is a material planning consideration, however such needs are identified through regular assessments of Housing Need and Demand. These assessments feed into the Local Development Plan process, along with needs identified through the Strategic Development Plan, and determine how much land needs to be allocated for development through the LDP in order to meet the City's housing needs. The redevelopment of Pittodrie for housing has been established through an earlier grant of planning permission, however that grant of planning permission does not relate to the acceptability or otherwise of the current application, which should be assessed on its own merits, with due regard for the provisions of the Development Plan and any other material considerations.

**9.200** *The 2008 Aberdeen Community Arena Full Business Case did not see the King's Links lease as an insurmountable barrier – it made proposals for the relocation of the golf driving range as part of site acquisition; and*

*A review of any contract between ACC and Craig Group should be carried out to explore the opportunity for ACC to cancel the lease of the driving range area for the "greater good" in order for a King's Links development to take place;*

At the time of this Full Business Case, AFC and ACC were working in partnership to explore the feasibility of delivering a 'Community Arena'. This differs from the current situation in that ACC's role is confined to that of planning authority, responsible for assessing this application for planning

permission on its merits. In planning terms, the ALDP identifies no specific development opportunity at King's Links, and the applicant has provided evidence that the current leaseholder is unwilling to break their lease to facilitate development. It is recognised that the SDP identifies King's Links as a potential site for a new community stadium, however it is considered that the evidence provided is sufficient to establish that the site is not 'available' for the purposes of considering alternative sites for development as part of a sequential approach.

**9.201** *No data has been presented to determine the impact on communities and businesses around Pittodrie;*

There is no policy requirement for such impact assessment to be undertaken in relation to the locality around Pittodrie. It is noted in this context that the prospect of AFC relocating from its existing premises has been established in principle through the allocation of the Loirston site for development including a new stadium, and the associated 'willingness to approve' the earlier application for planning permission on that site.

**9.202** *Details of the proposed pedestrian footbridge have not been submitted with the application; Planning permission is required for the proposed footbridge and has not been sought; The proposed 3m footbridge width is not sufficient to cater for the number of fans likely to use it; The proposed footbridge would be an 'eyesore' and would create an opportunity for 'over-road' advertising space, to the detriment of visual amenity; A new bridge will need to be of very high architectural standards, aesthetically pleasing and provide some built landscape merit; The bridge is not enclosed and would pose a threat to traffic passing below (throwing or dropping of objects);*

*What is the contingency if planning permission is not granted for the bridge;*

Whilst details of a pedestrian bridge have been provided, this is only one potential solution to providing a safe means of crossing the A944 between the application site and Arnhall Business Park. The information provided is sufficient to establish that a technical solution is feasible, and provides comfort that the details of any crossing solution can be secured by a condition attached to any consent issued. Should a pedestrian bridge remain the preferred solution, detailed consideration of its design, capacity and technical specification would be captured as part of the planning application and Roads Construction Consent (RCC) processes respectively. Any proposals for the display of advertisements from a new bridge would be considered against the provisions of the relevant Town and Country Planning (Control of Advertisement) (Scotland) Regulations 1984 (as amended), and is likely to require separate consent for the display of advertisements. It is not considered that there would be any requirement for a pedestrian bridge to be enclosed, but again that could be considered in detail in the event that an application for planning permission is progressed. If a bridge were to be constructed in this location, it is likely that it would be adopted by the respective Roads Authorities. In the event that planning permission were not granted for a pedestrian bridge, the applicants would nevertheless be able to explore other options for providing a safe crossing point. In the event that none is available, the applicants would be able to seek review of the decision via Local Review Body (LRB) or via appeal to the Scottish Government's Directorate for Planning and Environmental Appeals. Conditions relating to any requirement for a crossing could also be appealed by the applicants, or could be subject to an application under section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended), which allows applicants to seek to remove conditions or alter their terms.

**9.203** *The validity of statements by applicant that Pittodrie does meet UEFA requirements is questioned – the pitch size exceeds the minimum UEFA requirement for domestic play. Many teams across Europe have pitches that do not fully meet the International play requirements (e.g. Liverpool, Chelsea, Hearts, Dundee and Dundee United) yet they regularly accommodate European football.*

Pittodrie's failure to meet current UEFA requirements for stadia hosting European matches is recognised. It is a matter of fact that the stadium has nevertheless hosted matches in European

competition in recent years, due to dispensation being granted by UEFA. It is understood that this is true of other stadia in the UK and Europe, however this cannot be guaranteed in future, and the construction of a new stadium which is compliant with the relevant UEFA regulations offers certainty that such matches can continue to be hosted in Aberdeen.

**9.204** *Any economic benefit attributable to the development is not site specific, and would likely be realised in any location within the city;*

This is discussed in detail within the report, which establishes that there is no alternative site within the City which is suitable, available and deliverable.

**9.205** *A 30 minute walk-time CPZ would result in restrictions being placed on 43.9km (27.2 miles) of streets in Westhill – it would take at least 2.2 police officers walking non-stop for 4 hours each to cover the required ground;*

It has been established that a Controlled Parking Zone (CPZ) would be necessary to discourage on-street parking within residential streets. The enforcement of any CPZ would be a matter for Police Scotland, or Aberdeenshire Council in the event that parking is decriminalised.

**9.206** *The TA addresses only traffic arising from its own matches and not for other event at the stadium;*

It is noted that the Transport Assessment does not fully address the potential impacts of large-scale events such as concerts at the venue. On that basis, it is proposed that use within class 11 be limited in order to restrict use as a concert venue. A separate application would be required to allow such use, and should be accompanied by the relevant Transport Assessment, Noise Assessment and other necessary supporting information to allow consideration.

### **Community Council responses**

**9.207** It is recognised that the Council has received a number of letters expressing concern that the response lodged by Kingswells Community Council (KCC) was not representative of community feeling, and that the Community Council may not have undertaken the necessary consultation with the local community prior to submitting its response. It is understood that the Council contacted KCC to highlight the concerns expressed by local residents, and to invite the Community Council to consider withdrawing its response in light of the concerns expressed. KCC has elected not to do so. It should be noted that the volume of representations or the identity of those making representations is of less importance than the relevant material planning considerations that are raised in any representations or consultation responses. As regards the KCC response, it is noted that the matters raised in its response are otherwise raised in representations, therefore it is appropriate for the planning authority to have regard to those material planning considerations identified, rather than to focus unduly on the source of any representation.

**9.208** As stated above in relation to written representations, matters raised by the relevant Community Councils in relation to: local and national planning policy; the development of green belt land; design and visual impact; flood risk and drainage; noise and light impacts; sequential approach and consideration of alternative sites; transport, accessibility and sustainability issues; economic and community benefits/impacts; impact on the city centre and relationship to the City Centre Masterplan; noise; and air quality are addressed in the foregoing report.

**9.209** Other matters raised in the Community Council responses, which are not otherwise addressed in the foregoing sections of this report, can be addressed as follows:

**9.210** *Access for emergency service vehicles is extremely unclear.*

The Transport Assessment submitted in support of the application sets out that projections of future traffic and analysis of the development's impact indicate that traffic flows around football

match times would be similar to traffic levels currently experienced during weekday peaks hour period, and therefore emergency service vehicles would be able to use the same routes at match times as they currently would during the weekday AM and PM peaks.

**9.211 Seating design** – seating should have a C value of at least 120 mm. It seems completely illogical to design a brand new stadium with sub-optimal viewing for what looks like nearly half the total number of spectators;

The submitted Design & Access Statement Addendum highlights the sightlines that would be afforded within the different sections of the stadium, which varies depending on the rake of the stand. UEFA's 'Guide to Quality Stadiums' highlights that, in principle the higher the C value the clearer the sightline, however increased C-values can also result in an increase in the overall height and width of the stadium. The UEFA guide continues to state that a good C-value will be between 120mm (ideal) and 90mm (acceptable). The internal arrangement of the stadium and the views afforded from seating is of limited weight in terms of assessment of this planning application, however in general terms it is considered that the proposal, which incorporates C-values ranging from 93mm to 195mm, demonstrates that the sightlines afforded to supporters are within the accepted levels for a well-designed new stadium.

**9.212 Bus Lanes** – the traffic assessment makes it clear that the creation of bus lanes will severely impact traffic movement and bus lanes should not be introduced on the roads around the new stadium

The application and its associated Transport Strategy do not propose the introduction of new bus lanes to the roads around the stadium.

**9.213 Oil and gas pipelines** - highlights the recent leak from a pipeline near Netherley, which has required road closures and house evacuations. Acknowledges that the likelihood of a leak is very small, but the potential harm could be catastrophic. Suggests that the proximity of the stadium to existing pipelines warrants review in this context.

The recent pipeline leak near Netherley is noted, however it is understood that this incident has been addressed and repairs carried out as necessary. In terms of assessing applications for planning permission, planning authorities are required to consult with the Health and Safety Executive (HSE) in relation to development within specified distances of major accident hazards. Development within certain distances of major accident hazards is restricted, which in this instance has led to the siting of the stadium at the western end of the site. The basis for assessment of risk is the established safety distances. The incident at Netherley does not alter that position, and is a matter which is addressed by separate controls, namely the Control of Major Accident Hazards Regulations 2015 (the COMAH Regulations), which cover the responsibilities of the owners and operators of such pipelines, including safety management systems, emergency plans and the inspection of sites. On that basis, not further review is warranted.

## **Conclusion and Reason for the Recommendation**

**9.214** The Council, in its role as planning authority, must determine the application in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan requires to be considered as a whole.

**9.215** The Council must also identify all the other material considerations relative to the application and note which support the application and which do not. The Council will have to assess the weight to be given to all of these considerations. It will have to decide whether there are considerations of such weight as to indicate that any non-accordance with the Development Plan is justified. In this instance, it has been established that the development in its current form is contrary to the provisions of the development plan, including in terms of its location within an area designated as green belt in the ALDP. Whilst the associated policy NE2 (Green Belt) would potentially allow for elements of the development it is nevertheless the case that, taken as a whole, the development represents a significant departure from policy NE2, which would intrude

into, and erode, a green buffer which visually separates existing settlements of Kingswells and Westhill and contributes to maintaining their separate identities as well as the wider landscape setting of Aberdeen.

**9.216** It is considered that the proposal would have significant public benefits for the region - both economic and social. A thorough evaluation of potential sites has been carried out by officers and it is considered that there are no sequentially preferable sites in the City for the stadium (whether co-located or disaggregated) that are available and deliverable at this time or in a reasonable timescale. Given the lack of available or deliverable sites, it can be concluded that these public benefits will not be realised if approval is not given for the development on the site that is currently proposed. The proposal is unique - Aberdeen Football Club is the only sports club in the region with a region-wide fan base - that can potentially deliver the economic and social benefits envisaged - and as such approval of the stadium does not set an undesirable precedent for future applications for other sports stadia or other uses that would not deliver the same benefits or where land is specifically zoned for such uses. As noted above, policy NE2 (Green Belt) would potentially allow for elements of the development - notably the training pitches and car parking that would either be compatible with Green Belt Policy or accord with the general aims of policy to maintain the openness of the green belt and visual separation between settlements - however it is nevertheless the case that, taken as a whole, the development represents a significant departure from policy NE2. There are tensions with transportation policy in that the proposal would not be readily accessible by sustainable means but these would be mitigated by a green travel plan incorporating the extensive use of shuttle buses from the City Centre and other accessible locations.

**9.217** On balance, therefore, it is considered that the public benefits of the stadium outweigh the provisions of the development plan and the application is recommended for approval, subject to necessary conditions and successful conclusion of a legal agreement. Should members resolve to approve the application, due to the objection from Aberdeenshire Council, formal notification must be given to Scottish Ministers, who would then have the opportunity to 'call-in' the application for determination.

## **10. RECOMMENDATION**

---

**Willingness to approve subject to conditions and conclusion of a planning obligation securing:**

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

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

## **11. REASON FOR RECOMMENDATION**

---

The development proposed is contrary to the provisions of policy NE2 (Green Belt) on the basis of its location within an area designated as green belt in the ALDP. Whilst this policy would potentially allow for elements of the development it is nevertheless the case that, taken as a whole, the development represents a significant departure from policy NE2, particularly in terms of its encroachment onto a green buffer which visually separates existing settlements of Kingswells and Westhill and contributes to maintaining their separate identities as well as the wider landscape setting of Aberdeen. Nevertheless, sufficient information is available to enable officers to conclude

that there are no other sites with Aberdeen that would be suitable, available and deliverable that would be preferable in term of environmental impacts.

The proposed stadium use represents a '*significant footfall generating use*' serving a City-wide or regional market for the purposes of assessment against local and national policy. Notwithstanding the shortcomings in the applicants' consideration of sequentially preferable alternatives, sufficient information has been submitted by the applicant or is otherwise available to enable officers to utilise a sequential approach to considering alternative sites on the basis of both co-location and disaggregation and in the light of planning policy including identified sites for such a stadium at Loirston and Kings Links. The conclusion reached is that there are no other sites with Aberdeen on which the stadium could be accommodated that would be both available and deliverable in a reasonable timescale. On that basis, it is accepted that the proposal accords with the requirements of policy NC1 (City Centre Development) and NC4 (Sequential Approach and Impact) by having fully explored options for providing the development within the City Centre and other sequentially preferable locations. Further, despite some areas of policy conflict relating to accessibility, which arise as a result of the site's peripheral location, it is concluded that the proposal has, on balance, satisfied the terms of policy NC5 (Out-of-Centre Proposals).

By fully considering the options for siting the development within the City Centre, it has been recognised that the City Centre is the most appropriate location for a big building such as the proposed stadium. Nevertheless, it has been established that there is no sequentially preferable or environmentally preferable site in the City Centre which is suitable, available and deliverable. The location of the development is therefore not considered to result in any significant conflict with policy D3 (Big Buildings) of the ALDP.

The design and siting of the building has been influenced by the presence of existing pipelines and the associated limitations on development within consultation zones. Nevertheless, having satisfied those requirements, and demonstrating accordance with policy B6 (Pipelines, Major Hazards and Explosives Storage Sites) it is considered that the design concept is positive, creating a distinctive building which would be architecturally interesting, particularly through the use of coloured translucent panelling. Overall the design approach is considered to be appropriate and consistent with the provisions of policy D1 (Quality Placemaking by Design). The proposed landscape framework, which has been guided by consideration of the development's impacts on the landscape through the EIA process, makes provision for structured landscaping belts and planting within the site. Whilst a greater focus on providing structure to the spaces within the site is required this can be secured by the use of appropriate conditions to secure revision to the landscape framework. Taking the foregoing into account the proposal is considered also to accord with the provisions of Policy D2 (Landscape).

The site is relatively free from mature trees, with the exception of the western site boundary, adjacent to the Brodiach Burn. All existing trees are to be retained and incorporated into a wider landscape strategy for the development making the proposal consistent with policy NE5 (Trees and Woodlands).

The proposal has been considered in the context of its potential impacts on the qualifying interests of the River Dee Special Area of Conservation (SAC), however that screening process has established that the development proposed is considered not likely to have any significant impact that would warrant 'appropriate assessment'. The surveys undertaken as part of the Environmental Statement have included mitigation measures which will be secured by appropriate conditions, ensuring that the development does not result in any significant adverse impact on the site's natural heritage interests, consistent with the requirements of policy NE8 (Natural Heritage). Impacts on air quality have been found to be relatively minor, and appropriate dust risk assessment and mitigation plan can provide further control, ensuring the development accords with policy T4 (Air Quality). Similarly, noise impacts have been considered as part of the

Environmental Statement and have been found to be tolerable, subject to submission of a noise and vibration management plan as part of an overall Construction Environment Management Plan. Impacts are associated with the operation of the stadium on matchdays, however it is recognised that the most severe impacts would be temporary and relatively infrequent, and would affect a small number of properties, and that the noise impacts arising from the development have been adequately mitigated where possible, as required by Policy T5 (Noise) of the ALDP.

Adequate measures have been proposed in relation to former contamination of land within the application site, and compliance with policy R2 (Degraded and Contaminated Land) can be secured through conditions requiring further investigation and action as necessary. Adequate provision is made within the site for the storage of waste and recyclables, as required by policy R6 (Waste Management requirements for New Development). A finalised Energy Strategy, including measures for the incorporation of Low and Carbon Generating Technologies and measures to reduce water consumption can ensure compliance with policy R7 (Low and Zero Carbon Buildings & Water Efficiency).

The site's location is such that it is not readily accessible by sustainable modes of transport. This would be mitigated to some extent by match-day shuttle buses that would run from the city centre to the site. However, this only addresses travel needs from the city centre, and travellers from outlying areas would have longer journey times to access the site via public transport or other sustainable means. The location is such that it would be largely separated from its catchment populations, reducing the potential for travel by walking or cycling. This, together with the provision of off-site car parking in addition to the on-site provision at the maximum levels permitted by policy, is considered to encourage car-borne travel, which runs contrary to the stated aims of ALDP Policies T2 and T3 in relation to minimising traffic generated by development and promoting sustainable travel. Notwithstanding this tension with transport-related policies, the use of conditions to ensure the delivery of interventions such as a pedestrian overbridge (or other means of safe pedestrian crossing) and implementation of a Controlled Parking Zone within Westhill will go some way to mitigating the impacts of the development. An ongoing commitment to the delivery of a bus strategy, including provision for monitoring and review, can be secured through a planning agreement. Existing Core Path route 91 would be subject to increased use as a result of the development, and therefore identified funding relating to that increased use can be secured by planning agreement, ensuring compliance with policy NE9 (Access and Informal Recreation).

A limited degree of land raising would be offset by compensatory storage elsewhere within the site, such that there is no increased risk of flooding as a result of the development. Construction-phase SuDS proposals and overall SuDS proposals can be controlled by planning conditions to ensure that there is no increased flood risk and that water quality is safeguarded, consistent with policy NE6 (Flooding, Drainage and Water Quality).

In terms of public benefits (economic and social) it is considered that approval and implementation of the proposal would result in potentially millions of pounds of additional GVA per annum for the region, in addition to a significant £50 million up front investment and would create additional short and long term jobs. It would give the potential for improved performance by the football team and of at least maintaining, if not increasing crowd numbers together with the attraction of additional major sporting events and concerts - all of which would bring visitors from outside the region along with associated spending which would benefit the local economy. This would be in accordance with planning policies in SPP and other relevant socio-economic policy document for the City. As well as the potential to provide further events infrastructure to the north east, the development has potential to promote the north-east as a sporting destination. If opportunities for additional sporting events can be realised, this offers potential to enhance the image of the city and promote Aberdeen as a destination for sporting events and associated event-related and overnight/weekend business. The new stadium would also enable the expansion of the work of the AFCCT to increase the number of people in the region who participate in sport and physical

activity. These benefits are highly unlikely to occur if approval is not given for the current proposal and, given the availability and suitability of alternative sites, certainly not in the short to medium term future. These potential public benefits to the region represent a significant material consideration weighing in favour of approval of the application.

In conclusion, it is considered that the proposal would have significant public benefits for the region - both economic and social. A thorough evaluation of potential sites has been carried out and it is considered that there are no sequentially preferable sites in the City for the stadium (whether co-located or disaggregated) that are available and deliverable at this time or in a reasonable timescale. Given the lack of available or deliverable sites, it can be concluded that these public benefits will not be realised if approval is not given for the development on the site that is currently proposed. The proposal is unique - Aberdeen Football Club is the only sports club in the region with a region-wide fan base - that can potentially deliver the economic and social benefits envisaged - and as such approval of the stadium does not set an undesirable precedent for future applications for other sports stadia or other uses that would not deliver the same benefits or where land is specifically zoned for such uses. Whilst the proposal is considered to be contrary the Green Belt Policy NE2 of the ALDP there are significant elements of the proposal - notably the training pitches and car parking that would either be compatible with Green Belt Policy or accord with the general aims of policy to maintain the openness of the green belt and visual separation between settlements. There are tensions with transportation policy in that the proposal would not be readily accessible by sustainable means but these would be mitigated by a green travel plan incorporating the extensive use of shuttle buses from the City Centre and other accessible locations.

On balance, therefore, it is considered that the public benefits of the stadium outweigh the provisions of the development plan and no material considerations have been identified that would weigh significantly to the contrary. Having had regard to the benefits that would be realised through the development and its limited environmental and ecological value over and above its basic function as part of a buffer between settlements, it is considered that Scottish Planning Policy (SPP) weighs in favour of approval of the application.

## **12. CONDITIONS**

---

### **Phasing**

(1) That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing by the planning authority full details of the phasing of the proposed development, which shall include a description of the elements to be delivered in each phase (Phase 1 - Training Facilities and Phase 2 – Stadium) including structural landscaping, roads, car parking, access junctions, drainage and footpaths - in order to ensure that each phase of development is accompanied by the appropriate infrastructure and landscaping, and to set the basis for the provision of information relating to other conditions.

### **Construction Environment Management Plan (CEMP)**

(2) That no development pursuant to Phase 1 (Training Facilities) or Phase 2 (Stadium) of the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing by the planning authority a full site specific Construction Environmental Management Plan (CEMP) for the relevant Phase (including details of construction-phase SuDS and any waterbody works) and thereafter all works associated with the relevant Phase of the development shall be carried out in accordance with the approved CEMP - in the interests of pollution prevention.

### **Environmental Management Plan (EMP)**

(3) that no development pursuant to Phase 1 (Training Facilities) or Phase 2 (Stadium) of the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing by the planning authority an Environmental Management Plan for the relevant Phase.

Thereafter, each development Phase shall be implemented in full accordance with the procedures, protocols, restrictions and mitigation measures specified in the agreed Environmental Management Plan for the relevant phase – in the interests of ensuring that the environmental impacts of the development are appropriately mitigated, in accordance with the accompanying Environmental Statement.

#### **Restriction on use within Class 11 (Assembly and Leisure)**

(4) Notwithstanding the provisions of Class 11 (Assembly and Leisure) of the Town and Country (Use Classes) (Scotland) Order 1997, the stadium hereby approved shall not be used for any purposes other than the holding of sporting events. For the avoidance of doubt, this would allow for conferencing and event-related hospitality, but would not permit use of the stadium as a venue for live music concerts or other uses within parts (a) to (d) of Class 11 – to ensure that the impacts associated within alternative uses within Class 11 can be fully considered in terms of compliance with the Development Plan, with associated impacts established through appropriate supporting information.

#### **Controlled Parking Zone (CPZ)**

(5) That no development within phase 2 (stadium) shall take place unless a Traffic Regulation Order (TRO) has been granted for the implementation of a Controlled Parking Zone (CPZ) extending to an area which covers all roads and streets within Westhill and Elrick which lie within a 30 minute walk-time of the application site.

Thereafter, the stadium shall not be brought into use unless a CPZ has been so implemented – in the interests of delivering the overall Transport Strategy relating to this development, and to control on-street car parking within the surrounding residential streets.

#### **A944 Crossing (i)**

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

#### **A944 Crossing (ii)**

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

#### **Bus Laybys**

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

#### **Widening of Cycle/Footway to East**

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

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

### **Overall Landscape Strategy**

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

### **Phased Landscaping Schemes**

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

### **Riparian Habitat**

(12) That no development within the application site shall be undertaken unless a scheme detailing proposals for the finalised riparian habitat within the identified 12m buffer to the Brodiach Burn has been submitted to and agreed in writing by the planning authority, in consultation with SEPA. These submissions should include clear plans and details for morphological improvements (i.e. measures to restore the watercourse to a more natural form), riparian planting (including of wetlands) and management proposals (including for, for example, control of non-native invasive species). The agreed scheme shall be implemented in accordance with the timescales specified therein - in order to help compensate for the loss of the man-made pond and MG9 and MG10 wetland habitats on the site.

### **External Materials**

(13) That no development pursuant to Phase 1 (Training Facilities) or Phase 2 (Stadium) of the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing by the planning authority a further scheme detailing all external finishing materials to the proposed buildings, along with associated boundary enclosures, hardscaping and wayfinding strategy for the relevant Phase has been submitted to and approved in writing by the planning authority. Thereafter the development shall be finished in complete accordance with the approved scheme unless a written variation has been approved by the planning authority. – in order to ensure high design quality, as required by policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan 2017.

### **SUDS**

(14) That no development pursuant to Phase 1 (Training Facilities) or Phase 2 (Stadium) of the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing by the planning authority a scheme of all drainage works for the relevant Phase designed to meet the requirements of Sustainable Urban Drainage Systems. Thereafter, all works shall be implemented prior to first occupation of any buildings within the relevant phase, in

full accordance with the approved scheme. - to ensure that the development can be adequately drained.

### **Connection to Public Drainage Network**

(15) That neither Phase 1 (Training Facilities) nor Phase 2 (Stadium) shall be brought into use until a connection to the public drainage network for the relevant Phase has been made – to ensure that the development can be adequately drained.

### **Land Raising**

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

### **Site Remediation (1)**

(17) That no development pursuant to Phase 1 (Training Facilities) or Phase 2 (Stadium) shall take place unless it is carried out in full accordance with a scheme to address any significant risks to the relevant Phase from contamination on the site that has been submitted to and approved in writing by the planning authority. The scheme shall follow the procedures outlined in “Planning Advice Note 33 Development of Contaminated Land” and shall be conducted by a suitably qualified person in accordance with best practice as detailed in “BS10175 Investigation of Potentially Contaminated Sites - Code of Practice” and other best practice guidance and shall include:

1. an investigation to determine the nature and extent of contamination
2. a site-specific risk assessment, including a gas risk assessment that considers both onsite and offsite receptors
3. a remediation plan to address any significant risks and ensure the site is fit for the use proposed
4. verification protocols to demonstrate compliance with the remediation plan
5. a site-specific working plan detailing protocols to control/mitigate risks that may arise as a result of the remedial activities.

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

### **Site Remediation (2)**

(18) That Phase 1 (Training Facilities) or Phase 2 (Stadium) shall not be brought into use unless:

1. any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken for the relevant Phase and
2. a report has been submitted and approved in writing by the planning authority that verifies that the remedial works for the relevant Phase have been carried out in full accordance with the remediation plan, unless the planning authority has given written consent for a variation.

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

### **Noise and Vibration**

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

### **Dust**

(20) That no development pursuant to Phase 1 (Training Facilities) or Phase 2 (Stadium) of the planning permission hereby approved shall be carried out unless there has been submitted to and

approved in writing by the planning authority a Dust Risk Assessment and Dust Mitigation Plan for the relevant Phase and any dust attenuation measures identified in the report have been implemented in full - in order to protect the amenity of residents in the surrounding area.

### **Lighting**

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

### **Shuttle Buses**

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

### **Travel Plan and Transport Management Strategy (1)**

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

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

(b) Specifically, with regards to the trunk road network, the Transport Management Strategy shall identify the procedures for managing queues before and after matches on the A90 slip roads at the AWPR / A944 Kingswells South Junction, for example, through traffic signal control or manual control by Police Scotland. Where permanent traffic signal control is proposed, the layout design and specification shall all be approved in writing by the Planning Authority, following consultation with Transport Scotland and Police Scotland, and thereafter installed to the agreed plans prior to the development becoming operational - To minimise interference with the safety and free flow of traffic on the trunk road network.

### **Travel Plan and Transport Management Strategy (2)**

(24) That Phase 2 (Stadium) of the development hereby approved shall not be brought into use unless the approved Travel Plan and Transport Management Strategy have been implemented - in order to comply with the requirements of Scottish Planning Policy with regard to transport and to minimise interference with the safety and free flow of traffic on the trunk road network.

### **Road Signage**

(25) No part of the development shall become operational until details of match day advanced directional and warning signage have been submitted to, and approved by, the Planning Authority, following consultation with Transport Scotland, and thereafter erected in accordance with the agreed plans - To minimise interference with the safety and free flow of traffic on the trunk road network.

### **Junction Details**

(26) That development relating to Phase 2 (Stadium) shall not be commenced unless details of the three access junctions into the site from the A944, including inter alia: junction layout, traffic signals and timings, and interface with existing cycle/footways have been submitted to, and approved by, the Planning Authority, following consultation with Transport Scotland and Police Scotland. Thereafter, the stadium shall not be brought into use unless the junctions have been constructed and made available for use in accordance with the agreed plans - To minimise interference with the safety and free flow of traffic on the trunk road network.

### **Car Parking on Site (Phase 1)**

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

### **Car Parking on Site (Phase 2)**

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

### **Energy Strategy**

(29) That development relating to Phase 2 (Stadium) hereby approved shall not be commenced unless details of the zero and low carbon equipment and water saving technologies to be incorporated into the Stadium and predicted carbon emissions, using SAP or SBEM calculations, through an Energy Strategy have been submitted to and approved in writing by the planning authority. Thereafter the equipment shall be installed in accordance with those approved details prior to first occupation - to ensure this development complies with requirement for on-site carbon emissions contained in Scottish Planning Policy (SPP) and specified in the City Council's relevant published Supplementary Planning Guidance, 'Reducing Carbon Emissions In New Development' and Policy R7 of the Aberdeen Local Development Plan 2017.

### **Cycle Storage**

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

scheme has been implemented for that Phase – in the interests of encouraging more sustainable modes of travel.

**Plant noise**

(31) That building services and plant shall not exceed noise rating curve 25 in the nearest residential dwelling (windows open) – in the interests of safeguarding residential amenity from noise nuisance.

**Waste**

(32) That Phase 1 (Training Facilities) or Phase 2 (Stadium) shall not be brought into use unless provision has been made within the development site for refuse storage and disposal, including the provision of litter bins and recycling facilities, in accordance with a scheme for the relevant Phase which has been submitted to and approved in writing by the planning authority – in order to preserve the amenity of the neighbourhood and in the interests of public health.

**Use of Training/Academy Pitches**

(33) That the training/academy pitches shall not be used outwith the hours of 0900 – 2100 – in the interests of safeguarding residential amenity from disturbance relating to noise.

**Deliveries**

(34) That deliveries shall not take place outwith the hours of 0700-1900 – in the interests of the amenity of the area.

**Noise relating to Hot Foot stalls**

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

**Weekday Matches**

(36) That football matches played by Aberdeen FC, international football matches, and international rugby matches held on Mondays to Fridays shall not commence before 1900 hours unless otherwise agreed in writing by the planning authority - in the interests of the free flow of traffic on the local road network.