

REPORT TO MARR AREA COMMITTEE – 7 MAY 2019

STATUTORY CONSULTATION WITH THE LOCAL COMMUNITY UNDER PART 8 OF THE COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015 FOR DISPOSAL OF COMMON GOOD LAND – FOR LEASE AT BANCHORY SKATEPARK, BELLFIELD PARK, BANCHORY

1. Recommendations

The Committee is recommended to:

- 1.1 Authorise the Head of Legal and Governance to petition the Court, under 75(2) of the Local Government (Scotland) Act 1973 for authority to dispose of part of the Common Good Land at Bellfield Park for a lease to Banchory Skatepark Group for a Skatepark.
- 1.2 Approve the responses to the representations to the consultation for the lease as carried out in terms of Section 104 of the Community Empowerment (Scotland) Act as set out in Appendix 3 to this Report and having had regard to these representations, reconfirm its decision of 22 May 2018 to lease the site of the skatepark to Banchory Skatepark Group.

2. Background / Discussion

- 2.1 The existing skatepark ramp within Bellfield Park has been in situ for some time but is considered by those who use it as limited in terms of scale and the variety of skating it can offer. The Banchory Skatepark Group (BSG) was formed in Autumn 2016, constituted in July 2017, and was awarded charitable status in September 2017 with the ultimate goal of providing a new modern skate park that meets the needs of Banchory and surrounding communities. The proposed new skatepark will cover an area of 0.15ha, and includes the area housing the existing skate ramp. In 2018 Aberdeenshire Council was asked to provide BSG with a long lease (25 years) to enable them to (1) raise grant funding to construct a modern, fit-for-purpose skatepark and (2) to manage the facility for the benefit of local residents & visitors who wish to participate in this sport. This request was considered at Marr Area Committee on 22 May 2018 and a copy of that previous report forms **Appendix 1** to the report. The Committee agreed:-

- (1) to the disposal of the common good land at Bellfield Park by way of lease to the Banchory Skatepark Group for the purpose of constructing, and assisting in the managing of, a skatepark along the broad terms mentioned within the report, noting that the decision was entirely without prejudice to any future planning application that may be made by Banchory Skatepark Group for such a facility within Bellfield Park, Banchory; and
- (2) to authorise the Head of Legal and Governance to obtain the common good order in relation to the disposal.

- 2.2 BSG commissioned a consultant to produce a Feasibility Study for the project, part of which involved carrying out a detailed community consultation in 2018 (15 June - 8 August), to which 531 people responded. The overall response to the project was extremely positive and when asked whether they would welcome the creation of a new concrete skate park in Banchory, over 99% of those who responded to this question answered “Yes”. The full results of this consultation and further details about the project can be found in [Banchory Skate Park Feasibility Study](#), September 2018.

2.3 Implications of Common Good Status for Lease

- 2.4 Once a property is established as common good there are two legal processes to be followed when considering any disposal whether that is by sale or lease etc and whether on the open market or an asset transfer, and/or change of use and these are;
- 2.5 (first) Statutory Consultation on common good under part 8 of the Community Empowerment Act (the Act). [Section 104](#) of the Act, came into force on 27 June 2018, post the original committee decision, but still effects it and requires the **local authority** to consult with the local community when planning to dispose of common good property, or change its use. The local authority must invite representations from community councils, community bodies or other persons and have regard to these representations when reaching a decision. Local authorities must follow guidance issued by Scottish Ministers in relation to these duties and this is provided in [Common good property: statutory guidance for local authorities](#) (July 2018). This guidance sets out the timescales for the consultation, what information should be included, where and how the details should be published and advertised, and the protocol for responding. This consultation and report is the first time Aberdeenshire Council has had to action this under the Act
- 2.6 In order to meet the new obligations set out in Section 104 of the Act, a statutory consultation was carried out in relation to the proposed lease of Banchory Skatepark, Bellfield Park (see **Appendix 2** for copy of the Consultation document). The consultation ran from 11 February 2019 to 8 April 2019. Electronic copies were made available on the Council website and Visit Banchory website, and paper copies were available in Banchory Library. In addition, copies were emailed to all members of Banchory Town Team and also specifically to Banchory Community Council. Notices about the consultation were posted in two community noticeboards in Banchory and attached to the skatepark site. The consultation asked respondents whether they agreed “that Aberdeenshire Council should lease the site to Banchory Skatepark Group SCIO for a period not exceeding 25 years for the purpose of building and managing a new concrete skatepark?”. A space was provided for respondents to give additional comments.
- 2.7 A total of 41 representations were received of which 39 supported the proposal and 3 raised concerns (the Community Council raised some concerns but supported the proposal). A summary of the representations received and the proposed responses to them are provided in **Appendix 3**. It is considered that all of the issues and concerns raised have been addressed sufficiently to finalise the Council’s response to the Consultation.

- 2.8 (Second) Petition the Court, under 75(2) of the Local Government (Scotland) Act 1973. Section 75 (2) of the Local Government (Scotland) Act 1973 allows a local authority to petition the Court to obtain consent for a change of use or disposal of a common good asset. It is necessary to demonstrate to the Court that the disposal or change of use would be for the benefit of the citizens of the former burgh of Banchory. It is considered that the benefits of the skatepark as set out and approved in the previous committee report and the outcome of the consultation demonstrate there is a reasonable prospect of persuading the Court to grant a petition.
- 2.9 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and any comments are incorporated within the report and they are satisfied that the report complies with the Scheme of Governance and relevant legislation.

3 Scheme of Governance

- 3.1 Decisions on Common Good are delegated to Area Committees in the Scheme of Governance, Part 2A, List of Committee Powers, Para B2.2. (Area Committees have the power to determine the sale or lease of more than 12 months duration of Common Good assets within its Area before a Common Good Order is sought from the Court).
- 3.2 The appropriate forum for consideration of representations arising from the statutory consultation forming part of a request for disposal of a common good asset or change of use would accordingly be that of the relevant Area Committee.
- 3.3 Subject to the general principle of public law - that the decision must not be so unreasonable that no reasonable person acting reasonably could have made it - the legislation and guidance require the Council to have regard to the consultation outcomes but are not obliged to follow it and so ultimately the decision to proceed with the disposal or change of use, by taking a petition to the Court, under 75(2) of the Local Government (Scotland) Act 1973 for a disposal or change of use of the common good asset, rests with the relevant Area Committee.

4. Implications and Risk

- 4.1 It is believed that an equality impact assessment is not required as the recommended action of obtaining a common good order in relation to the disposal of Common Good Land for lease at Banchory Skatepark will not have a differential impact on people with protected characteristics.
- 4.2 There are no staffing implications arising from this report.
- 4.3 There are no significant capital or revenue implications anticipated in terms of this report.
- 4.3.1 **Revenue** - Although the Council would have some responsibility for some day-to-day management and maintenance of the proposed skate park, and related public indemnity issue, that is already the case in terms of the present

facility. It is proposed that the Council will only take responsibility for minor maintenance or repairs, and the group fundraising and commissioning the project would require to continue to fundraise, in future years, to cover major repairs or upgrades. The rent for such facilities is usually nominal. There will be some legal costs involved in seeking/obtaining the common good order.

- 4.3.2 **Capital** – Should application be made to the Council for capital grant funding towards the project, this would require to be the subject of a separate decision making process.
- 4.4 There are no Corporate, Strategic or Directorate risks identified in relation to this potential project.
- 4.5 A Town Centre Impact Assessment was carried out for the Committee report submitted to Marr Area Committee on 22 May 2018 and a copy is attached as **Appendix 4**.

Stephen Archer
Director of Infrastructure Services

Report prepared by Elizabeth Shepherd, Area Project Officer (Marr) and Rob McIntosh, Principal Solicitor
(Conveyancing) Legal & Governance
Date 18 April 2019

PROPOSED LEASE OF LAND AT BELLFIELD PARK, BANCHORY

REPORT TO MARR AREA COMMITTEE - 22 MAY 2018

1 Recommendations

The Committee is recommended to:

- 1.1 Agree to the disposal of the common good land at Bellfield Park by way of lease to the Banchory Skatepark Group (BSG) for the purpose of constructing and assisting in the managing of a skatepark along the broad terms mentioned within the text of the report. The decision requested is entirely without prejudice to any future planning application that may be made by BSG for such a facility within the Bellfield Park, Banchory;**
- 1.2 Authorise the Head of Legal and Governance to obtain the common good order in relation to the disposal;**
- 1.3 Instruct the Area Manager (Marr) to write to the BSG to confirm the support of the Council to assist them with external funding bids; and**
- 1.4 Note that the Committee will be updated by bulletin.**

2. Background / Discussion

- 2.1** The existing skatepark ramp within Bellfield Park has been in situ for some time but is considered by those who use it as limited in terms of scale and the variety of skating it can offer. The BSG, with the help of others, have made improvements to the ramp, but their aspiration is to develop a much better facility, using the existing site and adjacent land, to offer an improved experience for users. A sketch/plan provided by the BSG is attached as Appendix 1 showing indicatively the area (coloured in grey) that they would hope to be allowed to develop in addition to the existing skatepark for the proposed new skatepark. The extent and location have to be considered “indicative” at this stage as a planning application will require to be made, in time, for the proposal and there may be changes that will require to be made reflecting issues that may emerge from that process and potentially following detailed site investigations. It is understood that the planning application will come forward as and when sufficient funds have been raised towards the project and following further consultations.
- 2.2** Generally, before external grant funding organisations will consider funding such a proposal, they usually request applicants to provide evidence of support and/or confirmation that a lease will be granted by the landowner. This would usually have to be for a sufficient length of time, commensurate with the level of the grant award sought, before they will progress with a funding application. This is particularly so for the larger awards available through The National Lottery, although all funders appear to have different criteria and procedures in connection with considering such proposals. The

most appropriate way of demonstrating that security of tenure for a period of years will be available is, in the Aberdeenshire Council context, to have a decision of the appropriate Area Committee on the matter.

- 2.3 Children's play areas and skate parks, unlike some other facilities, are regularly provided as free to use facilities within public parks. That will be the case in this instance. This is unlike some other sporting facilities where a charge for use may be made, through club membership or on a pay as you play basis. Where the Council has entered into lease arrangements elsewhere for the creation or refurbishment/augmenting of existing play areas and skate parks, the Council has agreed to charge nominal rents and Landscape Services have, in terms of the lease conditions, agreed to retain some responsibilities for maintaining and inspecting the facilities. In that way the public indemnity insurance covering use of the facilities remains with the Council. In that way, not all of the burden falls on fundraising groups concerned, who may have limited scope and ability to raise funds and to cover what can be high insurance premiums. Any continuing fund raising by the play area or skate park groups, beyond that required for the creation or improvement scheme concerned would be for major up-grades or the more major repairs which the Council will not normally fund.
- 2.4 Any leases proposed to be granted for areas within public parks are usually done on the basis of restricted use clauses and will have vehicle access to the leased site restricted for initial construction and future maintenance purposes only. It is also considered appropriate to have an early termination clause in favour of the landlord which may be exercised in the event that the site leased is required for some other development proposal in the future. This is more to preserve the ability to resume possession of a site in the event of any major re-working/redevelopment of a park or similar facility in a major public resource. Where grant funding is involved, it would be usual to include a caveat to the effect that, if resumption of the site were to be exercised within the lease period, the Council would require to replicate the facility that had been funded elsewhere in an appropriate alternative location. This affords the funding organisations the comfort of knowing that their "investment" through grant funding will be secured. This is usually restricted to design life of the facility, which is also usually the length of lease required by grant funders. In this case, a 25 year lease has been requested.
- 2.5 Legal colleagues have investigated the titles for Bellfield Park and it has been confirmed that it is considered to be held as a common good asset. As such, there are additional requirements to be satisfied before the granting of any lease can be progressed. For such assets, a common good order will require to be obtained, usually from a Sheriff, for any such leasing. Before a Sheriff will grant such an order, an appropriate community consultation will require to be carried out to demonstrate and evidence that there is support for the proposal. This would usually be done by the prospective tenant under the lease, in this case BSG, and would require to follow the practices set out in the National Standards for Community Engagement. Information/links to the Scottish Government website on how to do this has been supplied to BSG, who will be working with others to have this carried out. A summary/ description of the background to the BSG have done to date has been provided by the Area Project Officer and is attached at **Appendix 3**.

- 2.6 Ward 16 Members have been sent a copy of the draft report for information.
- 2.7 Landscape Services colleagues have been consulted and have no comments to make.
- 2.8 Sport and Physical Activity have also been consulted and have fed back that they do not have any human resource, financial or maintenance responsibility for this facility, and as such have no comment to make.
- 2.9 Legal and Governance colleagues have been consulted and had no comments to add.
- 2.10 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report. They are satisfied that the report complies with the Scheme of Governance and relevant legislation.

3. Scheme of Governance

- 3.1 The Marr Area Committee can consider and take a decision on this matter in terms of the List of Committee Powers in Part 2A of the Scheme of Governance, Section B 2.2 to determine the disposal of Common Good assets within their Area before a Common Good Order is sought from the Court.

4. Equalities, Staffing, Financial, Risk and other Implications

- 4.1 It is believed that an equality impact assessment is not required as the recommended action of agreeing, in principle, with the granting of a lease will not have a differential impact on people with protected characteristics.
- 4.2 There are no staffing implications arising from this report.
- 4.3 There are no significant capital or revenue implications anticipated in terms of this report.
 - 4.3.1 **Revenue** - Although the Council would have some responsibility for some day-to-day management and maintenance of the proposed skate park, and related public indemnity issue, that is already the case in terms of the present facility. It is proposed that the Council will only take responsibility for minor maintenance or repairs, and the group fundraising and commissioning the project would require to continue to fundraise, in future years, to cover major repairs or up-grades. As mentioned in 2.3 above, the rent for such facilities is usually nominal. There will be some legal costs involved in seeking/obtaining the common good order.
 - 4.3.2 **Capital** – Should application be made to the Council for capital grant funding towards the project, this would require to be the subject of a separate decision making process.

- 4.4 There are no Corporate, Strategic or Directorate risks identified in relation to this potential project.
- 4.5 A Town Centre Impact Assessment was carried out and is provided as Appendix 2.

Ritchie Johnson
Director of Business Services

Report prepared by: - Ron Davidson, Team Leader (Estates)
18 April 2018
g:/typists/Committee/Marrcom/K2377-1 Banchory Skatepark

[illegible]

note: highly dependent on road network which may not be as good as it looks

skatepark context as existing
site plan 1:250

APPENDIX 2

TOWN CENTRE FIRST IMPACT ASSESSMENT (TCFIA)

Aberdeenshire Council recognises that town centres have an important role to play in the sustainable development of local economies.

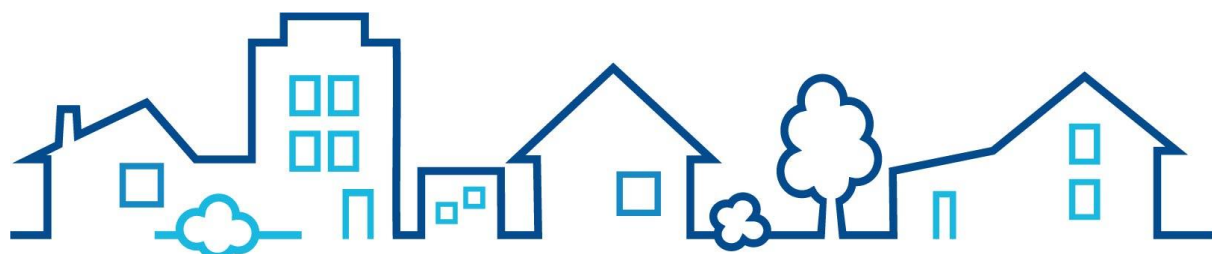
The Town Centre First Impact Assessment (TCFIA) allows officers in all services to identify the detrimental and beneficial effects that decisions we take may have on our town centres. It will allow officers to consider any implications that council decisions may have on Aberdeenshire’s key town centres. Examples of this include changes to: the provision of civic and community facilities, employment land, retail, residential buildings, cultural assets, transportation, leisure and tourism.

A Town Centre Ambassador has been nominated within your service, you can locate your Town Centre First Ambassador through the Town Centre First Principle Arcadia pages.

Project Information	
Title of Committee Paper	Proposed Lease of Land at Bellfield Park, Banchory
Service	Business Services
Department	P&FM (Estates)
Author	Ronald C Davidson
Have you consulted your Town Centre First Ambassador?	

1) Could your Project Paper cause an impact in one (or more) of the identified town centres? – Peterhead, Fraserburgh, Inverurie, Westhill, Stonehaven, Ellon, Portlethen, Banchory, Turriff, Huntly, Banff, Macduff.	
Yes – Possible very small impact in Banchory.	No

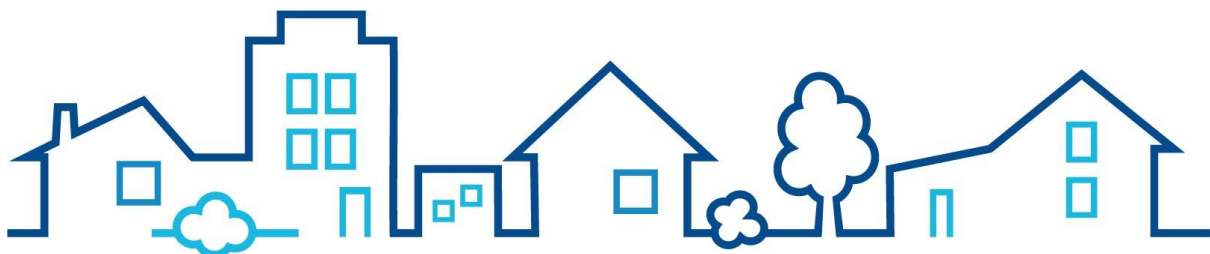
2) If approved would your project cause an impact (either positive or negative) with regards to the footfall of any of these town centres?	
Yes	No – no impact foreseen.



3)	
Please describe the aims of the committee paper?	To facilitate a local group in developing an enhanced leisure facility within a centrally located public park.

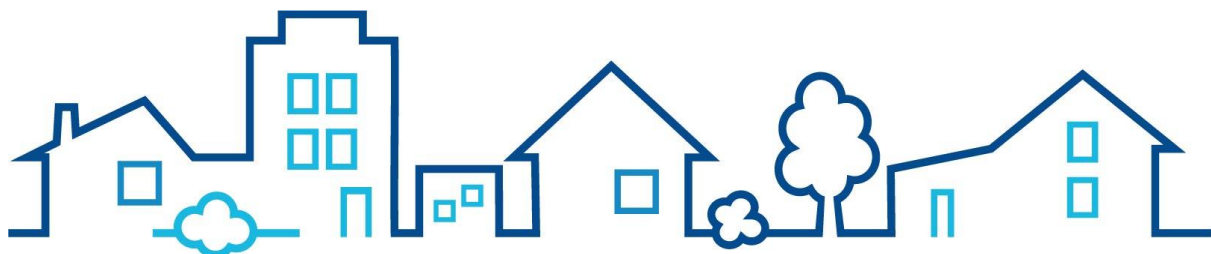
4) What are the positive and negative impacts?		
Impact	Describe the positive impact?	Describe the negative impact?
Please detail any potential positive and negative impact the project may have on Aberdeenshire's Key Town Centres.	Improvement of existing leisure related facility may notionally make the town centre a more frequented place by young people.	No negative impact foreseen.

5) What mitigating steps will be taken to reduce or remove negative impacts? If none see Q6	
Mitigating Steps	Timescale
N/A	



6) Set out the justification that the activity can and should go ahead despite the negative impact.
N/A

Question 7: Sign off and Authorisation			
a) Author: I have completed the TCIA impact assessment for this policy/ activity.	Name: Ronald C Davidson Position: Estates Team Leader Date: 17.04.2018 Signature:		
b) Consultation with Service Manager	Name: John Gahagan Position: Estates Manager Date:		
c) Authorisation by Director or Head of Service	Name: Allan Whyte Position: Head of Service (P&FM) Date:		
d) Have you consulted with your Town Centre First Ambassador?	<table border="1"> <tr> <td>Yes</td> </tr> <tr> <td>No</td> </tr> </table>	Yes	No
Yes			
No			
e) TCFIA author sends a copy of the finalised form to: tcfia@aberdeenshire.gov.uk	Date Sent:		



APPENDIX 3

Banchory Skate Park Project

In June 2017 Banchory published a Community Action Plan (CAP). This CAP was prepared by a steering group under the auspices of Banchory Community Council (BCC). It set out to identify the most pressing issues in Banchory and how to address them.

The Key Findings of the report state that the “**provision of an improved skateboard / BMX park**” was one of the top issues which Banchory residents felt were important (see page 3). More detail is provided in discussion of the Recreation Theme (page 8):

With reference to Bellfield Park there is a need to improve facilities for children and young people. Facilities might include a modern skateboarding and BMX park.

The Table summarising main issues and potential projects identified, details the skate park under Theme 4: Recreation (see page 13).

Project: Bellfield Park Improvements.

Issue/Need: Seen as needing refurbishment, with inclusion of BMX / Skateboarding park and more facilities for teenagers.

Initial Action: Issue has begun to be addressed with CLD and BDI involved with Skateboard Group.

Short to Medium Term Action: Develop Action Plan, including for funding.

Long Term Goal: Establish programme of improvements. Deliver BMX / Skateboard Park.

The issues detailed in the CAP were identified following a thorough and inclusive consultation programme carried out throughout 2016 and into early 2017. That process is outlined in more detail below:

- designed a questionnaire and made it available to a wide sample of community groups and individuals;
- highlighted the process in the Press, on local community radio and at local presentations in an attempt to maximise the number of responses;
- analysed the responses to the questionnaire;
- organised three Community Open Days in Banchory Town Hall and Hill of Banchory Primary School;
- visited the local primary schools to seek the views of the children on their priorities for Banchory;
- reached out again to senior citizens and youth groups;

- collated and analysed all the information and drew up a thematic outline of the issues and potential projects which emerged from the questionnaire and Open Days;
- prepared a draft Plan on the basis of this analysis;
- organised further community involvement liaising with potential partners who could assist in delivering the CAP;
- prepared the Final Plan.

The Chair of Banchory Community Council provided a summary of when the skate park project was first mentioned in the Banchory CAP process and how consultation on this project was carried out.

In response to the initial questionnaire, there were a lot of comments about the lack of facilities or the inadequacy of the facilities for young people - Upper primary upwards - in Banchory. Various possible activities or facilities were suggested: the skate park was amongst these with comments about the poor state of the existing one and that it was not up to standard.

During the first round of Community Open Days, further support for better facilities – skate park, bike trail, football pitches etc. - all received support.

In October 2016 Banchory Community Council was contacted by the Skate Park Group about the dangerous state of the existing skate park and plans for improving the facility. The BCAP Steering Group then invited the Group to take a stand at the final Open day at which they received a great deal of support from those attending.

This feedback led to the skate park being included in the Banchory CAP and the Group were invited to speak at the BCAP Launch Event where they impressed the audience with their ideas and enthusiasm.

(Email: 2018/04/02)

APPENDIX 2

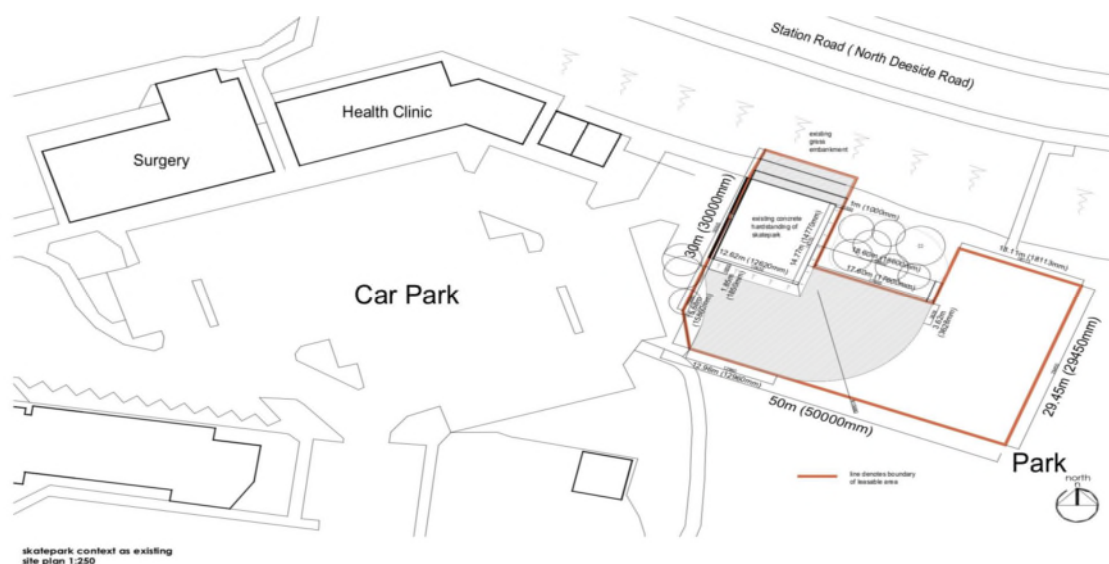


Statutory Consultation with the Local Community under Part 8 of the Community Empowerment (Scotland) Act 2015 for Disposal of Common Good Land – For lease at Banchory Skatepark, Bellfield Park, Banchory

Consultation dates: commences 11th February – closes 8th April 2019

What land is being consulted on?

The land is within Bellfield Park, Banchory; adjacent to and includes the area housing the existing skate ramp. It covers an area of 0.15ha and is to the east of Bellfield carpark. A site location map is provided below, with the area proposed to be leased having its boundary marked in red.



What change is being proposed?

That Aberdeenshire Council should lease the site to Banchory Skatepark Group SCIO (Scottish Charity SC047788) for a period not exceeding 25 years.

Why are we consulting?

Bellfield Park is Common Good Land – this means property owned by Aberdeenshire Council, which was inherited from one of the former 17 Burgh Councils situated within Aberdeenshire Council. When considering disposal of certain types of Common Good Land (whether by sale or lease), certain legal requirements must be followed. These are:

- Carry out a statutory consultation with the local community under Part 8 of the Community Empowerment (Scotland) Act 2015; and
- If required, seek approval from the Court under s.75 of the Local Government (Scotland) Act 1973.

This consultation is being carried out to satisfy the first legal requirement and further guidance on the process can be found here.

www.gov.scot/publications/community-empowerment-common-good-property-guidance-local-authorities/

Court approval will be sought if the Council decides to proceed with the disposal following the Consultation.

What are the benefits of the proposal?

By providing a long lease to Banchory Skatepark Group (BSG), it improves their ability to raise grant funding to enable a modern, fit-for-purpose skatepark to be built in Banchory and to manage the facility for the benefit of local residents & visitors who wish to participate in this sport. BSG carried out a detailed consultation about the project in 2018 (15th June - 8th August), to which 531 people responded. The overall response to the project was extremely positive, and when asked whether they would welcome the creation of a new concrete skate park in Banchory, over 99% of those who responded to this question answered Yes. The full results of this consultation and further details about the project can be found in *Banchory Skate Park Feasibility Study*, September 2018: www.banchoryskatepark.com/ Reference copies are also available in Banchory Library.

Are there any drawbacks to this proposal?

The area of ground, within the red line, will be leased to BSG for a period up to 25 years and so will not be available for alternative uses during this period unless they are agreeable to this.

Please answer the following question:

Do you agree that Aberdeenshire Council should lease the site to Banchory Skatepark Group SCIO for a period not exceeding 25 years for the purpose of building and managing a new concrete skatepark?

Please circle or underline your answer: **Yes / No**

Please provide any additional comments

Comments:

Contact details:

Name of Organisation or Individual	
Address	
Postcode	
Email	

What happens next?

Aberdeenshire Council will consider and respond to any representations within eight weeks of the consultation closing date. The Council's final response will be published on the Aberdeenshire Council website (<https://www.aberdeenshire.gov.uk/council-and-democracy/community-empowerment/common-good-properties/>) along with **details of all representations to this consultation** (excluding address, postcode and email of respondent).

The Council will then take a decision having regard to the outcomes of this Consultation as to whether to proceed with the disposal.

Completed forms can be returned via email: marr@aberdeenshire.gov.uk, via post: Marr Area Office, School Road, Alford, AB33 8TY or by handing them in to Banchory Library.
Please return forms by 8th April 2019.

APPENDIX 3



Statutory Consultation with the Local Community under Part 8 of the Community Empowerment (Scotland) Act 2015 for Disposal of Common Good Land – For lease at Banchory Skatepark, Bellfield Park, Banchory

Representation and Responses

Representations

The Council received 41 representations in response to the publication of the consultation document. Thirty nine were supportive of the proposal and two opposed it. Banchory Community Council were supportive of the proposal but raised some potential issues of concern requiring the Council's response (see below). The two representations which opposed the proposal also raised concerns requiring the Council's response.

RESPONDENT	QUESTIONS/ISSUES/CONCERNS	COUNCIL'S RESPONSE
Banchory Community Council	Adverse comments about its location at the western end of the park and some suggestions that it could be moved somewhere else in the park. That it would dominate and prevent families and other groups accessing areas used for picnics and relaxation	The new skatepark is proposed to cover an area of 0.15ha. Bellfield Park covers an area of over 2 ha. Therefore sufficient open and green space will remain for the enjoyment of those not at the skatepark.
	That it would obstruct the steps leading down from Station Road	Access to the steps will be retained.
	That it would encroach on the play area and narrow the view from the carpark	The skatepark footprint does not encroach on the existing playpark area (and is not directly adjacent to it).
	That it would potentially cause noise and obstruction in the evenings and weekends.	The area is already used as a skatepark facility during evenings and weekends. The new substrate (concrete) is generally understood to be quieter than steel (the existing ramp material). Existing paths in the park will not be affected by the proposed skatepark which should therefore not cause an obstruction.

Fund Raising Events Delivered (Rosemary Pirie)	Due to size and specialist sporting nature of new skatepark, it would be more suited to the new Banchory Sports Centre in Hill of Banchory.	The provision of a skatepark at the Banchory Sports Village (BSV) site was not in the project scope approved by Aberdeenshire Council Recreation Service and Committee. There is no space left on the BSV site for such a facility.
	Existing activities in the park (such as the Dog Show during Banchory Show) and annual Canine Carnival will be negatively impacted by the skatepark. These would be affected as they depend on ease of access and in relation to the Dog Show, proximity to main event. Finding an alternative location would be problematic.	Banchory Show is mainly held in King George V Park, with only certain events held in Bellfield Park e.g. Dog Show and Highland Dancing. The skatepark will only cover an area of 0.15ha and no access paths will be obstructed. It is considered that sufficient space would remain in Bellfield Park to allow these events to take place without being adversely affected.
	Proposed size of skatepark would mean that there would be no green space available for enjoyment by general public, including those with restricted mobility, families and young people not interested in skateboarding.	The new skatepark is proposed to cover an area of 0.15ha. Bellfield Park covers an area of over 2 ha. Therefore sufficient open and green space will remain for the enjoyment of those not using the skatepark. The access paths from the car park into the Bellfield park will be unaffected by the skatepark and therefore access will be retained for those with limited mobility.
	Skatepark negates historic status of the park.	Bellfield Park is already the location of a skatepark facility and therefore there will be no change to the historic status of the park.
S. Kirk	Concrete is unattractive and does not fit in such green space.	The indicative designs in the Feasibility Study show that the skatepark is likely to have sunken areas and any raised areas will be landscaped; both of which should limit visual impact. Visual impact will be a consideration during the final design and planning process. It is proposed to retain the trees adjacent to the skatepark which will also limit visual impact.

	Existing activities in the park (such as the Dog Show during Banchory Show), Pet Show and football training, will be negatively impacted by the skatepark.	Banchory Show is mainly held in King George V Park, with only certain events held in Bellfield Park e.g. Dog Show and Highland Dancing. The skatepark will only cover an area of 0.15ha and no access paths will be obstructed. It is considered that sufficient space would remain in Bellfield Park to allow these events to take place without being adversely affected. Football matches are not held in Bellfield park.
	New skatepark would be more suited to the new Banchory Sports Centre in Hill of Banchory.	The provision of a skatepark at the Banchory Sports Village (BSV) site was not in the project scope approved by Aberdeenshire Council Recreation Service and Committee. There is no space left on the BSV site for such a facility.

APPENDIX 4

TOWN CENTRE FIRST IMPACT ASSESSMENT (TCFIA)

Aberdeenshire Council recognises that town centres have an important role to play in the sustainable development of local economies.

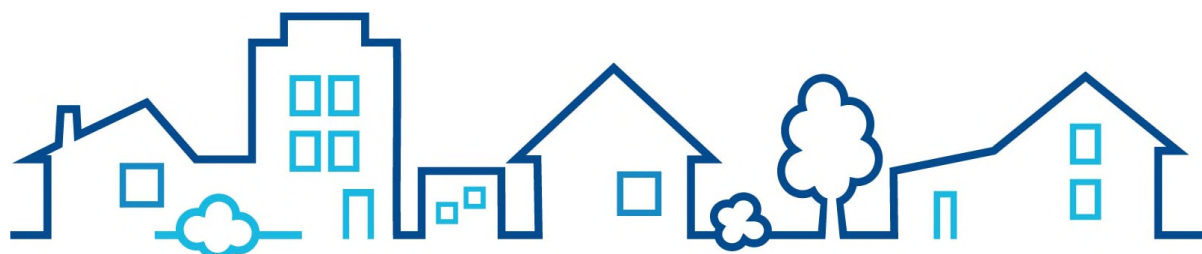
The Town Centre First Impact Assessment (TCFIA) allows officers in all services to identify the detrimental and beneficial effects that decisions we take may have on our town centres. It will allow officers to consider any implications that council decisions may have on Aberdeenshire's key town centres. Examples of this include changes to: the provision of civic and community facilities, employment land, retail, residential buildings, cultural assets, transportation, leisure and tourism.

A Town Centre Ambassador has been nominated within your service, you can locate your Town Centre First Ambassador through the Town Centre First Principle Arcadia pages.

Project Information	
Title of Committee Paper	Proposed Lease of Land at Bellfield Park, Banchory
Service	Business Services
Department	P&FM (Estates)
Author	Ronald C Davidson
Have you consulted your Town Centre First Ambassador?	

1) Could your Project Paper cause an impact in one (or more) of the identified town centres? – Peterhead, Fraserburgh, Inverurie, Westhill, Stonehaven, Ellon, Portlethen, Banchory, Turriff, Huntly, Banff, Macduff.	
Yes – Possible very small impact in Banchory.	No

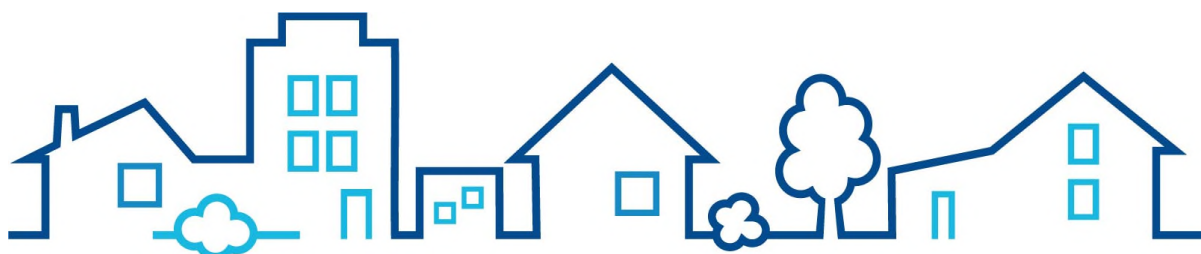
2) If approved would your project cause an impact (either positive or negative) with regards to the footfall of any of these town centres?	
Yes	No – no impact foreseen.



3)	
Please describe the aims of the committee paper?	To facilitate a local group in developing an enhanced leisure facility within a centrally located public park.

4) What are the positive and negative impacts?		
Impact	Describe the positive impact?	Describe the negative impact?
Please detail any potential positive and negative impact the project may have on Aberdeenshire's Key Town Centres.	Improvement of existing leisure related facility may notionally make the town centre a more frequented place by young people.	No negative impact foreseen.

5) What mitigating steps will be taken to reduce or remove negative impacts? If none see Q6	
Mitigating Steps	Timescale
N/A	



6) Set out the justification that the activity can and should go ahead despite the negative impact.
N/A

Question 7: Sign off and Authorisation			
a) Author: I have completed the TCIA impact assessment for this policy/ activity.	Name: Ronald C Davidson Position: Estates Team Leader Date: 17.04.2018 Signature:		
b) Consultation with Service Manager	Name: John Gahagan Position: Estates Manager Date:		
c) Authorisation by Director or Head of Service	Name: Allan Whyte Position: Head of Service (P&FM) Date:		
d) Have you consulted with your Town Centre First Ambassador?	<table border="1"> <tr> <td>Yes</td> </tr> <tr> <td>No</td> </tr> </table>	Yes	No
Yes			
No			
e) TCFIA author sends a copy of the finalised form to: tcfia@aberdeenshire.gov.uk	Date Sent:		

