

Public Document Pack

SECOND ADDITIONAL CIRCULATION



To: Councillor Milne, Convener; Councillor Finlayson, Vice-Convener; and Councillors Boulton, Cooney, Corall, Cormie, Crockett, Dickson, Greig, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Nicoll Jennifer Stewart, Stuart and Thomson.

Town House,
ABERDEEN, 27 October 2015

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The undernoted items are circulated in connection with the meeting of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** to be held here in the Town House on **THURSDAY, 29 OCTOBER 2015 at 10.00 am.**

FRASER BELL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

PLANNING APPLICATIONS WHICH ARE THE SUBJECT OF WRITTEN REPORTS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 3.6 **Calder Park, Redmoss - 151082 (Pages 3 - 10) - Amended recommendations and conditions**

Should you require any further information about this agenda, please contact Mark Masson on 01224 522989 or email mmasson@aberdeencity.gov.uk or Lynsey McBain on 01224 522123 or email lymcbain@aberdeencity.gov.uk

This page is intentionally left blank

Our ref: PCS/143229
Your ref: P151082

If telephoning ask for:
Alison Wilson

22 October 2015

Gavin Evans
Aberdeen City Council
Planning and Sustainable Development
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

By email only to: gevans@aberdeencity.gov.uk

Dear Mr Evans

Town and Country Planning (Scotland) Acts

Planning application: P151082

Proposed three storey secondary school with associated sports facilities, floodlit 3G pitch, hard and soft landscaping, car parking, bus drop off and access road. Calder Park, Redmoss

Further to our response of 30 September 2015 (PCS/142528) we can confirm receipt of two e-mails from JM Architects, on 20 October 2015, which have been sent to Aberdeen City Council.

We welcome receipt of this additional information and are now in a position to **remove our objection** to this planning application, on the grounds of lack of information, provided the planning **conditions** in Section 1 and 2 be attached to the consent.

For the avoidance of doubt we maintain our request that the condition in Section 6 of our response of 30 September 2015 (our reference PCS/142528) be attached to the consent. If any of these will not be applied, then please consider this representation as an **objection**. Please also note the advice provided below.

Advice for the planning authority

1. Flood risk

1.1 In our response of 30 September 2015 we objected to this planning application on the grounds of lack of information on flood risk and requested further information regarding the flow estimates provided in the FRA. We are pleased to confirm that further to the submission of a technical note by Fairhurst we are now in a position to **remove our objection** to the proposed development on flood risk grounds provided that, should the Planning Authority be minded to approve this application, planning **condition(s)** are imposed to ensure the following

- Finished floor levels should be set at a minimum 82.25m Above Ordnance Datum (AOD)



Chairman
David Sigsworth

Chief Executive
Terry A'Hearn

Aberdeen Office

Inverdee House, Baxter Street
Torry, Aberdeen AB11 9QA
tel 01224 266600 fax 01224 896657
www.sepa.org.uk

- The proposed new culvert should be designed to be able to convey the 1000 year peak flow, including a minimum 500mm freeboard within the culvert.

In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

Notwithstanding the removal of our objection subject to the above conditions, we would expect Aberdeen City Council to undertake their responsibilities as the Flood Prevention Authority.

- 1.2 The Technical Note states that the estimated 1 in 1000 year flow and the methodology has been revised since the earlier estimate, which was from a 2011 study. It is stated that the study catchment is not well represented in the FEH CD-ROM and therefore have used hydrological information from a recent flood risk assessment in the neighbouring area to refine the catchment descriptors, which we support.
- 1.3 Taking the updated information into account it is stated that the 1000year peak flow estimate has been revised up from 1.43m³/s to 1.61m³/s, which appears reasonable. It is stated that the increase in estimated flood levels as a result of the flow revision is 0.05m, which is within the recommended 0.5-0.6m freeboard. It is stated that the channel has a minimum capacity of 4.5m³/s, which is sufficient to contain the new revised flow of 1.61m³/s.
- 1.4 We are pleased to note that sensitivity analysis has been carried out on the peak flow estimate and that increasing the storm duration the peak flow by a maximum 0.07m³/s, which increases flood levels by 0.02m which is within the freeboard allowance. In line with our Technical Flood Risk Guidance, additional sensitivity analysis on roughness and slope was found to increase the predicted flood levels by 0.07m, which again falls within the recommended freeboard allowance.
- 1.5 It is stated that proposed finished floor levels are to be set at 82.25m AOD, which provides a generous 1.75m freeboard above the estimated 1000 year flood levels. We support this and request that this is secured by planning **condition**.
- 1.6 We note that the culvert assessment states that the proposed culvert will have sufficient capacity for the design flows and will include at least a 500mm freeboard. We support this and request that this is secured by planning **condition**.
- 1.7 Our advice in Section 1.7 of our previous response, regarding potential flooding of the pitches and surface water drainage, still applies.
- 1.8 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Aberdeen City Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "*Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities*" outlines the transitional changes to the basis of our advice inline with the phases of this legislation and can be downloaded from www.sepa.org.uk/planning/flood_risk.aspx.

2. Peat disturbance

- 2.1 In our response of 30 September 2015 we objected to this planning application on the grounds of lack of information on peat reuse and requested further information. As you will be aware we met with the applicant to discuss this aspect of the proposal further and provided further advice on this. We welcome the submission of the further information in the second e-mail from JM Architects relating to peat management.
- 2.2 Our understanding of this proposal is that this application boundary is part of a single larger site which consists of two planning applications, reference numbers P151082 and P151188. **On this basis** we would consider the reuse of peat on either planning application boundary as reuse on one site. Our advice below is based on this position, however we would welcome reconsultation if the planning authority does not consider this to be the case, as this has regulatory implications for us in that the reuse of material within a site would not require for example an exemption to reuse the material, which would not be the case if material is to be used off site.
- 2.3 We accept and welcome the attempt to minimise peat disturbance through the design of the site layout. We also note the requirement from the Council for a 2 metre high bund to create a screen and visual barrier between the new school development and industrial estate located adjacent to the site and that it is proposed to use peat in the construction of this. As per Section 2.4 of our previous response we usually only find it acceptable for limited use of peat in bunds. However taking into consideration the above points and restrictions highlighted in the submitted information, in this particular case, we find it acceptable for the proposed use of peat for construction of the bund on the site. However highlight the applicant should seek advice from the Planning Authority on the construction of the bund in regard to stability.
- 2.4 While we welcome for example the confirmation that “A detailed review of all of the borehole and trial pit logs, as well as the laboratory testing, will be carried out to determine the peat types on site. The results of this review will be included in the Peat Management Plan.” our preference would be to have further details at this stage of the proposals for peat management on and off site as detailed in our previous response.
- 2.5 However taking into consideration the above and constraints in determining consent we are prepared, in this particular case, to **remove our objection** to this planning application on the grounds of a lack of information on peat provided a planning **condition** is attached to any grant of planning consent requiring the submission of a site specific full Peat Management Plan. If this is not attached, then please consider this representation as an objection. To assist, the following wording is suggested:

Prior to the commencement of any works on site a detailed peat management plan should be submitted to and approved in writing by the Planning Authority in consultation with SEPA, and thereafter shall be implemented in full on site This scheme should set the following:-

- volumes, depth and location of any peat disturbed,
- details of any proposed reuse of the peat within the site (including a plan showing volumes, location and usage, ratios of soil to peat mix),
- details of any disposal of peat proposed (including volumes, ratios of soil to peat mix and detailed disposal proposals);
- details of mitigation and restoration proposals.

Reason: In order to minimise disturbance of peat and ensure the appropriate reuse and management of peat on site.

- 2.6 For further guidance on producing a peat management plan we would refer the applicant to [Guidance on the Assessment of Peat Volumes, Reuse of Excavated Peat and Minimisation of Waste](#) and our [Regulatory Position Statement – Developments on Peat](#).
- 2.7 Our preference would be that all the technical information required for all permissions and licences is submitted at the same time as the planning application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application and/or neighbour notification or advertising. Further information on our information requirements is provided in our guidance note [Planning guidance in relation to SEPA-regulated sites and processes](#) and on the pollution prevention and control section of our [website](#).
- 2.8 The applicant is advised to continue to liaise with the local Operations team regarding the reuse of material off site and for advice on our regulatory requirements in regard to this.

3. Surface water drainage

- 3.1 In our response of 30 September 2015 we objected to the surface water drainage proposals for the access road and the bus turning area. We note the amendment on page 5 of the Drainage Impact Assessment dated August 2015, Issue 3, and that “The access road and bus turning area will be drained via a series of kerb outlets into a swale and then into a series of stone filled filter trenches located alongside the access road, this providing 2 stages of treatment.” The swale followed by the filter trenches will provided the required two levels of SUDS treatment for these areas and therefore we **remove our objection** to this aspect of the proposal.
- 3.2 We have not considered the water quantity aspect of this scheme as this is outwith our remit. Comments from Scottish Water, where appropriate, the Local Authority Roads Department and the Local Authority Flood Prevention Unit should be sought on any water quantity issues.

Regulatory advice for the applicant

4. Regulatory requirements

- 4.1 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at: Inverdee House, Baxter Street, Torry, Aberdeen, AB11 9QA, Tel: 01224 266600.

If you have any queries relating to this letter, please contact me by telephone on 01224 266656 or e-mail at planning.aberdeen@sepa.org.uk.

Yours sincerely

Alison Wilson
Senior Planning Officer
Planning Service

ECopy to: JM Architects, john.lancaster@jmarchitects.net

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at the planning stage. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. If you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found in [How and when to consult SEPA](#), and on flood risk specifically in the [SEPA-Planning Authority Protocol](#).

This page is intentionally left blank

ADDITIONAL CIRCULATION TO MEMBERS

Agenda Item 3.6: Proposed secondary school at Calder Park, Redmoss

The report at Item 3.6 of the agenda for October 29th's meeting notes that the Scottish Environment Protection Agency (SEPA) had stated its objection to the proposal, and that in recommending approval contrary to that advice, the planning authority would be obliged to notify Scottish Ministers if members of the Planning Development Management Committee expressed a willingness to grant planning permission. Based on further information provided by the applicants, SEPA has now confirmed in writing its wish to **withdraw** that earlier objection (copy letter enclosed). As a result, the recommendation to members is amended to omit the requirement to notify Scottish Ministers, as follows:

“RECOMMENDATION:

Willingness to approve subject to conditions and the conclusion of an appropriate agreement to secure developer contributions in relation to the upgrading of Core Path 83”

Based on the removal of SEPA's earlier objection, it is also necessary to remove reference to it from the 'reasons for recommendation', and to alter the wording of condition numbers (8) and (20), as follows:

REASONS FOR RECOMMENDATION

Per report until last paragraph, which should now read:

“Based on the most recent correspondence from SEPA, it is considered that matters relating to flood risk and the management of peat on site can be addressed through suspensive conditions, and should not preclude the granting of planning permission. By securing appropriate proposals for addressing these matters, compliance with policies NE6 (Drainage) and NE8 (Natural Heritage) of the ALDP, along with Scottish Planning Policy, can be ensured.”

CONDITIONS

Per report, with the exception of conditions (8) and (20), which should be substituted for the following text:

“(8) that the development hereby granted planning permission shall not be occupied unless all drainage works detailed on Fairhurst Plan No 107652/2003-rev B or such other plan as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan - in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.”

“(20) That no development shall be undertaken unless a scheme for the

management of the existing peat material on site has been submitted to and agreed in writing by the planning authority, in consultation with SEPA. Thereafter, all development shall be undertaken in accordance with the agreed scheme, unless otherwise agreed in writing by the planning authority, in consultation with SEPA. This scheme shall include the following information –

- *volumes, depth and location of any peat disturbed,*
- *details of any proposed reuse of the peat within the site (including a plan showing volumes, location and usage, ratios of soil to peat mix),*
- *details of any disposal of peat proposed (including volumes, ratios of soil to peat mix and detailed disposal proposals);*
- *details of mitigation and restoration proposals.*

Reason: In order to minimise disturbance of peat and ensure the appropriate reuse and management of peat on site.”