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**Sent:** 26 January 2018 15:49  
**To:** Eric Owens  
**Cc:** [REDACTED]  
**Subject:** Aberdeen Football Stadium  
**Attachments:** AFC Briefing Paper 26\_1\_18.docx  
**Importance:** High

Eric,

I have sent the attached briefing note to Senior Councillors at Aberdeenshire Council. I expect they will speak to the Leader of Aberdeen City Council in early course and you should be aware.

Kind Regards

*Robert*

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**Aberdeen City Council report on AFC Stadium and Community Facilities  
Briefing Paper – 26 January 2018**

Aberdeen City Council is being asked to determine the above application at Kingsford, which lies to the immediate east of the local authority boundary with Aberdeenshire Council and adjacent to Westhill. The application comprises two key phases. Phase 1 includes the initial access, 42 parking spaces, training facilities, pavilion and synthetic pitches, whilst Phase 2 includes the remaining accesses, internal road, parking areas and stadium itself. Aberdeen City officers are recommending the application be granted subject to conclusion of developer contributions, setting up of a public transport steering group and 36 planning conditions. The decision is due to be taken on Monday 29 January.

Aberdeenshire Council has formally objected to the proposal and re-iterated this through a number of consultation responses, the latest dated 12 December 2017. Due to this objection, should Aberdeen City Council be minded to grant planning permission, formal notification to Scottish Ministers will be required.

Limited engagement has taken place between Aberdeen City Council and Aberdeenshire Council and no discussions have been held on the proposed conditions. The report to Aberdeen City Full Council was published on 22 January and Aberdeenshire Council officers have been considering the report. Aberdeen City Council is entitled to make any recommendation it sees fit and the Aberdeenshire officer's focus has been on the conditions proposed with emphasis on a proposed controlled parking zone (CPZ) in Westhill and footbridge over the A944. Each of these elements is considered to be critical to the delivery of the stadium if planning permission is to be granted, but both have potentially significant implications for Westhill and Aberdeenshire Council.

**Controlled Parking Zone (CPZ)**

Condition 5 proposes permission be granted, but no development on the stadium can take place unless a Traffic Regulation Order (TRO) has been granted for a 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 the CPZ has been implemented. Aberdeenshire officers have identified a number of issues with the proposed use of such a condition.

1. It is considered that the use of a condition for a matter that is controlled by separate legislation (Road Traffic Regulation Act 1984), and requires the consent of another body (Aberdeenshire Council) which the developer has no powers to carry out and which the planning authority has no powers to enforce (enforced by Police Scotland) raises issues and accordingly Legal Services are further reviewing this given the short time available.
2. A TRO would have to be promoted by Aberdeenshire Council (not the applicant or Aberdeen City Council) and the first decision would have to be whether such a TRO was progressed. Aberdeenshire Council could not be compelled to promote TRO just because Aberdeen City Council or the Scottish Ministers have made a planning decision.

3. Aberdeenshire Council would have to make up the various Orders covering the restrictions and carry out consultations, for example with the Police, Fire Service etc., and they would be advertised in the press for a statutory period during which the public can object. If objections are received that cannot be resolved, the Orders would be determined, in accordance with the Scheme of Governance, on whether the Orders proceed, are amended or abandoned. The statutory process means that the implementation of the CPZ cannot be guaranteed, if any objection is upheld. It is reasonable to expect that there will be significant objection by residents in affected areas, to the TRO consultation. The costs of Aberdeenshire Council drafting the orders and dealing with such objections could be significant. There is no provision in the recommendation from City officers for this to be resolved before the granting of planning permission.
4. As Aberdeenshire Council was not aware of the full extent of the proposed CPZ and no discussions have taken place on the mechanism for delivery of this; there are a considerable number of unknown factors. The 30 minute walk-time boundaries would have to be established and all affected roads and streets identified. Following this a signage strategy would have to be agreed, that would likely have to include interactive signs due to varying match times. The cost of these is considerable before standard signage and other roads measures that would be necessary are calculated. Again there is no provision in the recommendation from City officers for this to be resolved before the granting of planning permission.

### Footbridge

Conditions 6 & 7 proposed permission be granted, but no development on the stadium can take place unless a scheme detailing a safe means for pedestrians to cross the A944 has been submitted to and agreed by Aberdeen City Council. Thereafter, the stadium shall not be brought into use unless the agreed scheme has been implemented in full. Aberdeenshire officers have identified a number of issues with the proposed use of such conditions.

1. As highlighted in our recent consultation responses on the proposal, the footbridge currently proposed would require a planning application to be submitted to both Aberdeenshire Council and Aberdeen City Council and for both authorities to grant the application before it can be constructed. Although less onerous a process than the CPZ, there is no guarantee that the bridge can be delivered meaning the safety of pedestrians parking west of the A944 would be significantly compromised.
2. The condition provides flexibility to consider other options, such as an underpass. However, the safety and practicalities of delivering this in this location by the Brodaich Burn are questioned.
3. The indicative bridge submitted towards the end of the application process would not accommodate disabled users or those with limited mobility; it fails to meet legislative requirements under the Equalities Act 2010. The proposed continued use of a crossing at road level for wheelchair users is not considered a safe or viable option in the context of a large crowd attempting to cross the busy A944 on match days.
4. To meet equalities duties, a bridge with ramped access would be needed, the footprint and design of this would require careful consideration.
5. It is also likely that the footbridge would have to be increased from the proposed 3m width and enclosed for the safety of those using it and road users below.

## Conclusion

In conclusion, Aberdeenshire Council has consistently raised concerns about the impact the proposed development would have on Westhill. Aberdeen City Council had not engaged with Aberdeenshire Council on the key issues of the CPZ or the footbridge and publication of the report and conditions proposed has not allayed Aberdeenshire Council's concerns. Aberdeenshire officers understand that there is a process of notification to Scottish Ministers if Aberdeen City Council are minded to grant the application. However, it is considered that as delivery of the CPZ and footbridge are recognised by Aberdeen City officers as being critical to the delivery of the proposal, it believes planning permission should not be granted without these matters being fully considered and satisfactorily resolved.

To do otherwise will place an unacceptable burden on Aberdeenshire Council to determine the CPZ and footbridge favourably, whilst allowing Phase 1 of the development to proceed. It is in the interests of all parties to work together on these matters.

**Robert Gray**  
**Head of Planning and Building Standards**

**26 January 2018**