



Report to the Scottish Ministers

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947

Report by Frances M McChlery, a reporter appointed by the Scottish Ministers

- Case reference: CPO-ABS-001
- Site Address: Former Kintore Goods Yard and Timber Yard, Kintore, Inverurie, AB51 0YF
- Acquiring authority: Aberdeenshire Council
- The order sought: The Aberdeenshire Council (Kintore Railway Station) Compulsory Purchase Order 2017
- Statutory Objectors: None
- Non-statutory Objectors: None

Date of this report and recommendation: 13 September 2017



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The Aberdeenshire Council (Kintore Railway Station) Compulsory Purchase Order 2017
Former Kintore Goods Yard and Timber Yard, Kintore, Inverurie, AB51 0YF

• Case reference	CPO-ABS-001
• Case type	Compulsory purchase order
• Reporter	Frances M McChlery
• Acquiring authority	Aberdeenshire Council
• Date of order	10 February 2017
• Date case received by DPEA	11 April 2017
• Method of consideration	Written submissions
• Date of report	13 September 2017
• Reporter's recommendation	Confirm

The order

The order is The Aberdeenshire Council (Kintore Railway Station) Compulsory Purchase Order 2017 (the order).¹ The order was made by Aberdeenshire Council under Section 189 of the Town and Country Planning (Scotland) Act 1997 (TCP SA), which enables a local planning authority to make a compulsory purchase order for any land in its area which is (a) suitable for, and is required in order to secure the carrying out of development, redevelopment or improvement and (b) is required for a purpose which it is necessary to achieve in the interests of the proper planning of the area where the land is situated.

The scheme

The order is being promoted to acquire land to facilitate the council's contribution in works and other facilities towards a scheme for the construction of a new train station with car park and transport interchange facilities, at Kintore, Aberdeenshire. The scheme is a joint project led by the council and Nestrans (the North East of Scotland Transport Partnership) as promoters, working with Network Rail (NR).

The project will provide

- a new double platform with lifts on the existing but improved railway;
- an over-bridge;
- waiting shelters and seating;
- a transport interchange adjacent to the station, which will entail
- a new car park with space for around 160 vehicles;
- transport interchange facilities (bus, taxi and cycle facilities); and
- a new vehicular access road and pedestrian access path to and from the train station.

¹ CD 1.1

The case for the promoters

There have been plans for a new station at Kintore since the 1990s and the site is allocated in the current local plan approved in 2017. Kintore is a fast growing settlement in the Garioch Area of Strategic Growth identified in the strategic development plan. Kintore is on the Aberdeen to Inverness railway line and the provision of the station would align with major improvements taking place on the line to be carried out by Network Rail. There is considerable unmet need for capacity on the line to provide additional sustainable travel between the area of growth and Aberdeen.

The council say

- There is a need for the scheme, to provide access to sustainable transport modes, support the connectivity of development in the strategic growth area and improve rail services.
- The scheme is in accordance with the relevant duties, policies and objectives of the council.
- The scheme is clearly supported by national and local planning and transport policy.
- The scheme has support in principle from all relevant government interests, and from the rail operators.
- The scheme will support the delivery of economic and environmental benefits to the town of Kintore and the wider population catchment of Kintore.
- There is substantial public benefit in early confirmation of the order in order to coordinate the scheme with the A2I project works.
- The order land is required to deliver the scheme and the order is necessary and justified.

Conclusions and recommendations

The scheme accords with a number of themes and objectives in national planning policy. The scheme would assist in the delivery of the objectives in the strategic development plan. The site has been allocated for this use in the local plan.

The evidence has demonstrated that the land is suitable for use in the scheme, and that there are reasonable prospects of planning permission being granted. The location is the best available for railway operation reasons and the transport interchange is best located close to the station. The land is well located for access from Kintore. The land take is necessary for the provision and the construction of the scheme.

The land is required to allow the scheme to be implemented. The scheme is justified for the benefits it is likely to bring in terms of economic development, sustainable development, increased connectivity, and sustainable modes of transport. The scheme purpose of providing a new station, which is the basis for the order, is necessary in the interests of the proper planning of the area.

The recommendation is that the order be confirmed without modification.

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DPEA case reference: CPO-ABS-001

The Scottish Ministers
Edinburgh

Ministers

On the 4 May 2017 I was appointed to hold an inquiry and prepare a report, in connection with objections lodged and not withdrawn in respect of The Aberdeenshire Council (Kintore Railway Station) Compulsory Purchase Order 2017 at the Former Kintore Goods Yard and Timber Yard, Kintore, Inverurie, AB51 0YF.

A public inquiry was fixed for the 5 September 2017, and procedural directions were made in respect of statements of case, documents and precognitions.

However, the four objections to the order which had not been withdrawn when the matter was referred to the DPEA were all withdrawn by Friday 27 August 2017.

The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 First Schedule paragraph 4(1) provides that if all objections made are withdrawn, the confirming authority, on being satisfied that the proper notices have been published and served, may, if the authority think fit, confirm the order with or without modifications. This report provides Ministers with a report on the order to allow them to determine whether or not the order should now be confirmed.

At the date of withdrawal of the last objection, the acquiring authority, Aberdeenshire Council, had lodged a comprehensive group of documents and the precognitions of seven witnesses. I reviewed these documents and precognitions and concluded that there was sufficient information to allow me to prepare a report without the necessity for any oral sessions. I therefore cancelled the public inquiry, which did not take place. After considering the council's written materials I also considered whether I should carry out an inspection of the land affected by the order and the order scheme. I decided that it was not necessary to do so. This was because the materials submitted by the council provided me with detailed and comprehensive information about the site, its environs, the promoters' scheme and its implications. As all objections had been withdrawn, there were no contested site specific issues which required to be detailed in the report. I took the view that a site inspection would not provide me with any significant or relevant additional information which Ministers would be likely to require in order to reach their decision.

My report, which is based on all the materials submitted by the council, describes the order and the scheme, the site, the policy context, and summarises the main points in favour of the scheme made by the council. The documents from which the information has been drawn are referred to in the footnotes. These are listed in the appendix to the report,

together with a link to the document on the DPEA website to assist direct reference to the document in question.

I conclude the report with my findings in fact and my reasoned recommendation that the order should be confirmed without modification.

The council and the other bodies involved in the scheme, notably Network Rail, have asked me to convey to Ministers that there is an opportunity to complete the scheme at the same time as improvement engineering work is taking place on the Aberdeen to Inverness railway line. If this can be done there would be a number of advantages including minimising disruption to the travelling public. Their plans to do so would be greatly assisted by the early consideration of this report, and an early determination of the question of confirmation of the order.

Abbreviations and glossary

Abbreviation	Meaning	Source of reference
A2I	The Aberdeen to Inverness Improvement programme for the provision of infrastructure capacity for the construction of a new station at Kintore.	See Graeme Stewart precognition
ALDP 2017	Aberdeenshire Local Development plan	Document AA.PB.11
AECOM	AECOM – engineering consultancy (formerly Faber Maunsell	NR were commissioned by Nestrans to design the rail elements of the proposed Kintore Station. NR engaged AECOM to carry out the design work.
ASDP	Aberdeenshire Strategic Development plan	Document CD 1.8
CP	Control Period	The five year planning period used by ORR and NR to plan activities and investment. E.G Document CD1.2
DfT	Department for Transport	
EIA	Environmental Impact Assessment	
GRIP	Governance for Railway Investment Projects	The management and control process developed by Network Rail for delivering projects on the operational railway. Developed to minimise and mitigate the risks associated with projects to enhance or renew the operational railway and projects.
HLOS	High Level Output Specification	Document CD 1.16
Nestrans	North East of Scotland Transport Partnership	Nestrans is the co-promoter of the Kintore station scheme along with Aberdeenshire Council
NPF	National Planning Framework	Document AA.1.3
NR	Network Rail	NR is the not-for-dividend owner and operator of the majority of Britain’s rail infrastructure. Its activities are regulated by the ORR and it operates under a network licence. NR maintains, manages, renews and enhances the rail network. It manages day to day use of the rail infrastructure but does not operate passenger or freight train services.
ORR	Office of Road and Rail (formerly Office of Rail Regulation)	Transport industry regulator; See Graeme Stewart precognition

SEA	Strategic Environmental Assessment	Carried out for plans and programmes
Scotrail	Abellio ScotRail Limited ("ScotRail")	Rail service provider under current franchise arrangements.
SPP	Scottish Planning Policy	Document AA.PB.1
STPR	Strategic Transport Projects Review	Document CD 1.4
SSF	Scottish Stations Fund	
SuDs	Sustainable Drainage Systems	
TS	Transport Scotland	

CHAPTER 1: THE ORDER AND THE PROMOTERS' SCHEME

The order

1.1 The order has been made by Aberdeenshire Council (AC). It is entitled The Aberdeenshire Council (Kintore Railway Station) Compulsory Purchase Order 2017 ("the Order").²

1.2 The order was made under the Section 189 of the Town and Country Planning (Scotland) Act 1997 (TCPA), which enables a local planning authority to make a compulsory purchase order for any land in its area which is (a) suitable for, and is required in order to secure the carrying out of development, redevelopment or improvement and (b) is required for a purpose which it is necessary to achieve in the interests of the proper planning of the area where the land is situated.³

The promoters' scheme⁴

1.3 The order is being promoted to facilitate the council's contribution in works and other facilities towards the construction of a new train station with car park and transport interchange facilities, at Kintore, Aberdeenshire. The whole station and interchange project is referred to as 'the scheme' in this report.

The spatial context⁵

1.4 The order land and proposed location for the new station is on the north western boundary of the village of Kintore, Aberdeenshire.⁶ Kintore is located on the east side of the A96, around thirteen miles north of Aberdeen City Centre and four miles south of Inverurie. The land intended to be acquired (the order land) is a total of 10 plots of land located around the Inverness to Aberdeen railway line, and to the east of the junction between the B987 and the A96 roads.

1.5 The site of the proposed transport interchange and station, of which the order land forms part, is predominately a vacant brownfield site to the west of the existing railway land and agricultural land to the east.⁷ It is shown as site R2 in the Aberdeenshire Local Development Plan 2017 (ADLP).⁸ Overdon Nursing Home is located to the north of the site and Station Garage, Kintore is to the south. The site was formerly used as a timber mill and saw yard.

1.6 The site is not covered by any international, national or local environmental designations. There are no listed buildings or designated heritage assets on the site. There is a Scheduled Monument (Aberdeenshire Canal Milestone 15) and a collection of

² CD 1.1

³ CD1.1 Aberdeenshire Council (AC) Statement of Reasons;

⁴ Precognitions of witnesses Graeme Stewart, Network Rail (NR), project sponsor, and Paul Finch, Aberdeenshire Council (AC)

⁵ Precognitions and documents of Kevin Martin, and Zoe McClelland, both AECOM. Also Paul Finch and Piers Blaxter, AC. also Document AA. PF 003, which reviews alternative sites, gives information about the spatial context.

⁶ See CD 1.9 Aberdeenshire Local Plan 2017 at page 421 for a more comprehensive description of Kintore.

⁷ Zoe McClelland, AECOM and Piers Blaxter, AC

⁸ CD 1.9 ALDP 2017 page 426 map shows location.

four 19th century Category C listed buildings on the opposite side of Northern Road at Bridgend House. The monument is screened from the order land by the boundary wall of Bridgend House and existing trees.⁹

1.7 There are no tree preservation orders or ancient woodland on the site.

1.8 A core path runs in close proximity to the site along the western boundary and along the A96 corridor travelling north to Inverurie and south to Kintore.

1.9 Part of the land has the potential to be classified as contaminated land, given the former uses.¹⁰ Flood drainage issues have the potential to affect part of the land.¹¹

The scheme¹²

1.10 The overall scheme for which the order is said to be required is a joint project led by the council and Nestrans (the North East of Scotland Transport Partnership) as joint promoters, working with Network Rail (NR)¹³. The current scheme is based on a design produced by AECOM, consulting engineers, for Nestrans completed in May 2016.¹⁴ for a new train station and transport interchange at Kintore on the Inverness - Aberdeen railway line.¹⁵

1.11 The scheme will provide

- a new double platform with lifts;
- an over-bridge;
- waiting shelters and seating;
- a transport interchange adjacent to the station, which will entail
- a new car park with space for around 160 vehicles;
- transport interchange facilities (bus, taxi and cycle facilities);and
- a new vehicular access road and pedestrian access path to and from the train station.

1.12 Network Rail and Aberdeenshire Council have agreed to undertake separate elements of the development concurrently. Network Rail are progressing the development of the platforms, lifts, over-bridge, shelters and seating. Aberdeenshire Council are progressing the car park, transport interchange facilities, a new vehicular access road and pedestrian access path to and from the station, including the promotion of the order under their powers under the TCPSA.

1.13 Site access would be from a priority junction on the Overdon access road, close to its junction with the B987 Northern Road. A new footpath is proposed to provide direct pedestrian/cycle access to the train station from Kintore town centre. The scheme also involves relocation of bus stops and shelters on Northern Road adjacent to the train station

⁹ Zoe McClelland, AECOM

¹⁰ as above

¹¹ as above see also Local development plan CD.1.9 page 422.

¹² see AC statement of reasons CD 1.1; Graeme Stewart, NR, and Paul Finch, AC, and AA.1.5

¹³ see Precognition of Graeme Stewart, NR for on outline of the regulation of the railway industry in Scotland and the role of NR as operator

¹⁴ AA 1.5

¹⁵ CD1.18; CD1.5 2009 report on proposal for a station; AA 1.5 for the final proposed current design. May 2016; Graeme Stewart, NR and Paul Finch, AC

to enable easy access to the train station for bus users (in addition to coach/bus parking within the station car park itself).¹⁶

1.14 The planning for the implementation of the scheme is closely integrated with a work plan which aims to co-ordinate the construction of the station with the major project by NR to upgrade the railway between Aberdeen and Inverness, with the section between Aberdeen and Inverurie benefitting from double-tracking works.¹⁷ Subject to Ministers' consideration of the order, it is planned to open Kintore Station to coincide with the completion of this project in December 2019. Co-ordination of the Station with the double-tracking project would reduce disruption to the travelling public, and facilitate cost and construction efficiencies. The council and Network Rail have asked that it is conveyed to Ministers that it is important that the outcome of their consideration of the order is known as soon as possible.¹⁸ If it is confirmed, the order will to facilitate entry onto the land for construction purposes in order to progress all work efficiently and with minimum disruption to services, and in accordance with approved budgets.¹⁹

The background to the scheme

1.15 The Kintore station proposal has been developed from the mid-1990s onwards, and the current location has been established in the Local Plan since 2006.²⁰

1.16 Scottish Ministers will be aware that under current rail legislation, railways are not wholly devolved and elements are reserved. Ministers set the strategy for rail in Scotland, as described in the Memorandum of Understanding with the Department for Transport, dated September 2014.²¹ This includes setting strategic outcomes for the rail industry, primarily through approval of NR operations and investment, and operator franchise process, and through defining the level of public expenditure available to support these.²² Transport Scotland (TS) supports and administers Ministers' functions in this regard.

1.17 In 2008 Transport Scotland undertook a Strategic Transport Projects Review (STPR) in order to identify strategic interventions to be delivered, designed or developed beyond 2012 and primarily between 2012 and 2022. The STPR Report 4 published in December 2008²³ provided details (at p108) of the proposed A2I intervention. Reference was made to the possibility of a new station at Kintore.

1.18 In June 2012 Ministers published the High Level Output Specification²⁴ (HLOS) setting out the high-level outputs they wish NR to deliver over the next five years, along with the funds available to deliver them. The HLOS published in June 2012 included the A2I project. At page 7 it is said:

¹⁶ AC Statement of reasons CD1.1 Paul Finch, AC

¹⁷ Graeme Stewart NR , and Paul Finch, AC

¹⁸ Graeme Stewart, NR

¹⁹ as above

²⁰ AA.PB.4 and Piers Blaxter and Paul Finch, AC

²¹ AA.GS.02

²² Graeme Stewart , NR

²³ CD 1.4

²⁴ CD 1.16

“3.17 The Scottish Ministers require Network Rail to deliver by the end of Control Period 5²⁵ the following outputs to support the ambitions set out in the Scottish Government Infrastructure Investment Plan 2011.

3.18 Aberdeen to Inverness Rail Line Improvements Phase 1, delivering the network capability to enable the operation of enhanced commuting services into both cities, working with station promoters to enable them to deliver Kintore and Dalcross stations, and enhancing the end to end service to support the longer term objective for an hourly interval service between the two cities with an average day journey time, calling at all stations, of around 2 hours...”

1.19 Funding for the scheme as part of the A2I project has been secured and approved through the NR business planning process.²⁶

1.20 In March 2014 TS wrote to NR confirming the scope of works for the A2I project.²⁷ This included the infrastructure required to support the development and operation of two new stations at Kintore and Dalcross.

1.21 TS specified that the funding of Kintore and Dalcross Stations was to be arranged by station promoters with submissions permitted to the Scottish Stations Fund (SSF). This fund was set out in the Scottish Ministers’ 2012 HLOS with the purpose of improving the public’s access to railway services. The fund is administered by NR. Proposed schemes are discussed at the Scotland Route Strategy Planning Group and Scotland Route Investment Review Group involving all relevant train operators. Following advice from the Route Investment Review Group, Scottish Ministers will then agree which projects can draw down against this fund and to what extent funding contribution will be provided.²⁸

1.22 In December 2015 NR was engaged by Nestrans, as co-promoter of the Kintore station scheme with Aberdeenshire Council, to design the rail elements of the proposed Kintore Station. NR engaged AECOM to carry out the necessary design work. AECOM produced a Civil Engineering Form 001 Design (“the GRIP 3²⁹ Station Design”) detailing the proposed new station requirements necessary to deliver the project.³⁰ This was completed with a cost estimate for the station works in May 2016.

²⁵ Graeme Stewart, NR; Network Rail plans its activities in five year periods (known as “Control Periods”) which are agreed with the Office of the Rail Regulator (ORR). The current control period is Control Period 5 (2014 to 2019). Every five years, NR publishes a Strategic Business Plan setting out what it will deliver in the next five-year control period. This details NR’s strategy and the schemes to be taken forward in the Control Period to best deliver against Scottish Ministers’ stated requirements, wider economic objectives and views of the longer-term needs for the railway in Scotland.

²⁶ Graeme Stewart, NR

²⁷ AA.GS 07.

²⁸ AA.GS 04

²⁹ GRIP is Governance for Railway Investment Projects, the guidance handbook for the development of rail projects. It is based on best practice for major infrastructure projects. projects are taken forward in eight distinct stages: 1.Output definition; 2.Feasibility; 3.Option selection; 4.Single option development; 5.Detailed design; 6.Construction test and commissioning; 7.Scheme hand back; 8.Project close out

³⁰ AA 1.5

The location of the station and alternative sites for the scheme

1.23 The proposition that there be new railway station at Kintore has been under consideration since the 1990's, and a site at this general location has been identified in successive local plans, and is so allocated in the current plan approved in 2017.³¹

1.24 In bringing this scheme forward to implementation, and settling the location of the station and transport interchange the promoters have mainly had to consider the following criterion:

- i) Proximity, and convenient access to Kintore and surrounding area by relevant modes of transport;
- ii) Ability to access the railway line;
- iii) Availability of space for the car park/transport interchange; and
- iv) Rail engineering considerations.³²

1.25 A number of assessment studies have been undertaken to confirm the most suitable location, layout, and outline design for the scheme on which the order is now based.

1.26 In 2008, Nestrans published their Regional Transport Strategy³³ (RTS). This set out what Nestrans considered needed to happen over the period to 2021 to provide a transport system that would ensure economic growth, improve accessibility, and protect the environment and quality of life in Aberdeen City and Shire. The RTS included a new station at Kintore as part of its "internal connections strategy".

1.27 In 2009, Nestrans commissioned Faber Maunsell, consulting engineers, (now AECOM) to consider options for the development of the Kintore Station, as either a single or double platform option (the 2009 Feasibility Study).³⁴ Amongst other things, the 2009 Feasibility Study considered the options for the location of a new station. It was stated in paragraph 2.1:

"As identified in previous Crossrail studies³⁵ the proposed location for a new station at Kintore is on the north western boundary of the village, which provides excellent access links to the village centre and the adjacent A96 bypass. A station located within the village centre does not provide good access links to the local road network and was restricted by the proximity of properties to the railway line. Also a station located on the eastern boundary of the village has poor access and was constrained by the adjacent Boat of Kintore Level Crossing and the River Don."

The 2009 Feasibility Study proposed an indicative station layout to the south of the currently proposed location, to be accessed directly from the B987.

1.28 In October 2010, and as part of its CP4 programme, Network Rail produced a GRIP Stage 2 engineering study examining some of the Aberdeen to Inverness Rail Improvement objectives, including a new station at Kintore (the GRIP 2 Study)³⁶ The following factors were considered in reaching its conclusions:

³¹ Piers Blaxter and Paul Finch AC; CD 1.9

³² Paul Finch, AC

³³ AA 1.4 (a)

³⁴ CD 1.5

³⁵ Aberdeen Crossrail is shorthand for the proposed railway development in north-east Scotland, first proposed within the 2003 Scottish Strategic Rail Study, and supported by Nestrans. The objective is to provide a frequent, cross-city rail service between Inverurie, Aberdeen and Stonehaven, coupled with new stations.

³⁶ CD 1.6

- Available land for station location and further development
- Proximity to Kintore centre
- Location not directly adjacent to residential properties
- Good access to road network including A96 trunk road

The GRIP 2 Study reviewed the station location and confirmed the proposed location to the north of underbridge UB 293/062 as the optimum site. It proposed platforms located further towards the north and west than shown in the 2009 Faber Maunsell work, and proposed ramp and overbridge access to both platforms.

1.29 AECOM undertook further design work on the location and layout of the car park and access road in 2010, to reflect the platform locations set out in the GRIP 2 Study. This work established the access road and car park broadly in the currently proposed position, avoiding known flood issues, and taking access from the unclassified road U242C.

1.30 The council has provided a technical note “Kintore Station: Location Plan and Review of Alternative Sites” which describes the other sites considered as to have potential for a station in the past, and the council’s position on their suitability.³⁷ The alternative sites reviewed include those to the north of Tavelty Farm, the former station site, other town centre locations, and locations to the south-east of the settlement boundary. This study concludes that in comparison to the selected location, all alternatives were and are constrained by either poor accessibility, distance from the centre of Kintore, lack of physical access to the railway line, lack of space for associated car parking, environmental constraints, and railway engineering considerations.

The railway station³⁸

1.31 From the perspective of NR as railway operator, the key technical drivers for the A2I project design through the Aberdeen-Inverurie rail corridor, derived through the GRIP 3 option selection process are as follows;-

- Reduction in section running time for trains through increased line speed.
- Increase capacity through double tracking of existing single line.
- Upgrade existing railway signalling technology.
- Implementation of new double track with the minimum level of disruption to train services and the travelling public.
- Retain existing Kinematic Envelope (KE) gauge clearances to all lineside infrastructure.

1.32 Once it was decided that the station was to be situated on the north western boundary of the village, NR then required to determine the precise location of station platforms and infrastructure. The first issue was the requirement for double tracking which necessitates the construction of two platforms, a footbridge and a lift for accessibility purposes. Each proposed platform will require a waiting shelter along with seating. Sufficient land is therefore required to accommodate this infrastructure.

1.33 In addition, there are a number of operational considerations that determine the siting of the platforms and station infrastructure. The first is the need for platforms to be located on a straight section of track. New stations are constructed on straight sections of track to ensure embarking and disembarking of passengers can be undertaken safely and operational staff can monitor this activity unobstructed. The second consideration is the

³⁷ AA.PF.3 ; Piers Blaxter, AC

³⁸ Graeme Stewart, NR

existence of an overbridge and underbridge to the north and south of the proposed site. The platforms require to be situated a sufficient distance from bridges to avoid impacting upon the structure of the bridges. In addition, situating a platform on or near an overbridge or underbridge would cause complications in terms of platform to platform access. The third consideration is the length and width of the platforms. The length of each platform is 159.5m -determined by the length of trains operating on the route. The width of new platforms is determined by NR Group standards aimed at ensuring the safe management of passenger flow.

1.34 Having regard to the considerations outlined above NR takes the position that the current scheme constitutes the only workable solution from an operational perspective in terms of the situation of the station.

The land required³⁹

1.35 Taking the above into consideration the extent of the land which requires to be permanently acquired for the construction of the station platforms and infrastructure is hatched in purple on the Kintore Station Land Take drawing⁴⁰ being parts of plots 1 and 9 in the order map.⁴¹ In addition plot 10 is to be permanently acquired for the purposes of a drainage outfall. Land also requires to be used temporarily for the purposes of construction of the platforms. The areas in question are hatched blue and green on the Kintore Station Land Take drawing.⁴² The proposed construction methodology would seek working space on both sides of the railway, to construct both platforms as far as possible whilst train services are running to minimise impact on the operational railway. The land hatched in blue to the east of the railway will be used for the purposes of constructing platform 2. The land hatched in green and blue to the west of the railway will be used to construct platform 1. If land was only used on one side of the railway it would be necessary to crane materials across the track and construct from the track, which would necessitate the closure of the railway for an extended period of time. This would cause significant disruption to train operators and the travelling public. The extent of the land to be used temporarily is determined to a large extent by the volume of plant and materials required and the space required for vehicular and plant movements for delivering materials and constructing the platforms. Spoil will also require to be removed from each side of the track where the platforms are being constructed. A construction compound would be required during the construction phase of the works to site significant bulk materials. A small provision would be required for staff facilities. In addition, NR's operational safety requirements require appropriate exclusion zones to be in place between any construction activities and the operational railway.

The car park and interchange⁴³

1.36 In 2016, AECOM were instructed to undertake an option selection assessment, outline design and cost estimate for the proposed car parking and access for the station (the Option Selection Report).⁴⁴ AECOM were also instructed to assist with an application

³⁹ Graeme Stewart, NR

⁴⁰ CD 1.18

⁴¹ CD 1.1

⁴² CD 1.18

⁴³ Kevin Martin, AECOM.

⁴⁴ CD1.12

to the Scottish Stations Fund (the SSF Business Case).⁴⁵ Both of these documents further developed the design of the Scheme, and were worked up to a level commensurate with Network Rail's GRIP Level 3. Three layout options were developed for the proposed car park layout. An option selection process was undertaken, in consultation with AC officers, which identified a preferred layout.⁴⁶ The current layout and arrangement on which the order is based reflects the option which best met a number of qualitative assessment criteria, derived from the requirements of Scottish Transport Appraisal Guidance (STAG), in respect of integration; accessibility and social inclusion; safety; environment; and economy.⁴⁷ Key features of the preferred layout include 166 car parking spaces, 2 bus bays, 7 taxi spaces, 20 sheltered cycle parking spaces, 8 motorcycle spaces and 17 disabled spaces split across the two car parking areas.⁴⁸

The promotion of the order

1.37 The council has provided evidence of the order promotion process.⁴⁹

Scheme finance⁵⁰

1.38 The costs of the scheme have been developed from outline cost estimates for the car park and access road; platform and overbridge costs from Network Rail; estimate of land acquisition costs; and an additional 40% optimism bias I contingency adjustment.

1.39 A scheme cost figure of £12.218 million formed the basis of a bid by the promoters to the Scottish Stations Fund, with this figure being prepared on the basis of 2016 quarter 1 cost estimates. This included the preparation of a business case.⁵¹ As at the end of January 2017, funding for the scheme has been confirmed as follows:

- The Scottish Stations Fund have confirmed a contribution of £7.33 million (60%).
- The Council have committed £1.91 million (16%).
- Nestrans have committed £2.98 million (24%).

1.40 The combined contributions from the Scottish Stations Fund, Nestrans and the Council collectively cover the estimated scheme costs, and the 40% optimism bias/contingency allowance.

1.41 The potential of attracting funding contributions from nearby development is also being explored, alongside other options.

Planning permission

1.42 Planning permission has not yet been obtained for any element of the scheme. A number of technical matters have been identified by the promoters as requiring to be addressed in the planning applications for the car park and railway station.⁵² A pre-

⁴⁵ CD 1.10

⁴⁶ CD 1.12. A summary of the key features for each option is provided in Table 4.1 of Appendix E

⁴⁷ Table 4.3.6 of CD 1.12.

⁴⁸ CD 1.12 page 31; Kevin Martin, AECOM, and Paul Finch, AC

⁴⁹ Robert McIntosh, solicitor, AC and CD 1.1

⁵⁰ Paul Finch AC

⁵¹ CD 1.10

⁵² Zoe McClelland, AECOM and see AA.ZM.1 AECOM report on the key technical issues and the consenting strategy.

application letter from Aberdeenshire Council in 2015⁵³ provided advice for the car park site.

1.43 Initial designs have been prepared for both the car park and the railway station. The designs have been informed by a range of technical studies. The plan is that these studies will be further developed where necessary to support the planning applications.

Environmental Impact Assessment⁵⁴

1.44 Environmental Impact Assessment (EIA) screening requests for the car park and the station were submitted to AC in July 2017.⁵⁵ Each of the developments, considered individually or cumulatively, would fall into Schedule 2 (section 10 (b)) of The Town and Country Planning (Environmental Impact Assessment) (EIA) (Scotland) Regulations 2017 (the 'EIA Regulations')⁵⁶ in that they exceed 1 hectare. The car park falls under Schedule 2 (section 10 (b)) – 'Urban Development Projects... including car parks' and the station falls under Schedule 2 (section 10 (d)) – Construction of Railways' (unless included in Schedule 1). The council provided their screening opinions in July 2017 for both the car park⁵⁷ and station⁵⁸. The council has determined that the developments will not have a significant effect on the environment and EIA Reports are not required. The council has advised that a range of supporting information to support the planning applications will be required.

Flooding and drainage

1.45 The car park and transport interchange elements of the site are located on raised ground. The local plan points out that part of the site allocated for the station lies within the SEPA indicative 1 in 200 flood risk area, or is otherwise known to flood from other sources. The promoters say the southern part of the site, containing a secondary footpath link to the B987 Northern Road, is at risk of flooding during extreme events. An alternative access route exists along Northern Road ensuring pedestrian access would be maintained during a period of flood. A flood risk Assessment will be prepared to accompany the planning application and this along with a drainage strategy will identify the exact requirements for flood storage and SuDs to ensure that new runoff generated is discharged at a like for like rate to ensure that the existing risk is unchanged. The proposed station platforms would not be at risk of flooding.

Noise

1.46 A noise impact assessment will be carried out to accompany the planning applications and it is expected that the dominant sound source is likely to be from the A96 trunk road.

Contaminated land

1.47 Preliminary geotechnical assessments have been carried out which have identified some site constraints associated with current and former railway land, allotment gardens, timber yard and saw mill. There is also potential for ground gas associated with made

⁵³ AA.ZM.9

⁵⁴ Zoe McClelland, AECOM

⁵⁵ AA.ZM.2; and AA.ZM.3

⁵⁶ AA.ZM.11

⁵⁷ AA.ZM.5

⁵⁸ AA.ZM.4

ground and soil and groundwater contamination. Further site investigations will be undertaken. Although contamination is anticipated based on available information, given that the proposed end use (car park) is of low to medium sensitivity, the promoters consider that any contamination related constraints are likely to be mitigated to the satisfaction of the council by way of design considerations to ensure the development is suitable for use with respect to contamination.

Natural environment ⁵⁹

1.48 A number of ecological receptors have been identified within the site boundaries including some protected species. Further survey work is ongoing by Network Rail (which has included the car park as part of a survey buffer from the railway line) and protected species licences may be required and would be confirmed through pre-construction surveys. Suitable mitigation measures can be implemented to allow the development to progress, including for example bat boxes. The impacts are considered to be minor in nature for both badger and bats as surveys have indicated that the site is only likely to support small numbers and therefore impacts are not likely to affect their favourable conservation status.

Historic environment ⁶⁰

1.49 There are no listed buildings or designated heritage assets on the site. There is a scheduled monument, (SAM) Aberdeenshire Canal Milestone 15; and a collection of four 19th century Category C listed buildings on the opposite site of Northern Road at Bridgend House. The SAM is screened from the development area by the boundary wall of Bridgend House and existing trees.

Prospects of planning permission

1.50 The council has expressed the view⁶¹ that there is no reason why a proposal at this site should not receive planning permission provided it meets the requirements for design set out in policy P1 Layout Siting and Design, of the current local development plan.⁶² The site is explicitly protected by Policy PR2 (“Protecting important development sites”), so that the principle of the development is set out within the development plan. Some issues relating to natural heritage and flooding have been considered by Scottish Natural Heritage and SEPA during the course of the local plan examination.⁶³ Development impacts on European Protected Species may be permissible under Policy E1 of the Aberdeenshire Local Development Plan 2017 (ALDP)⁶⁴ where the site is required for imperative reasons of overriding public interest, and where appropriate mitigation is introduced.

⁵⁹ Zoe McClelland, AECOM

⁶⁰ as above

⁶¹ Piers Blaxter, AC

⁶² CD 1.9

⁶³ AA.PB.9 Representation 658 and AA.PB.10 Representation 659.

⁶⁴ CD1.9

CHAPTER 2: THE CASE FOR THE PROMOTERS

Introduction

2.1 The potential advantages to the community of the provision of a new station on the Aberdeen to Inverness rail line at Kintore have been recognised for some time. In current circumstances there is clear evidence of growing need for a new station. The implementation by the rail operator of major improvements to the line through the A2I project, and the support of the Government through the Scottish Stations Fund provide an important opportunity to provide the station.⁶⁵

Local circumstances at present

2.2 Kintore has expanded rapidly since the 1980s. Between the 2001 and 2011 censuses, the town experienced a 164% increase in population, making it the fastest growing town in Aberdeenshire.⁶⁶

2.3 As there is no station in Kintore, the level of rail use amongst residents in the town is currently low, with the 2011 Census indicating only 13 people per day used the train to travel to their place of work or study (0.4%). This correlates with findings from platform surveys undertaken at Inverurie, the nearest station to Kintore, in 2015, which indicated that only 3% of the survey sample started their journey in Kintore. However, at a regional level, over the last decade rail demand in the north east of Scotland has witnessed significant growth, outstripping national trends. At Inverurie the number of rail passengers has grown from 154,000 in 2006 to 534,000 in 2015; a growth rate of 247%, or approximately 15% annually.⁶⁷ This is the greatest level of passenger growth of all stations on the Aberdeen to Inverness line. Rail occupancy surveys carried out in 2013 by Nestrans have indicated that a number of services have occupancy levels exceeding 100%, particularly during the morning peak period on southbound journeys between Inverurie and Aberdeen. Recent passenger surveys at Inverurie have shown that the station car park frequently reaches capacity, leading to a high number of rail commuter parking overspilling into nearby off-street car parks within Inverurie town centre.

2.4 Passenger growth can be expected to continue following the committed improvements on the Aberdeen to Inverness rail line, and the consequential increase in services, described below. Demand forecasting work, based on passenger platform surveys undertaken at Inverurie Station in October 2015, and Network Rail growth forecasts, suggests that the station would be expected to attract in the region of 300,000 to 400,000 passengers per annum by the mid-2020s, depending on growth assumptions.

2.5 Limited transport options in the corridor and ongoing growth have resulted in increased levels of congestion on strategic and local road networks in the area.

2.6 Population growth and the demand for improved transport infrastructure is set to continue. The A96 corridor between Aberdeen and Huntly is identified as a Strategic Growth Area in the Aberdeen City and Shire Strategic Development Plan 2014.⁶⁸ Up to

⁶⁵ Graeme Stewart, NR; Kevin Martin, AECOM

⁶⁶ Kevin Martin, AECOM

⁶⁷ CD 1.10; the Kintore Station Business Case for the application to the Scottish Stations Fund Figure 3.3

⁶⁸ CD 1.8

6,200 residential units are proposed over the next twenty years, of which 5,500 are planned between Inverurie and Blackburn. At Kintore, housing projections in the SDP suggest that 600 units are allocated for development over the next five years. The recently approved Local Development Plan⁶⁹ allocates the following future development sites in Kintore:

1. OP1 Kintore East (Mixed Use): Up to 600 homes and employment land;
2. OP2, OP3 & OP4: Woodside Croft, Town Park (Residential): Up to 207 homes to enable the development of Gauch Hill Town Park; and
3. OP5 Kintore South (Mixed Use): Offices, community facilities and supermarket.

These sites are in addition to previously consented development proposals to the south of Inverurie at Crichie (up to 900 homes split across two phases) and Thainstone Business Centre.

Kintore station proposal

2.7 A new railway station at Kintore has long been promoted by transport authorities in the region as a necessity to accommodate future growth, and support wider transport strategies relating to improving access into Aberdeen City Centre by alternative, sustainable modes. Kintore station was a key element in the promotion of schemes such as Aberdeen Crossrail, first investigated in the early 1990s and subsequently appraised and promoted within the region's 2003 Modern Transport Strategy. The North East has an established track record of successful rail station reopening projects (e.g. Laurencekirk).

2.8 The delivery of the station and the related transport interchange has received renewed impetus following recent commitments. These include the Scottish Government's commitment to upgrading the Aberdeen to Inverness railway, including track redoubling between Aberdeen and Inverurie by 2019. As a concomitant ScotRail, the train operator, plans to deliver enhanced services and higher capacity rolling stock. These enhancements will greatly increase capacity on the local rail network.

2.9 The council says that in the strategic forward planning for transport in the region. Kintore Station remains the missing piece in the jigsaw. Its construction is required to give better access to rail for the local population, helping to accommodate future growth planned for the area.

The scheme

2.10 The section of railway between Aberdeen and Inverurie is benefitting from reinstatement of double track working. It is currently planned to open Kintore station to coincide with the completion of this project in December 2019, and this is feasible if undue delay in the consent process can be avoided. The co-ordination of the Kintore station project with the wider re-dualling project would reduce disruption to the travelling public and facilitate cost and construction.

2.11 Extensive development work has been undertaken on this project, prepared in line with GRIP and STAG. An outline design has been prepared for a new station at Kintore that complies with rail industry standards and meets all necessary operational requirements for a new station. Taking into consideration these standards and requirements, and the development work undertaken by Aberdeenshire Council, the location selected for the station is the only feasible option in terms of the operational requirements of the railway.

⁶⁹ CD 1.9

2.12 The land requirements (both temporary and permanent) which are identified and reflected in the order arise from the design process and represent the absolute minimum requirement to construct the station safely and in compliance with rail industry standards.

2.13 A number of assessment studies have been undertaken to confirm the most suitable location, layout, and outline design for the Scheme. This development process resulted in the current design of the carpark and interchange. A preferred layout has been identified with the council's planning officers, which in turn forms the basis of the land take for the scheme. A car parking demand analysis was undertaken to understand the potential levels of patronage that could be expected at the new Kintore Station. This was undertaken using a trip rate based assessment of current demand at Inverurie Station. These projections suggest that the planned car parking provision of 166 would be adequate to cater for demand. However, the good location of the station adjacent to the A96 trunk road, the high car ownership of the hinterland catchment, development plan housing allocations and increasing road congestion on the A96 towards Aberdeen may lead to even higher demand for parking than forecasted, such that the land take cannot be considered to be excessive.

2.14 The site has a very long history of being allocated for a possible "transport interchange" with no material objections to that proposal since the 2006 Local Development Plan. No counter proposals have been made within the 15 years in which this use has been identified. It is now allocated in the current development plan approved in 2017, and no objections were raised to the allocation during the plan making process. The council considers that the station proposal has achieved widespread public acceptance in the community.

2.15 AC Councillors have been consulted in regards to this matter and have been supportive. A report seeking approval for the compulsory purchase of the Order Land was approved by the Council's Full Council on 24 November 2016.⁷⁰

2.16 The scheme has been the subject of extensive consultation and co-working with Network Rail, ScotRail, Transport Scotland and the Central Aberdeen Access Panel. There is widespread support amongst local members, MSPs and MPs. Previous surveys undertaken by local politicians have demonstrated unanimous support for the scheme amongst the local community. Based on a response rate of nearly 50% of Kintore residents, 97% reported that they supported the scheme. "Drop-in" sessions held by Network Rail in Kintore confirmed the support for the scheme with high levels of attendance and interest in the project.

2.17 Discussions have also been held with the local Access Panel to ensure that the scheme will deliver good access for the mobility impaired.

Public benefit from the scheme

2.18 The council argues that if the order is confirmed, and the scheme implemented, the following benefits will arise. These formed part of The SSF Business Case.⁷¹

⁷⁰ CD 1.1

⁷¹ CD 1.10

2.19 The scheme will provide significant support to the delivery of a wide range of national, regional and local transport initiatives, strategies and planning policies, including Network Rail's CP5 (Control Period 5) Enhancements Delivery Plan.

2.20 It will also form part of the delivery of the commitment by the Scottish Government, announced in 2014, to upgrade the Aberdeen – Inverness railway line, including route dualling, between Aberdeen and Inverurie by 2019.

2.21 The scheme would contribute to the economic, environmental and social well-being of the Kintore area by delivering new job opportunities, improved transport connections to and from Kintore, reduced congestion at Inverurie train station, and along the A96 trunk road.

2.22 The scheme will bring additional capacity to the public transport network by way of additional services utilising the Aberdeen to Inverness route, which will in turn meet the increased demand for rail travel in north-east Scotland. In particular, the scheme will help relieve pressure at Inverurie train station. A transfer of trips to Kintore could also help to deliver town centre improvements in Inverurie, including reducing traffic congestion air quality levels.

2.23 The scheme will contribute positively to the benefits likely to arise from a number of linked transport initiatives. These will include the additional services planned by ScotRail via their franchise obligations.

2.24 The scheme would encourage a transfer of car trips onto rail, supporting efforts to reduce congestion and improve journey time reliability along the A96 corridor, in particular between Kintore and Aberdeen. Thus the scheme would support the Aberdeen City Centre Masterplan, which proposes a package of measures to promote public transport access to Aberdeen city centre over private car use by providing a new, direct and seamless link between Kintore and Aberdeen which will encourage a transfer of trips from private to public transport, both for commuting and leisure purposes. This can be expected to help to relieve congestion on the strategic road network into Aberdeen by encouraging modal shift via the availability of an additional alternative, more sustainable and direct link to the city centre

2.25 The scheme would increase road safety and improve air quality as a result of less cars using the A96 corridor.

2.26 The scheme would improve access to Aberdeen city centre by public transport which would facilitate more residents of Kintore to enter the Aberdeen labour market by reducing journey times into the city.

2.27 The scheme presents an opportunity to relieve pressure at currently constrained parts of the local transport network by providing high quality interchange facilities enabling integration between private and public transport modes. The highly accessible location of the proposed station, just off the A96 at the northern edge of the town, means that the station is likely to become a rail access point from further afield.

2.28 The council is satisfied that the proposals fully accord with national, local and regional land use planning, and transport policies. Specifically, the site is allocated for the station in the recently approved local development plan.

2.29 Funding has been secured for the project from the Scottish Stations Fund, Nestrans and Aberdeenshire Council capital funding allocations. The council advises that it is satisfied that it has secured enough funding to acquire the order land within the statutory three year period and completing the scheme over a reasonable timescale. The council is also satisfied that it has properly estimated the likely levels of compensation that it will need to pay having carried out valuations of the various plots that comprise the order land. Furthermore, the council is satisfied that it could make enough money available immediately to cope with any acquisition resulting from a blight notice.

2.30 Economic analysis demonstrates that the project's benefit to cost ratio is 3.5, which represents "High" value for money.

2.31 The process for acquiring planning consent is underway. The significant amount of preparatory and design work undertaken to date highlights the viability of the developments and their compliance with planning policy. Technical work to accompany the planning applications has been underway for some time and the promoters' technical advisers fully anticipate that mitigation measures can be designed and incorporated to minimise and address any adverse effects of the proposed development. On the information currently available there is no reason to consider that planning permission will not be obtainable, subject to further consideration of a number of identified factors.

2.32 The programme to complete construction of the platforms during the summer 2019, and the car park interchange prior to December 2019 is considered wholly achievable. The programme assumes timely confirmation of the compulsory purchase order, in order to facilitate access to the land at the earliest possible date for construction purposes.

2.33 The council is acquiring the land required for the CPO scheme in terms of the legislative provisions available to it and has accordingly correctly followed the legislative process, including having regard to the ECHR. The objections which argued otherwise have been withdrawn.

2.34 Section 25 of the TCPSA⁷² requires that when making any determination under the planning Acts, regard is to be had to the development plan. The determination shall be made in accordance with the development plan unless material considerations indicate otherwise. The development of Kintore railway station and transport interchange/car park is in accordance with the principles of the development plan and will achieve planning policy aspirations set out at a national and local level and regenerate and remediate a vacant edge of town brownfield site. There are no relevant material considerations which suggest the site would not be consented for the proposed uses.

Conclusions

2.35 In the final analysis, the council argues that the order land is required to enable the construction of the Scheme. The land proposed to be acquired is the minimum necessary for the scheme.

2.36 The ability to make use of the order land to deliver the scheme on the whole of the order land will facilitate the construction of the Aberdeen to Inverurie track upgrade by minimising disruption to passengers during the works to upgrade the track. Confirmation of

⁷² CD1.28

the order will allow station works to be coordinated with the works being carried out to upgrade the track in order to maximise efficiencies in construction.

2.37 The council submits that confirmation of the order and completion of the scheme will contribute significantly towards the achievement of sustainable economic growth in the Kintore and wider area, as well as improving the quality of life for those living in the area. If the order is not confirmed in its entirety, it will not be possible to develop the scheme within a reasonable timeframe or possibly at all, and the much-needed public benefits will be lost.

2.38 The council considers that there is a compelling case in the public interest to promote the order, so that the substantial public benefits the scheme will bring can be realised as soon as possible and the momentum being created by the Aberdeen to Inverness rail improvements described are maintained.

2.39 In conclusion the council submits:

- There is a need for the scheme, to provide access to sustainable transport modes, support the connectivity of development in the strategic growth area and improve rail services.
- The scheme is in accordance with the relevant duties, policies and objectives of the council.
- The scheme is clearly supported by national and local planning and transport policy.
- The scheme has support in principle from all relevant government interests, and from the rail operators.
- The scheme will support the delivery economic and environmental benefits to the town of Kintore and the wider population catchment of Kintore.
- There is substantial public benefit in early confirmation of the order in order to coordinate the scheme with the A2I project works.
- The order land is required to deliver the scheme and the order is necessary and justified.

CHAPTER 3: THE POLICY CONTEXT

Planning policy

National policy

3.1 The National Planning Framework (NPF)⁷³ lays down the government's objectives that Scotland should be a connected place. Chapter 5 of the NPF refers to the government's Infrastructure Investment Plan, which makes a commitment to improving rail services and reducing journey time between Inverness and Aberdeen. (NPF parag 5.19)

3.2 Scottish Planning Policy (SPP)⁷⁴ provides that the planning system should support patterns of development that optimise existing infrastructure, reduce the need to travel, facilitate travel by public transport and enable the integration of transport nodes.⁷⁵ Spatial strategies should support development in locations that are accessible to public transport⁷⁶ with a priority for public transport facilities greater than that given for the private car. Appraisal of development opportunities requires the impact of development on the transport network to be evaluated, including consideration of existing opportunities. Development proposals should make good use of existing infrastructure. Development plans should identify new transport infrastructure required, including rail infrastructure.

Strategic development plan (SDP)

3.3 The current strategic development plan is the Aberdeen City and Shire Strategic Development Plan 2014 (ACSSDP) approved by Ministers in 2014.⁷⁷ Kintore is a settlement within the Huntly to Aberdeen Strategic Growth Area (page 19). It has been identified for substantial growth in the current local development plan period from 2012 to 2026.

3.4 As regards progress towards implementation around Kintore, the council advise that 55 homes have recently been completed on the sites identified in the local plan as OP3 and OP4. Within the strategic growth area 150 homes will be started on site OP2 by the end of 2018. A further 600 homes are proposed for site OP1 (Kintore East) with a noted further capacity of 400 homes on this site. Planning permission in principle was granted for site OP1 on 4 September 2015 (APP/2013/3830). Two MSC applications have since been received (APP/2016/1330 and APP/2016/2046) in respect to phasing and infrastructure and these are awaiting decision. Development is anticipated to start on site OP1 in 2019 by the construction consortium.⁷⁸

3.5 The SDP was modified prior to approval to identify "a new station at Kintore" as an item under the section "Schedule 2: Proposals".⁷⁹ This was a material change to the plan made by the Scottish Government to provide clarity in the light of a representation regarding the scope of the projects for which the Strategic Transport Fund would be applied.⁸⁰ The

⁷³ AA.1.003- NPF 2014

⁷⁴ AA.PB.001 - Scottish Planning Policy parag 270

⁷⁵ as above

⁷⁶ as above parag 273

⁷⁷ CD1.8 – evidence of Paul Finch, and Piers Blaxter, AC

⁷⁸ AA.PB.2

⁷⁹ CD 1.8, Page 44

⁸⁰ AA.PB.7 and AA.PB.8, page 115

principle of a railway station in Kintore was not challenged through the plan making process.

Local planning policy

3.6 The local development plan is the Aberdeenshire Local Development Plan 2017 (ALDP)⁸¹ on which there was substantial public consultation. This was published in 2015 and was approved in 2017. The plan reflects the strategy set in the SDP, in designating Garioch as a key development area for Aberdeenshire.⁸² The settlement statement for Kintore (Appendix 8 of the plan, page 421) includes as reserved land a site “R2: For a transport interchange and Kintore Railway station”.⁸³ No objection was received to this proposal and no modification was made to the plan in this regard. The plan also indicates that contributions from developers will be required for cumulative strategic transportation improvements including the railway station and interventions on the A96 and in Aberdeen City.

3.7 The scheme has yet to obtain planning permission. The proposals would have to meet the requirements of the relevant local plan policies, including policy P1 Layout, siting and design.⁸⁴

3.8 Issues relating to natural heritage and flooding were considered by Scottish Natural Heritage and SEPA during the course of the local plan examination.⁸⁵ Where development may have impacts on European Protected Species this can be permissible under ALDP Policy E1⁸⁶, where the site is required for imperative reasons of overriding public interest, and where appropriate mitigation is introduced.

3.9 The site is explicitly protected by ALDP Policy PR2 (“Protecting important development sites”).⁸⁷ Representations made to the Local Development Plan Examination that only proposals which had a funding commitment for delivery within the 5 year plan period should be protected by this policy, were not supported by the Reporter.

Transport policy

National transport policy⁸⁸

3.10 The Scottish Government’s Infrastructure Investment Plan⁸⁹ includes the objectives of achieving a half hourly frequency commuter service between Inverurie, Kintore, Dyce and Aberdeen, and working towards providing an hourly frequency service between Aberdeen and Inverness.

⁸¹ CD 1.9 and AA.PB.11 for main policies

⁸² AA.PB.11 page 19

⁸³ CD 1.9, page 421.

⁸⁴ AA.PB.11 page 47

⁸⁵ See AA.PB.9 Representation 658 and AA.PB.10 Representation 659

⁸⁶ AA.PB.11 page 53

⁸⁷ as above page 66

⁸⁸ precognitions of Graeme Stewart, NR; Kevin Martin, AECOM; and Paul Finch, AC. See also Appendix A of the SSF Business Case (CD 1.10). Figure 2.2 of CD 1.10

⁸⁹ CD 1.17

3.11 Transport Scotland's Strategic Transport Projects Review⁹⁰ identified the need for rail service enhancements between Aberdeen and Inverness (Intervention 19). In March 2014, the Scottish Government announced its commitment to a package of improvements which include the redoubling of track between Aberdeen and Inverurie, and additional weekday services between Inverurie and Aberdeen.

3.12 The same commitment is reflected in Network Rail's CP5 Delivery Plan.⁹¹

Regional transport policy

3.13 The Regional Transport Strategy is the North east of Scotland Regional Transport Strategy compiled by Nestrans.⁹² This, and the supporting Rail Action Plan, aim to increase the attractiveness of rail. The Rail Action Plan identifies Kintore Station as a key priority, recognising its benefits for encouraging modal shift and addressing town and city centre parking issues.

Local transport policy

Aberdeenshire's Local Transport Strategy (LTS).⁹³

3.14 The LTS was developed with a guiding principle to encourage individuals and business to travel less, travel more actively, and travel more effectively. In policy terms, the LTS promotes improved access to rail services and encourages better integration opportunities between rail and other modes.

Other Aberdeenshire Council policies and objectives

3.15 The Aberdeen City Council 2014 Air Quality progress report⁹⁴ highlights the new Kintore Station as a key element to help support the delivery of air quality targets across the region.

⁹⁰ CD 1.4

⁹¹ CD 1.2

⁹² AA 1.4 a) and b) : AA.KM.2 for Action Plan.

⁹³ AA.KM.1

⁹⁴ AA 1.8

CHAPTER 4 REASONED CONCLUSIONS AND RECOMMENDATION

Legal framework for the decision to confirm or otherwise

4.1 Section 189 of the TCPSA⁹⁵ provides that a local authority shall have power to acquire compulsorily any land in their area which—

(a) is suitable for and is required in order to secure the carrying out of development, redevelopment or improvement;

(b) is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.

4.2 Sub section 2 requires the decision maker to have regard to the provisions of the development plan, so far as material, whether there is planning permission in force, and any other considerations which would be material for the purpose of determining an application for planning permission for development on the land. This makes it clear that the existence of planning permission at the time of acquisition is not essential and the prospect of obtaining planning permission may be taken into account.

4.3 Sub section (3) provides that the power to acquire may extend to any land adjoining the land which is required, for the purposes of executing works for facilitating its development or use.

4.4 Sub section (4) makes it clear that the identity of the eventual developer or operator is immaterial, and in particular, that the local authority need not propose to undertake that activity or achieve that purpose of the scheme themselves.

4.5 The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947⁹⁶ First Schedule paragraph 4(1) provides that if all objections made are withdrawn, the confirming authority, on being satisfied that the proper notices have been published and served, may, if the authority think fit, confirm the order with or without modifications.

Findings in fact and conclusions.

4.6 From the evidence presented I make the following findings in fact and conclusions.

Proper notices

4.7 The council has presented evidence that the proper notices have been published and served.⁹⁷

Suitability of the land for the proposed scheme

4.8 I find that the order land has been demonstrated to be suitable for the construction and provision of improvements to the Aberdeen – Inverness railway line; for a new station including two new platforms, an overbridge and lifts, and ancillary development; and for a transport interchange associated with the new station including a carpark, and provision for bus stops, taxis and bicycles.⁹⁸ This was evidenced by the technical studies carried out by

⁹⁵ CD 1.28

⁹⁶ CD 1.29

⁹⁷ Robert McIntosh , AC

⁹⁸ Graeme Stewart, NR; Paul Finch AC.

NR; the opinions of the promoters' professional advisers; and the views of the officers from the council's planning and transport planning functions. No insuperable impediments to these uses have been identified.

4.9 There are some issues which are not as yet fully resolved, such as the design of the development, the management of noise, contaminated land, drainage and flooding.⁹⁹ There is no reason to suppose that these issues cannot be managed through the development management process. There is no evidence of any obstacle to a satisfactory development which would call the suitability of the site into question. Some ground work has been done which establishes that there are good prospects of satisfactory resolution of these matters.

4.10 The council has rightly highlighted the importance of the design. The promoters have taken steps to include adequate land for landscaping in the outline design on which the land take is based. The design of the scheme will be an important matter to be considered, but again, there is no reason to take the view that a satisfactory design will not be brought forward for approval by the council.

4.11 Sufficient information is available to be able to find that attention has been paid to potential adverse environmental impacts. The council has been able to reach a screening opinion that there is no requirement for an environmental impact assessment.

4.12 The development is sufficiently distant from the heritage assets nearby to be reasonably confident that there would be no significant adverse impacts on the historic environment from the development.

4.13 As regards natural heritage, the evidence shows that there is an awareness that there is potential for European Protected Species to be affected by the development. Preliminary surveys have been undertaken which suggests that the species concerned are not present in numbers or use the site to any marked degree, at least to the extent that would call the principle of the development into question at this stage. There is awareness of the potential consequences of such impacts and the need for compliance with the safeguarding licensing legislation.

4.14 The preliminary work which has been done in relation to contamination of land has shown that some contamination is likely from previous uses. However, I would agree with the promoters' advisers who suggest that the proposed scheme presents an opportunity to manage such contamination through suitable use of the site.

4.15 Otherwise, the order land is partly brownfield, and partly agricultural and is not at present making any significant contribution to local amenity, environmental quality or the local economy. The land is part of the location which has been earmarked for a station development since the 1990's and has been allocated for that purpose in the local plan. There appears to be established public acceptance of the allocation and some evidence of broad public support for the scheme. The land is well located for the proposed use, by reason of its proximity to the roads and pathway networks, and its relative proximity to the village centre of Kintore.¹⁰⁰

⁹⁹ Piers Blaxter, AC, and Zoe McClelland AECOM

¹⁰⁰ Kevin Martin AECOM

4.16 Alternative sites have been considered in the past by the council.¹⁰¹ The suitability of the site against potential alternative options has been considered within the promoters' project process. For a number of good reasons the order land and the location remain established as the most suitable for the proposed use.

4.17 I conclude that the order land is suitable for the development proposed.

Whether the order land is necessary for the scheme.

4.18 I find from the evidence that the order land is necessary to allow the construction of the scheme. The station should be located at the place identified by the scheme, because the rail operator has demonstrated that the location meets a number of significant technical criteria relating to the design of the station and the position on the railway line, including safety criteria.¹⁰² If the location of the station is fixed by the requirements of the railway system, then the transportation interchange must necessarily be located adjacent to the station. The possibilities for how that should be done have been examined and no more advantageous arrangement has been identified. Clear reasoning and purpose has been demonstrated for the acquisition of all the plots in the order. I therefore conclude that it is necessary that the order land should be made available for the scheme.

4.19 I conclude that the acquisition of the order land is necessary for the development.

Development plan and material considerations¹⁰³

The development plan

4.20 I find that the scheme is specifically provided for in the development plan, and both strategic and local level. The scheme is clearly in accordance with the principles and vision of both the SDP and the ALDP. There is no reason to believe that the aspects of the scheme which still require to be considered through the development management policies will be unable to meet the requirements of ALDP policies P1; and E1. I agree with the promoters that it is reasonable to take the view that planning permission is likely to be obtained for the scheme.

Material considerations.

4.21 I find that the scheme is clearly in accord with the government's national planning strategy as explained in the NPF. I find that the scheme accords with the standards for spatial planning, and the management of development set in the SPP.¹⁰⁴

4.22 The scheme would bring to fruition a significant development which would contribute positively to the aims of national transport policy, particularly as regards improved national connectivity, and greater use of more sustainable transport modes than the private car.¹⁰⁵ It would also contribute to improved connectivity at the national, regional and local level.

¹⁰¹ Paul Finch , AC and Piers Blaxter AC

¹⁰² Graeme Stewart, AECOM

¹⁰³ Kevin Martin, and Zoe McClelland AECOM; Piers Blaxter AC

¹⁰⁴ Kevin Martin AECOM

¹⁰⁵ Graeme Stewart, NR, and Kevin Martin, AECOM

4.23 The scheme has long been an ambition in regional transport policy. The rationale for the new station has been further strengthened by the most recent evidence on rail usage patterns. There is a clear correlation between regional transport policy and the strategic vision as expressed in the development plan. I find that the new station is strongly supported by regional transport policy.¹⁰⁶

4.24 I do not consider that there is any evidence that the scheme will have significant adverse effects on any aspect of the local environment, in particular, the natural and historic environment. In fact, I find that the scheme is sufficient in scope and ambition to contribute to significant local improvements in Inverurie and Kintore, and to an extent Aberdeen city, by encouraging public transport and so reducing pressure on parking and reducing traffic emissions to air.¹⁰⁷

Other matters

4.25 There was no evidence that the order is premature. On the contrary, the promotion of the scheme is very timely, in that it provides an opportunity to use the station project to facilitate the coordinated construction of all aspects of the scheme.¹⁰⁸

Funding and value for money¹⁰⁹

4.26 Paragraph 32 of the Circular 6/2011¹¹⁰ provides the following guidance on the funding implications of a scheme:

"The authority should be satisfied that it has a reasonable prospect of securing enough funding to acquire the land within the statutory three year period and completing the scheme over a reasonable timescale. It should be satisfied that it has properly estimated the likely levels of compensation that it will need to pay. It should also be satisfied that it could make enough money available immediately to cope with any acquisition resulting from a blight notice".

4.27 I find that there has been substantial public money committed to this project following the presentation of a sound business case by the promoters. I accept the council's assurance that they can provide the funding required by the circular, and are in a position to meet any liabilities relating to compensation.

Public support

4.28 It is clear from the evidence that this project has been a public sector initiative since at least the 1990's. I find that the council has consulted widely and has good grounds for taking the view that there is widespread acceptance, and indeed support for the project. I note that further public engagement is planned as the project progresses.¹¹¹

4.29 Overall, I find that the order is required for the implementation of the scheme, and that the scheme constitutes a purpose which it is necessary to achieve in the interests of the proper planning of Kintore, the Garioch, and Aberdeen "City and Shire".

¹⁰⁶ Paul Finch, AC

¹⁰⁷ Kevin Martin and Zoe McClelland, AECOM

¹⁰⁸ Graeme Stewart, NR

¹⁰⁹ Paul Finch, AC

¹¹⁰ CD 1.33

¹¹¹ Piers Blaxter AC, and Zoe McClelland, AECOM

Recommendation

4.30 I recommend that the order be confirmed without modification.

Frances M McChlery
Reporter

APPENDIX

Precognitions

Witness	Organisation and job title	Link to DPEA website
Graeme Stewart	Senior sponsor, Network Rail	http://www.dpea.scotland.gov.uk/Document.aspx?id=468097
John Gahagan	Estates Manager, Aberdeenshire Council	http://www.dpea.scotland.gov.uk/Document.aspx?id=468099
Kevin Martin	Director, AECOM	http://www.dpea.scotland.gov.uk/Document.aspx?id=468100
Paul Finch	Strategic Transportation manager, Aberdeenshire Council	http://www.dpea.scotland.gov.uk/Document.aspx?id=468101
Piers Blaxter	Policy team leader, Development And Buildings Standards Service , Aberdeenshire Council	http://www.dpea.scotland.gov.uk/Document.aspx?id=468102
Robert McIntosh	Principal Solicitor, Conveyancing Team, Legal Services, Aberdeenshire Council	http://www.dpea.scotland.gov.uk/Document.aspx?id=468105
Zoe McClelland	Associate Director (Environmental Specialist and Town Planner) AECOM	http://www.dpea.scotland.gov.uk/Document.aspx?id=468106

CORE DOCUMENTS

CPO Documentation

CD 1.1 The Aberdeenshire Council (Kintore Railway Station) Compulsory Purchase Order 2017 Order, Order Schedule, Order Map, Notices, Owners and Agents covering letters, letter to exhibit CPO at Council office, Notices, Adverts, Statement of Reasons and Committee Report

Aberdeenshire Council, 24 November 2016, Agenda Item 13 Committee Minute Agenda Item 13, pages 661-662

DPEA links:

CD001.001.1 - Letter AC to SM & Appendix - General Certificate in support of order submission

<http://www.dpea.scotland.gov.uk/Document.aspx?id=459364>

CD001.001.2a - CPO Schedule and Map

<http://www.dpea.scotland.gov.uk/Document.aspx?id=459369>

CD001.001.2b - CPO Schedule and Map (copy2)

<http://www.dpea.scotland.gov.uk/Document.aspx?id=459370>

CD001.001.3 - Statement of Reasons

<http://www.dpea.scotland.gov.uk/Document.aspx?id=459371>

CD001.001.4 - Press Adverts 10 and 17 Feb 17 - Advertiser

<http://www.dpea.scotland.gov.uk/Document.aspx?id=459372>

CD001.001.5 - Press Adverts 10 and 17 Feb 17 - Press and Journal

<http://www.dpea.scotland.gov.uk/Document.aspx?id=459373>

CD001.001.6 - Press Adverts 10 and 17 Feb 17 - Edinburgh Gazette

<http://www.dpea.scotland.gov.uk/Document.aspx?id=459374>

CD001.001.7 - Copy Letter re Deposit for Public Inspection at Gordon House

<http://www.dpea.scotland.gov.uk/Document.aspx?id=459375>

Document Name CD001.001.8 - Site Affixed Notices for Each Plot

<http://www.dpea.scotland.gov.uk/Document.aspx?id=459377>

CD001.001.9a - Copy Form 3

<http://www.dpea.scotland.gov.uk/Document.aspx?id=459378>

CD001.001.9b - Copy Covering Letters

<http://www.dpea.scotland.gov.uk/Document.aspx?id=459379>

CD001.001.10 - Style Letters sent to Statutory Undertakers

<http://www.dpea.scotland.gov.uk/Document.aspx?id=459365>

CD001.001.11 - Royal Mail Postal Proof of Delivery

<http://www.dpea.scotland.gov.uk/Document.aspx?id=459366>

CD001.001.12 - Committee Report and Minutes

<http://www.dpea.scotland.gov.uk/Document.aspx?id=459367>

CD001.001.13 - Letter AC to SM re documents in Statement of Reasons

<http://www.dpea.scotland.gov.uk/Document.aspx?id=459368>

The CPO Scheme and Project Documentation

CD 1.2 CP5 (Control Period 5) Rail Enhancements Delivery Plan, Update Dec 2016 (Network Rail, December 2016) Printed Extracts (pages 1-3; 184-185; 191-192).

Whole document available from:

<http://archive.nr.co.uk/publications/delivery-plans/control-period-5/cp5-delivery-plan/>

DPEA link <http://www.dpea.scotland.gov.uk/Document.aspx?id=459380>

CD 1.3 Aberdeen City Centre Masterplan, Executive Summary - (BDP, for Aberdeen City Council, June 2015)

http://www.aberdeencity.gov.uk/Council_government/shaping_aberdeen/City_Centre_Masterplan.asp

DPEA link <http://www.dpea.scotland.gov.uk/Document.aspx?id=459381>

CD 1.4 Strategic Transport Projects Review (STPR) Final Report – (Transport Scotland, October 2009) Printed Extracts (pages 1-5; 56-57; 110-111)

Full document available from:

<http://www.transport.gov.scot/strategic-transport-projects-review>

DPEA link <http://www.dpea.scotland.gov.uk/Document.aspx?id=459382>

CD 1.5 Kintore Station Report - (Faber Maunsell, for Nestrans, February 2009)
Document available from: <http://www.Nestrans.org.uk/kintore-station-final-report.html>
DPEA link <http://www.dpea.scotland.gov.uk/Document.aspx?id=459383>

CD 1.6 Network Rail GRIP Stage 2 Engineering Study – Aberdeen to Inverness Rail Improvements – (Network Rail, October 2010) Printed Extracts (pages 1-16, 30-34)
Full document available from: http://www.transport.gov.scot/system/files/documents/reports/116647_-_100906_-_ANI_GRIP2_Report.pdf
DPEA link <http://www.dpea.scotland.gov.uk/Document.aspx?id=459384>

CD 1.7 Aberdeenshire Local Development Plan 2012
Printed Extracts from Supplementary Guidance Volume G, Settlement Statements Garioch, (pages 1, 49-54)
Full document available from:
<https://www.aberdeenshire.gov.uk/planning/plans-and-policies/The-Local-Development-Plan-2012/>
DPEA link <http://www.dpea.scotland.gov.uk/Document.aspx?id=459385>

CD 1.8 The Aberdeen City and Shire Strategic Development Plan 2014
<http://www.aberdeencityandshire-sdpa.gov.uk/AboutUs/Publications.asp>
DPEA link <http://www.dpea.scotland.gov.uk/Document.aspx?id=459386>

CD 1.9 Aberdeenshire Local Development Plan 2017
Printed Extracts from Appendix A8, Settlements Statements Garioch (pages 355, 409-418) Full document available from: <https://www.aberdeenshire.gov.uk/planning/plans-and-policies/aberdeenshire-local-development-plan-2017/>
DPEA link <http://www.dpea.scotland.gov.uk/Document.aspx?id=459387>

CD 1.10 Kintore Station, Business Case to Support Scottish Statements Fund (AECOM, August 2016)
DPEA link <http://www.dpea.scotland.gov.uk/Document.aspx?id=459388>

CD 1.11 Letter from Ewan Wallace of Aberdeenshire Council and Derick Murray of Nestrans to Audrey Laidlaw of Network Rail, dated 15 August 2016, (being the Scottish Stations Fund bid for Kintore Station)
DPEA link <http://www.dpea.scotland.gov.uk/Document.aspx?id=459390>

CD 1.12 Kintore Station Car Park, Option Selection Report (AECOM, August 2016)
DPEA link <http://www.dpea.scotland.gov.uk/Document.aspx?id=459391>

CD 1.13 Letter from Landownership Scotland to Aberdeenshire Council, dated 22 August 2016
DPEA link <http://www.dpea.scotland.gov.uk/Document.aspx?id=459392>

CD 1.14 Letter from Steven McMahon at Transport Scotland to Ewan Wallace of Aberdeenshire Council dated 12 October 2016 (Confirmation of rail industry support for the project and initial funding offer)
<http://www.dpea.scotland.gov.uk/Document.aspx?id=459393>

CD 1.15 Letter from Humza Yousaf MSP to the North East Regional Transport Partnership (Nestrans) dated 26 November 2016 (Confirmation approval of additional funds from the Scottish Stations Fund for Kintore Station)
<http://www.dpea.scotland.gov.uk/Document.aspx?id=459394>

CD 1.16 The 2012 “Scottish Ministers’ High Level Output Specification”
<https://www.transport.gov.scot/media/35690/j232012.pdf>
<http://www.dpea.scotland.gov.uk/Document.aspx?id=459395>

CD 1.17 Scottish Government’s committed infrastructure expenditure plans (2015 Infrastructure Investment Plan)
<http://www.gov.scot/Resource/0049/00491180.pdf>
<http://www.dpea.scotland.gov.uk/Document.aspx?id=459396>

Plans and other documents related to scheme construction

CD 1.18 Network Rail / BAM Nuttall proposed land requirements drawing Kintore Station (03/10/16)
<http://www.dpea.scotland.gov.uk/Document.aspx?id=459397>

Letters of Objection and Aberdeenshire Council's Letters of Response

(Links not provided as all objections now withdrawn – available on the DPEA website)

CD 1.19 Letter of Objection – Spence – Messrs Brodies
CD 1.20 Letter of Objection- Sharp – Messrs Silcocks - 21 February 2017
CD 1.21 Letter of Objection – Anderson – Messrs Bell Ingram dated - 1 March 2017
CD 1.22 Letter of Response to Objection – by Aberdeenshire Council – Spence - 17 March 2017
CD 1.23 Letter of Response to Objection – by Aberdeenshire Council – Sharp – 17 March 2017
CD 1.24 Letter of Response to Objection – by Aberdeenshire Council – Anderson 17 March 2017

DPEA Correspondence

(Links not included- available on DPEA website)

CD 1.25 DPEA Letter dated 18 April 2017
CD 1.26 DPEA Letter dated 4 May 2017
CD 1.27 DPEA Letter dated 8 June 2017

Legislation

(DPEA Links not included as legislation not updated version.)

CD 1.28 The Town and Country Planning (Scotland) Act 1997
<http://www.legislation.gov.uk/ukpga/1997/8/contents>

CD 1.29 The Acquisition of Land (Authorisation Procedure) Scotland Act 1947
<http://www.legislation.gov.uk/ukpga/Geo6/10-11/42/contents>

CD 1.30 The Compulsory Purchase of Land (Scotland) Regulations 2003
<http://www.legislation.gov.uk/ssi/2003/446/contents/made>

CD 1.31 Public Finance and Accountability (Scotland) Act 2000
<http://www.legislation.gov.uk/asp/2000/1/contents>

CD 1.32 Compulsory Purchase by Public Authorities (Inquiries Procedure) (Scotland) Rules 1998
<http://www.legislation.gov.uk/uksi/1998/2313/contents/made>

CPO and Best Value Guidance

CD 1.33 Scottish Ministers guidance, Circular 6/2011 – Compulsory Purchase Orders
<http://www.gov.scot/Publications/2011/10/21133522/2>

CD 1.34 Scottish Ministers publication “Compulsory purchase: a guide for owners, tenants and occupiers in Scotland
<http://www.gov.scot/Publications/2011/10/24114350/0>

CD 1.35 Compulsory purchase process and the Crichel Down Rules
<https://www.gov.uk/government/publications/compulsory-purchase-process-and-thecrichel-down-rules-guidance>

CD 1.36 Scottish Ministers guidance, Circular 17/1998 (Planning and CPO Inquiries and Hearings: Procedures and Good Practice)
<http://www.gov.scot/Publications/1998/10/circular-17-1998-root/circular-17-1998-intro>

CD 1.37 Best Value in Public Services Guidance for Accountable Officers
<http://www.gov.scot/Publications/2011/03/22154607/0>

COUNCIL DOCUMENTS

Promoters – general

AA 1.1 Heads of Terms – acquisition of Scottish Ministers' land 31 July 2017 and missive dated 1 August 2017

<http://www.dpea.scotland.gov.uk/Document.aspx?id=467984>

AA 1.2 Scottish Government's National Transport Strategy (December 2006)

<http://www.dpea.scotland.gov.uk/Document.aspx?id=467985>

AA 1.3 National Planning Framework 3 (June 2014)

<http://www.dpea.scotland.gov.uk/Document.aspx?id=467976>

AA 1.4 North East of Scotland Regional Transport Strategy

a) - North East of Scotland Regional Transport Strategy (2008)

<http://www.dpea.scotland.gov.uk/Document.aspx?id=467977>

b) - Refresh (2014)

<http://www.dpea.scotland.gov.uk/Document.aspx?id=467978>

AA 1.5 GRIP 3 Station Design (Civils Form 001)

<http://www.dpea.scotland.gov.uk/Document.aspx?id=467979>

AA 1.6 Kintore Station GRIP 3 Costing

<http://www.dpea.scotland.gov.uk/Document.aspx?id=467980>

AA 1.7 Nestrans' Regional Transport Strategy – SEA Environmental Report (2008)

<http://www.dpea.scotland.gov.uk/Document.aspx?id=467981>

AA 1.7 b - Nestrans' Regional Transport Strategy Refresh - SEA Environmental Report (2014)

<http://www.dpea.scotland.gov.uk/Document.aspx?id=467982>

AA 1.8 Aberdeen City Council's 2014 Air Quality progress report

<http://www.dpea.scotland.gov.uk/Document.aspx?id=467983>

Evidence of Piers Blaxter, AC

AA.PB.1 Scottish Planning Policy

<https://beta.gov.scot/publications/scottish-planning-policy/>

AA.PB.2 SDPA 30 June 2017 Housing Land Audit 2017 p79

<http://www.aberdeencityandshire-sdpa.gov.uk/nmsruntime/saveasdialog.aspx?IID=1279&SID=344>

AA.PB.3 North East Scotland Together, Table 1 Strategic Roles and Functions

<http://www.aberdeencityandshire-sdpa.gov.uk/nmsruntime/saveasdialog.aspx?IID=56&SID=30>

AA.PB.4 Aberdeenshire Local Plan 2006, page 224AA.PB.004 - Aberdeenshire Local Plan 2006, page 224

<http://www.dpea.scotland.gov.uk/Document.aspx?id=468009>

AA.PB.5 Aberdeen City and Shire Structure Plan 2009 Page 23 "Accessibility" "How to meet the targets"

<http://www.aberdeencityandshiresdpa.gov.uk/nmsruntime/saveasdialog.aspx?IID=428&SID=30>

AA.PB.6 Report to the Aberdeenshire Council Local Development Plan Examination Report Issue 36 (2012)

<http://www.dpea.scotland.gov.uk/Document.aspx?id=468011>

AA.PB.7 SDP 2014 Decision Letter

<http://www.aberdeencityandshiresdpa.gov.uk/nmsruntime/saveasdialog.aspx?IID=1105&SID=38>

AA.PB.8 Strategic Development Plan Examination 2014

<http://www.aberdeencityandshiresdpa.gov.uk/nmsruntime/saveasdialog.aspx?IID=1086&SID=881>

AA.PB.9 Representation 658 to LDP2017 SEPA page 34
<http://www.dpea.scotland.gov.uk/Document.aspx?id=468014>

AA.PB.10 Representation 659 to LDP2017 Scottish Natural Heritage
<http://www.dpea.scotland.gov.uk/Document.aspx?id=468003>

AA.PB.11 Aberdeenshire Local Development Plan 2017 (CD1.9) (pages 0-68)
Aberdeenshire Local Development Plan 2017 Part 1
<http://www.dpea.scotland.gov.uk/Document.aspx?id=468004>
Aberdeenshire Local Development Plan 2017 Part 2
<http://www.dpea.scotland.gov.uk/Document.aspx?id=468005>

Evidence of Zoë McClelland, AECOM

AA.ZM.1 Summary of Key Technical Issues and Consenting Strategy (August 2017)
<http://www.dpea.scotland.gov.uk/Document.aspx?id=468024>

AA.ZM.2 Kintore Car Park EIA Screening Request (July 2017)
<http://www.dpea.scotland.gov.uk/Document.aspx?id=468032>

AA.ZM.3 Kintore Railway Station EIA Screening Request (July 2017)
<http://www.dpea.scotland.gov.uk/Document.aspx?id=468033>

AA.ZM.4 Aberdeenshire Council EIA Screening Opinion Kintore Railway Station (July 2017)
<http://www.dpea.scotland.gov.uk/Document.aspx?id=468034>

AA.ZM.5 Aberdeenshire Council EIA Screening Opinion Kintore Car Park (July 2017)
<http://www.dpea.scotland.gov.uk/Document.aspx?id=468035>

AA.ZM.6 Kintore Station Phase 1 Geo-Environmental Assessment (November 2015)
<http://www.dpea.scotland.gov.uk/Document.aspx?id=468036>

AA.ZM.7 Aberdeen to Inverness Route Enhancement - East End L1 Flood Risk Assessment (January 2016)
<http://www.dpea.scotland.gov.uk/Document.aspx?id=468037>

AA.ZM.8 Proposal of Application Notice Kintore Car Park AECOM (August 2017)
<http://www.dpea.scotland.gov.uk/Document.aspx?id=468025>

AA.ZM.9 Kintore Car Park Aberdeenshire Council Pre-Application Advice Letter (August 2015)
<http://www.dpea.scotland.gov.uk/Document.aspx?id=468026>

AA.ZM.10 The Town and County Planning (Hierarchy of Developments) (Scotland)
Regulations 2009
<http://www.legislation.gov.uk/sdsi/2009/9780111001714/contents>
<http://www.dpea.scotland.gov.uk/Document.aspx?id=468027>

AA.ZM.11 The Town and Country Planning (Environmental Impact Assessment) (EIA) (Scotland)
Regulations 2017
<http://www.legislation.gov.uk/ssi/2017/102/contents/made>
<http://www.dpea.scotland.gov.uk/Document.aspx?id=468028>

Evidence of Graeme Stewart, NR

AA.GS.1 Network Rail Framework Agreement
<http://www.dpea.scotland.gov.uk/Document.aspx?id=467986>

AA.GS.2 Memorandum of Understanding – Network Rail Re-classification
<http://www.dpea.scotland.gov.uk/Document.aspx?id=467992>

AA.GS.3 Network Licence
<http://www.dpea.scotland.gov.uk/Document.aspx?id=467987>

AA.GS.4 Enhancements Delivery Plan June 2017
<http://www.dpea.scotland.gov.uk/Document.aspx?id=467988>

AA.GS.5 Network Rail Strategic Business Plan Scotland 2013
<http://www.dpea.scotland.gov.uk/Document.aspx?id=467989>

AA.GS.6 Establishing efficient costs of enhancements projects
<http://www.dpea.scotland.gov.uk/Document.aspx?id=467990>

AA.GS.7 Transport Scotland Requirements TS Letter
<http://www.dpea.scotland.gov.uk/Document.aspx?id=467991>

Evidence of Paul Finch, AC

AA.PF.1 Aberdeenshire Council's Policy and Resources Committee, 17 Nov 2016, Kintore Station Update Committee report and minutes
<http://www.dpea.scotland.gov.uk/Document.aspx?id=468015>

AA.PF.2 Nestrans Board, 02 Dec 2016, Kintore Station Update Committee report and minutes
<http://www.dpea.scotland.gov.uk/Document.aspx?id=468016>

AA.PF.3 Kintore Rail Station and Transport Interchange Location Plan and Review of Alternative Locations
<http://www.dpea.scotland.gov.uk/Document.aspx?id=470016>

Evidence of Kevin Martin, AECOM

AA.KM.01 – Aberdeenshire Council Local Transport Strategy 2012
<http://www.dpea.scotland.gov.uk/Document.aspx?id=470285>

AA.KM.02 – Nestrans Draft Rail Action Plan 2010-2021 (2nd Draft)
<http://www.dpea.scotland.gov.uk/Document.aspx?id=470286>

Evidence of John Gahagan, AC

Note – objection of Mr L Spence has been withdrawn – no links provided

AA.JG.01 03/08/12 email from Peter MacCallum (Aberdeenshire Council (AC) Transportation) to Gordon Love (AC Estates)
AA.JG.02 07/12/12 email from Gordon Love to Scott Strachan (Castleglen, agent for Leslie Spence, owner)
AA.JG.04 25/01/13 email from Gordon Love to Scott Strachan enclosing draft Heads of Terms
AA.JG.05 29/01/13 email from Scott Strachan to Gordon Love
AA.JG.06 20/02/13 email from Gordon Love to Scott Strachan
AA.JG.07 20/02/13 email from Gordon Love to Scott Strachan
AA.JG.08 27/02/13 email from Gordon Love to Rob McIntosh (AC Legal & Governance) enclosing instructions to acquire property
AA.JG.09 08/04/13 email from Tristan Horsburgh (AC Legal & Governance) to Gordon Fraser (Fraser & Mulligan – Solicitors for Leslie Spence)
AA.JG.10 23/05/13 email from Dawn Clark (Fraser & Mulligan) to Tristan Horsburgh
AA.JG.11 18/06/13 email from Gordon Love to Scott Strachan
AA.JG.12 03/07/13 email from Tristan Horsburgh to Dawn Clark
AA.JG.13 20/08/13 email from Dawn Clark to Tristan Horsburgh
AA.JG.14 13/09/13 email from Gordon Love to Scott Strachan
AA.JG.15 13/09/13 email from Scott Strachan to Gordon Love
AA.JG.16 (#) 17/09/13 email from Gordon Love to Scott Strachan

AA.JG.17 17/09/13 email from Tristan Horsburgh to Dawn Clark
 AA.JG.18 18/09/13 email from Dawn Clark to Tristan Horsburgh
 AA.JG.19 20/09/13 email from Tristan Horsburgh to Dawn Clark
 AA.JG.20 04/10/14 email from Dawn Clark to Tristan Horsburgh
 AA.JG.21 16/10/13 email from Scott Strachan to Gordon Love
 AA.JG.22 16/10/13 email from Gordon Love to Scott Strachan
 AA.JG.23 16/10/13 email from Scott Strachan to Gordon Love
 AA.JG.24 16/10/13 email from Gordon Love to Scott Strachan
 AA.JG.25 18/10/13 email from Scott Strachan to Gordon Love
 AA.JG.26 5/10/13 email from Scott Strachan to Gordon Fraser (copy to Gordon Love)
 AA.JG.27 05/12/13 email from Gordon Love to Scott Strachan
 AA.JG.28 07/01/14 email from Scott Strachan to Gordon Love
 AA.JG.29 21/01/14 email from Gordon Love to Scott Strachan
 AA.JG.30 11/02/14 email from Gordon Love to Scott Strachan
 AA.JG.31 03/03/14 email from Dawn Clark to Gordon Love
 AA.JG.32 12/03/14 email from Gordon Love to Dawn Clark
 AA.JG.33 13/03/14 email from Dawn Clark to Gordon Love
 AA.JG.34 20/03/14 email from Scott Strachan to Gordon Love attaching an email from First Title
 AA.JG.35 07/04/14 email from Scott Strachan to Gordon Love attaching email from Joanna Evans (Pre-Registration Enquiries) to Dawn Clark (dated 19/03/14 and forward to Scott Strachan on the same date)
 AA.JG.36 17/04/14 email from Gordon Love to Scott Strachan
 AA.JG.37 29/05/14 email from Gordon Fraser to Gordon Love
 AA.JG.38 27/06/14 email from Scott Strachan to Gordon Fraser (copy to Peter MacCallum)
 AA.JG.39 08/08/14 email from Scott Strachan to Peter MacCallum
 AA.JG.40 17/12/14 email from Rob McIntosh to Scott Strachan
 AA.JG.41 17/12/14 email from Scott Strachan to Rob McIntosh
 AA.JG.42 17/12/14 email from Rob McIntosh to Scott Strachan
 AA.JG.43 17/12/14 email from Scott Strachan to Rob McIntosh
 AA.JG.44 23/12/14 email from Scott Strachan to Rob McIntosh and Peter MacCallum
 AA.JG.45 05/01/15 email from Scott Strachan to Rob McIntosh and Peter MacCallum
 AA.JG.46 08/01/15 email from Scott Strachan to Rob McIntosh and Peter MacCallum
 AA.JG.47 08/01/15 email from Gordon Fraser to Rob McIntosh
 AA.JG.48 20/01/15 email from Scott Strachan to Rob McIntosh
 AA.JG.49 20/01/15 email from Rob McIntosh to Scott Strachan
 AA.JG.50 20/01/15 email from Scott Strachan to Rob McIntosh
 AA.JG.51 20/01/15 email from Gordon Fraser to Rob McIntosh
 AA.JG.52 30/01/15 email from Scott Strachan to Rob McIntosh and Peter MacCallum
 AA.JG.53 30/01/15 email from Peter MacCallum to Scott Strachan
 AA.JG.54 30/01/15 email from Scott Strachan to Rob McIntosh and Peter MacCallum
 AA.JG.55 09/02/15 email from Scott Strachan to Rob McIntosh and Peter MacCallum
 AA.JG.56 09/02/15 email from Rob McIntosh to Scott Strachan
 AA.JG.57 09/02/15 email Scott Strachan to Rob McIntosh and Peter MacCallum
 AA.JG.58 03/03/15 email from the Dawn Clark to Rob McIntosh
 AA.JG.59 13/03/15 email from Rob McIntosh to Dawn Clark
 AA.JG.60 13/03/15 email from the Dawn Clark to Rob McIntosh
 AA.JG.61 12/05/15 email from the Dawn Clark to Rob McIntosh
 AA.JG.62 29/05/15 email from the Dawn Clark to Rob McIntosh
 AA.JG.63 09/06/15 email from the Dawn Clark to Rob McIntosh
 AA.JG.64 09/06/15 email from Rob McIntosh to Dawn Clark
 AA.JG.65 15/06/15 email from Scott Strachan to Ayodeji Lawal (AC Estates)
 AA.JG.66 19/06/15 email from Ayodeji Lawal to Scott Strachan
 AA.JG.67 24/06/15 email from Scott Strachan to Ayodeji Lawal
 AA.JG.68 29/06/15 email from Ayodeji Lawal to Scott Strachan
 AA.JG.69 24/07/15 email from Ayodeji Lawal to Scott Strachan
 AA.JG.70 04/08/15 email from Gordon Fraser to Ayodeji Lawal
 AA.JG.71 07/08/15 email from Ayodeji Lawal to Gordon Fraser
 AA.JG.72 11/09/15 email from Ayodeji Lawal to Gordon Fraser and Scott Strachan
 AA.JG.73 30/10/15 letter from Ayodeji Lawal to Scott Strachan
 AA.JG.74 26/05/16 letter from Fraser & Mulligan to Aberdeenshire Council
 AA.JG.75 21/09/16 letter from Rob McIntosh to Fraser & Mulligan

AA.JG.76 21/11/16 email from Scott Strachan to Rob and Peter MacCallum
AA.JG.77 22/11/16 email from Scott Strachan to Rob and Peter MacCallum
AA.JG.78 22/11/16 email from Scott Strachan to Karen Wiles (AC Legal & Governance) and Ritchie Johnson (AC Director)
AA.JG.79 23/11/16 email from Gordon Fraser to Rob McIntosh and Peter MacCallum
AA.JG.80 23/11/16 email from Paul Finch to Scott Strachan
AA.JG.81 23/11/16 email from Gordon Fraser to Paul Finch
AA.JG.82 23/11/16 email from Karen Wiles to Gordon Fraser Scott Strachan
AA.JG.83 23/11/16 email from Gordon Fraser to Karen Wiles
AA.JG.84 23/11/16 email from Scott Strachan to Karen Wiles
AA.JG.85 29/11/16 email from Tristan Horsburgh to Gordon Fraser
AA.JG.86 05/12/16 email from Tristan Horsburgh to Gordon Fraser
AA.JG.87 09/12/16 email from Tristan Horsburgh to Gordon Fraser
AA.JG.88 15/03/17 letter from Ayodeji Lawal to Scott Strachan
AA.JG.89 28/03/17 email Gordon Fraser to Tristan Horsburgh
AA.JG.90 31/03/17 letter from Fraser & Mulligan to Aberdeenshire Council
AA.JG.91 07/04/17 letter from Ayodeji Lawal to Fraser & Mulligan
AA.JG.92 10/04/17 letter from Fraser & Mulligan to Ayodeji Lawal
AA.JG.93 19/04/17 email from Ayodeji Lawal to Gordon Fraser
AA.JG.94 19/04/17 email from Gordon Fraser to Ayodeji Lawal
AA.JG.95 27/04/17 email from Ayodeji Lawal to Gordon Fraser
AA.JG.96 28/06/17 letter from Fraser & Mulligan to Aberdeenshire Council
AA.JG.97 07/07/17 email from Ayodeji Lawal to Gordon Fraser
AA.JG.98 17/07/17 email from Scott Strachan to Ayodeji Lawal
AA.JG.99 25/07/17 email from John Gahagan (AC Estates) to Scott Strachan

Evidence of Robert McIntosh, AC

Relates to objection now withdrawn – links not provided. Docs available on the DPEA website if required

Correspondence (Letters, Emails)

AA. RM. 1 Email from Tristan Horsburgh at Aberdeenshire Council to Gordon Fraser at Fraser Mulligan dated 18.03.2013 requesting title deeds
AA. RM. 2 Email from Gordon Fraser at Fraser Mulligan to Tristan Horsburgh at Aberdeenshire Council dated 18.03.2013 confirming that the title deeds had already been sent to Gordon Love at the Council
AA. RM. 3. Email from Tristan Horsburgh at Aberdeenshire Council to Gordon Fraser at Fraser Mulligan dated 08.04.2013 attaching draft offer and disposition and initial title observations.
AA. RM. 4. Email from Gordon Fraser at Fraser Mulligan to Tristan Horsburgh at Aberdeenshire Council dated 09.04.2013 requesting return of title deeds.
AA. RM. 5. Email from Tristan Horsburgh at Aberdeenshire Council to Gordon Fraser at Fraser Mulligan dated 11.04.2013 confirming that the title deeds would be returned the following day.
AA. RM. 6. Letter from Tristan Horsburgh at Aberdeenshire Council to Gordon Fraser at Fraser Mulligan dated 11.04.2013 enclosing the title deeds.
AA. RM. 7. Email from Dawn Clark at Fraser Mulligan to Tristan Horsburgh at Aberdeenshire Council dated 23.05.2013 returning revised drafts and responding to title observations.
AA. RM. 8. Email from Dawn Clark at Fraser Mulligan to Tristan Horsburgh at Aberdeenshire Council dated 23.05.2013 enclosing photos referred to in Email.
AA. RM. 9. Email from Tristan Horsburgh at Aberdeenshire Council to Dawn Clark at Fraser Mulligan dated 23.05.2013 acknowledging receipt of Emails 6 and 7 and the attachments
AA. RM. 10. Email from Tristan Horsburgh at Aberdeenshire Council to Dawn Clark at Fraser Mulligan dated 03.07.2013 returning further revised drafts
AA. RM. 11. Email from Dawn Clark at Fraser Mulligan to Tristan Horsburgh at Aberdeenshire Council dated 04.07.2013 confirming that she would take instructions regarding the revised drafts attached to Email.
AA. RM. 12 Email from Dawn Clark at Fraser Mulligan to Tristan Horsburgh at Aberdeenshire Council dated 20.08.2013 with comments on the revised drafts attached to Email.
AA. RM. 13 Email from Tristan Horsburgh at Aberdeenshire Council to Dawn Clark at Fraser Mulligan dated 05.09.2013 responding to voicemail left by Dawn Clark

AA. RM. 14. Email from Tristan Horsburgh at Aberdeenshire Council to Dawn Clark at Fraser Mulligan dated 17.09.2013 with comments on Email 11 and raising the issue of the gap in title required for access to the site

AA. RM. 15 Email from Dawn Clark at Fraser Mulligan to Tristan Horsburgh at Aberdeenshire Council dated 18.09.2013 with comments on Email 13

AA. RM. 16 Email from Tristan Horsburgh at Aberdeenshire Council to Dawn Clark at Fraser Mulligan dated 20.09.2013 responding to Email 14 and requesting a copy of the correspondence from Millar & Bryce relating to the gap in title.

AA. RM. 17 Various emails exchanged between Dawn Clark at Fraser Mulligan and Tristan Horsburgh at Aberdeenshire Council dated 04.10.2013 in respect of the correspondence from Millar & Bryce relating to the gap in title.

AA. RM. 18 Email from Dawn Clark at Fraser Mulligan to Tristan Horsburgh at Aberdeenshire Council dated 15.10.2013 asking when the principal offer would be issued.

AA. RM. 19 Email from Tristan Horsburgh at Aberdeenshire Council to Dawn Clark at Fraser Mulligan dated 16.10.2013 responding to Email 26 and confirming that he was waiting on further instructions regarding the gap in title and correspondence from Millar & Bryce.

AA. RM. 20 Email from Gordon Love at Aberdeenshire Council to Dawn Clark at Fraser Mulligan dated 12.03.2014 attaching copies of emails from Network Rail (Email 29 referred to below) and Transport Scotland (Email 30 referred to below) regarding ownership of the gap in title

AA. RM. 21. Email from Michelle Parkes at Network Rail to Gordon Love at Aberdeenshire Council dated 07.11.2013 regarding ownership of the gap in title.

AA. RM. 22 Email from Allan Roberts at Transport Scotland to Gordon Love at Aberdeenshire Council dated 08.01.2014 regarding ownership of the gap in title.

AA. RM. 23 Email from Dawn Clark at Fraser Mulligan to Gordon Love at Aberdeenshire Council dated 13.03.2014 responding to Email 28.

AA. RM.24 Email from Joanna Evans of Pre-Registration Enquiries at the Registers of Scotland to Dawn Clark at Fraser Mulligan dated 19.03.2014 regarding the registration of an “a non-domino” Disposition in respect of the gap in title.

AA. RM. 25 Email from Liana Di Sciacca at First Title Insurance plc to Dawn Clark at Fraser Mulligan dated 20.03.2014 regarding title indemnity insurance in respect of the gap in title.

AA. RM. 26 Email from Rob McIntosh of Aberdeenshire Council to Scott Strachan at CastleGlen Properties (Aberdeen) Ltd dated 17.12.2014 confirming that the Council has been unable to identify an owner of the gap in title and confirming that the Council would acquire the area by means of a CPO.

AA. RM. 27 Email from Scott Strachan at CastleGlen Properties (Aberdeen) Ltd to Peter McCallum and Rob McIntosh of Aberdeenshire Council dated 17.12.2014 in response to Email 34.

AA. RM. 28 Email from Rob McIntosh of Aberdeenshire Council to Scott Strachan at CastleGlen Properties (Aberdeen) Ltd dated 17.12.2014 confirming that the CPO would be limited to the area forming the gap in title.

AA. RM. 29 Email from Scott Strachan at CastleGlen Properties (Aberdeen) Ltd to Rob McIntosh of Aberdeenshire Council dated 17.12.2014 asking if the Council could conclude missives subject to a CPO of the area forming the gap in title being obtained.

AA. RM. 30 Email from Tristan Horsburgh at Aberdeenshire Council to Will Gell at the Registers of Scotland dated 23.12.2014 requesting a title search to be carried out in respect of an area of land which included the area forming the gap in title.

AA. RM. 31 Email from Scott Strachan at CastleGlen Properties (Aberdeen) Ltd to Peter McCallum and Rob McIntosh of Aberdeenshire Council dated 23.12.2014 chasing for a response to Email

AA. RM. 32 Email from Scott Strachan at CastleGlen Properties (Aberdeen) Ltd to Peter McCallum and Rob McIntosh of Aberdeenshire Council dated 05.01.2015 chasing for a response to Email

AA. RM. 33 Email from Will Gell at the Registers of Scotland to Tristan Horsburgh at Aberdeenshire Council dated 14.01.2015 confirming that he had been unable to identify a specific title to the area of ground which included the area forming the gap in title.

AA. RM. 34 Email from Scott Strachan at CastleGlen Properties (Aberdeen) Ltd to Rob McIntosh of Aberdeenshire Council dated 20.01.2015 querying why the Council's report to Committee included a plan showing a larger area than the gap area.

AA. RM. 35 Email from Rob McIntosh of Aberdeenshire Council to Scott Strachan at CastleGlen Properties (Aberdeen) Ltd dated 20.01.2015 responding to Email 42.

AA. RM. 36 Email from Scott Strachan at CastleGlen Properties (Aberdeen) Ltd to Rob McIntosh of Aberdeenshire Council dated 20.01.2015 thanking Rob for the confirmation contained in Email 43.

AA. RM. 37 Email from Gordon Fraser at Fraser Mulligan to Rob McIntosh at Aberdeenshire Council dated 20.01.2015 asking Rob if he would like him to amend the Missive in order to progress matters.

AA. RM. 38 Email from Scott Strachan at CastleGlen Properties (Aberdeen) Ltd to Peter McCallum and Rob McIntosh of Aberdeenshire Council dated 30.01.2015 asking if the Council had managed to obtain Committee approval for the CPO of the area of ground forming the gap in title.

AA. RM. 39 Email from Peter McCallum of Aberdeenshire Council to Scott Strachan at CastleGlen Properties (Aberdeen) Ltd dated 30.01.2015 responding to Email 46 to confirm that the Council had obtained Committee approval.

AA. RM. 40 Email from Scott Strachan at CastleGlen Properties (Aberdeen) Ltd to Peter McCallum of Aberdeenshire Council dated 30.01.2015 responding to Email 47 and asking if conditional Missives could now be progressed.

AA. RM. 41 Email from Scott Strachan at CastleGlen Properties (Aberdeen) Ltd to Peter McCallum and Rob McIntosh of Aberdeenshire Council dated 09.02.2015 chasing for a response to Email 48.

AA. RM. 42 Email from Rob McIntosh of Aberdeenshire Council to Scott Strachan at CastleGlen Properties (Aberdeen) Ltd dated 09.02.2015 confirming that he was happy to proceed on the basis of Missives conditional upon the Council acquiring the area of ground forming the gap in title by way of a CPO.

AA. RM. 43 Email from Scott Strachan at CastleGlen Properties (Aberdeen) Ltd to Rob McIntosh at Aberdeenshire Council and Gordon Fraser at Fraser Mulligan dated 09.02.2015 thanking Rob for Email 50 and asking Gordon Fraser to issue an updated draft offer to Rob.

AA. RM. 44 Email from Dawn Clark at Fraser Mulligan to Rob McIntosh at Aberdeenshire Council dated 03.03.2015 regarding progressing the Missives.

AA. RM. 45. Email from Dawn Clark at Fraser Mulligan to Rob McIntosh at Aberdeenshire Council dated 13.03.2015 chasing for a response to Email 52.

AA. RM.46 Email from Rob McIntosh of Aberdeenshire Council to Dawn Clark at Fraser Mulligan dated 13.03.2015 asking Dawn to forward an updated draft of the offer.

AA. RM. 47 Email from Dawn Clark at Fraser Mulligan to Rob McIntosh at Aberdeenshire Council dated 13.03.2015 attaching revised offer.

AA. RM. 48 Email from Dawn Clark at Fraser Mulligan to Rob McIntosh at Aberdeenshire Council dated 25.03.2015 asking if the Council had reviewed the offer attached to Email 55.

AA. RM. 49 Email from Dawn Clark at Fraser Mulligan to Rob McIntosh at Aberdeenshire Council dated 15.04.2015 chasing for a response to Email 56.

AA. RM. 50 Email from Dawn Clark at Fraser Mulligan to Rob McIntosh at Aberdeenshire Council dated 27.04.2015 chasing for a response to Email 56.

AA. RM. 51 Email from Dawn Clark at Fraser Mulligan to Rob McIntosh at Aberdeenshire Council dated 01.05.2015 chasing for a response to Email 58. ,

AA. RM. 52 Email from Dawn Clark at Fraser Mulligan to Rob McIntosh and Tristan Horsburgh at Aberdeenshire Council dated 12.05.2015 asking if she can amend the offer to make it conditional upon the Council obtaining a CPO in respect of the area of ground forming the gap in title .

AA. RM. 53 Email from Dawn Clark at Fraser Mulligan to Rob McIntosh at Aberdeenshire Council dated 29.05.2015 attaching an updated version of the offer.

AA. RM. 54 Email from Dawn Clark at Fraser Mulligan to Rob McIntosh and Tristan Horsburgh at Aberdeenshire Council dated 09.06.2015 chasing for a response to Email 61.

AA. RM. 55 Email from Rob McIntosh of Aberdeenshire Council to Dawn Clark at Fraser Mulligan dated 09.06.2015 confirming that he was waiting for instructions from the Council's Estates department and would revert as soon as possible.

AA. RM. 56 Letter from Fraser Mulligan to Aberdeenshire Council dated 26.05.2016 requesting that the Council confirm its final position regarding the acquisition of the site

AA. RM. 57 Email from Tristan Horsburgh at Aberdeenshire Council to Landownership Scotland dated 01.07.2016 requesting a title search over land lying to the west of the railway line required for the new Kintore Station.

AA. RM. 58 Email from Chris Farmer at Landownership Scotland to Tristan Horsburgh at Aberdeenshire Council dated 12.07.2016 confirming estimated fee for carrying out the search requested in Email.

AA. RM. 59 Email from Tristan Horsburgh dated 01, 08, 16 at Aberdeenshire Council to Chris Farmer at Landownership Scotland confirming that his fee estimate was acceptable and asking him to proceed with the title search.

AA. RM. 60 Letter from Landownership Scotland to Aberdeenshire Council dated 22.08.2016 setting out the results of the title search requested in Email.

AA. RM. 61 Letter from Rob McIntosh at Aberdeenshire Council to Fraser Mulligan dated 21.09.2016 in response to Letter.

AA. RM. 62 Email from Scott Strachan at CastleGlen Properties (Aberdeen) Ltd to Peter McCallum and Rob McIntosh of Aberdeenshire Council (copying in Councillor Martin Ford) dated 21.11.2016 requesting an urgent meeting with the Council having seen an article in the Evening Express stating that the Council intends to acquire the entire site by way of CPO .

AA. RM. 63 Email from Scott Strachan at CastleGlen Properties (Aberdeen) Ltd to Peter McCallum and Rob McIntosh of Aberdeenshire Council (copying in Councillor Martin Ford) dated 22.11.2016 following up on Email 67 and expressing disappointment that a response had not yet been received and claiming that the Council's Report to Committee (seeking authority for the CPO) was misleading .

AA. RM. 64 Email from Scott Strachan at CastleGlen Properties (Aberdeen) Ltd to Karen Wiles and Ritchie Johnson of Aberdeenshire Council dated 22.11.2016 expressing his clients' concerns at the Council's decision to acquire the Kintore Station site by way of a CPO.

AA. RM. 65 Email from Gordon Fraser at Fraser Mulligan to Rob McIntosh at Aberdeenshire Council dated 23.11.2016 attaching the Opinion referred to below

AA. RM. 66 Opinion from Ann Faulds of CMS Cameron McKenna LLP dated 25.05.2016 arguing that public rites of passage exist over the area forming the gap in title ("Opinion").

AA. RM. 67 Email from Paul Finch at Aberdeenshire Council to Scott Strachan at CastleGlen Properties (Aberdeen) Ltd dated 23.11.2016 responding to Email 67.

AA. RM. 68 Email from Gordon Fraser at Fraser Mulligan to Paul Finch at Aberdeenshire Council dated 23.11.2016 in response to Email 71 ("Email 73").

AA. RM. 69 Email from Karen Wiles of Aberdeenshire Council to Scott Strachan at CastleGlen Properties (Aberdeen) Ltd dated 23.11.2016 in response to Emails 68, 69 and 72.

AA. RM. 70. Email from Gordon Fraser at Fraser Mulligan to Karen Wiles at Aberdeenshire Council dated 23.11.2016 in response to Email 74.

AA. RM. 71 Email from Scott Strachan at CastleGlen Properties (Aberdeen) Ltd to Karen Wiles at Aberdeenshire Council dated 23.11.2016 in response to Email 75.

AA. RM. 72 Email from Tristan Horsburgh of Aberdeenshire Council to Gordon Fraser at Fraser Mulligan dated 28.11.2016 confirming that the Council will review the Opinion and revert on its contents and requesting some further information.

AA. RM. 73 Email from Gordon Fraser at Fraser Mulligan to Tristan Horsburgh of Aberdeenshire Council dated 28.11.2016 responding to Email 77.

AA. RM. 74 Email from David Armitage of Aberdeenshire Council to Paul Finch and Tristan Horsburgh of Aberdeenshire Council dated 29.11.2016 attaching the Stopping Up Order referred to below

AA. RM. 75 The Aberdeen-Huntly-Lochaber's Trunk Road (Bridgealehouse to Kintore Cemetery Side Roads) Order 1971 dated 26.07.1971 ("Stopping Up Order").

AA. RM. 76 Email from Tristan Horsburgh of Aberdeenshire Council to Gordon Fraser at Fraser Mulligan dated 29.11.2016 attaching a copy of the Stopping Up Order and setting out the Council's view that the effect of the Stopping Up Order was to extinguish the public rights of access referred to in the Opinion in so far as they relate to any section of road affected by the Stopping Up Order.

AA. RM. 77 Email from Tristan Horsburgh of Aberdeenshire Council to Gordon Fraser at Fraser Mulligan dated 05.12.2016 attaching a copy of Letter 3 and providing comments on the ownership of various areas of land.

AA. RM. 78 Email from Tristan Horsburgh of Aberdeenshire Council to Gordon Fraser at Fraser Mulligan dated 09.12.2016 setting out the Council's views on a potential means of access to the Kintore Station site raised by Gordon Fraser at a meeting with the Council held on 05.12.2016.

AA. RM. 79 Email from Gordon Fraser at Fraser Mulligan to Tristan Horsburgh of Aberdeenshire Council dated 28.03.2017 requesting copies of various writs referred to in Letter 3.

AA. RM. 80 Email from Tristan Horsburgh of Aberdeenshire Council to Gordon Fraser at Fraser Mulligan dated 03.04.2017 responding to Email 83.

AA.RM.81 E-Mail From Ayodeji Lawal to Gordon Fraser dated 19th April 2017

AA.RM.82 Email from Tristan Horsburgh of Aberdeenshire Council to Gordon Fraser at Fraser Mulligan dated 30.06.2017 requesting a PDF/CAD version of a plan enclosed with their letter dated 28.06.2017 sent to the Council's Estates department.

AA.RM.83 Email from Gordon Fraser at Fraser Mulligan to Tristan Horsburgh of Aberdeenshire Council dated 03.07.2017 attaching a PDF copy of the plan referred to in Email...

AA.RM.84 Email from Tristan Horsburgh of Aberdeenshire Council to Gordon Fraser at Fraser Mulligan dated 03.07.2017 in response to Email 86 requesting a CAD version of the plan.

AA.RM.85 Email from Gordon Fraser at Fraser Mulligan to Tristan Horsburgh of Aberdeenshire Council dated 05.07.2017 attaching CAD versions of the plan as requested in Email.

Documents, Legislation and Cases

AA.RM. 86 The Roads (Scotland) Act 1984

AA.RM.87 Section 27 of the Court of Session Act 1988, as amended by S 89 of the Courts Reform (Scotland) Act 2014(b),

AA.RM. 88 The Lands Tribunal Opinion in Strang Steel v Scottish Ministers

AA.RM.89 National Library of Scotland Records Kintore Plan of 1832

AA.RM.90 National Library of Scotland Kintore Plan of 1865

AA.RM.91 Miller & Bryce response of 6 January 2010, Miller & Bryce report

AA.RM.93 Heads of terms, Andersons

[end of report]