

Public Document Pack



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

Town House,
ABERDEEN 19 October 2015.

PRE-APPLICATION FORUM

The Members of the **PRE-APPLICATION FORUM** are requested to meet in Committee Room 2 - Town House on **MONDAY, 26 OCTOBER 2015 at 10.30 am.**

FRASER BELL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

BUSINESS

- 1 Introduction and Procedure Note (Pages 3 - 6)

PRE APPLICATION REPORTS

- 2 Land at Nigg Bay - 151158 (Pages 7 - 12)

The documents associated with this application can be found at -

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151158>

Planning Officer – Gareth Allison

Website Address: www.aberdeencity.gov.uk

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

This page is intentionally left blank

PRE-APPLICATION FORUM **PROCEDURE NOTE AND GUIDANCE FOR MEMBERS**

1. This procedure note will operate on a trial basis for the first three meetings of the Forum and will be subject to review and amendment during this period.
2. Meetings of the Pre-Application Forum will be held in open public session to enable discussion of all national and major development proposals.
3. Forums will be held as soon as possible after the submission of a Proposal of Application Notice (POAN) for all national and major development proposals and, in all cases, prior to the lodging of any associated planning application (this allows a period of 12 weeks following submission of the POAN).
4. The members of the Planning Development Management Committee will constitute the members of the Pre-Application Forum.
5. Ward Members for the Ward in which a specific pre-application proposal under discussion is located will be invited to the Forum but will be allowed to participate in the Forum only in relation to the specific pre-application proposal in their ward.
6. The relevant Community Council for the prospective development proposal(s) to be discussed will be informed of the date and time of the Pre-Application Forum by Committee Services so that they have the opportunity to attend but will not be permitted to participate in the business of the Forum.
7. If a Forum is required it will take place after formal business of the Planning Development Management Committee is concluded - this will normally be 2pm on the same day as the Planning Development Management Committee. The Forum will be separate from the Committee to emphasise the clear differences in status, process and procedure between the two meetings.
8. The case officer for the pre-application proposal will produce a very brief report (maximum 2-3 sides of A4) for the Forum outlining the proposal and identifying the main planning policies, material considerations and issues associated with it and the key information that will be required to accompany any application. The report will not include any evaluation of the planning merits of the proposal.
9. Agents/applicants will be contacted by Committee Services immediately on receipt of a POAN (or before this date if notified by planning officers of the week that a forthcoming POAN is likely to be submitted) and offered the opportunity to give a 10 minute presentation of their development proposal to the members of the Forum. There will be an opportunity for Councillors to discuss these with the agents/applicants, to ask questions and indicate key issues they would like the applicants to consider and address in their eventual application(s). If an applicant/agent does not respond to this offer within 10 days, or declines the opportunity to give such a presentation, then their proposal will be considered by the Forum without a developer/applicant presentation. Committee Services will notify the case officer of the applicant's response.

10. Case officers (or Team Leader/Manager/Head of Planning) and, if considered necessary, other appropriate officers e.g. Roads Projects Officers, will be present at the Forum. The case officer will give a very brief presentation outlining the main planning considerations, policies and, if relevant and useful, procedures and supporting information that will have to be submitted. Officers will be available to answer questions on factual matters related to the proposal but will not give any opinion on, or evaluation of, the merits of the application as a whole.
11. Members, either individually or collectively, can express concerns about aspects of any proposal that comes before the Forum but (to comply with the terms of the Code of Conduct) should not express a final settled view of any sort on whether any such proposal is acceptable or unacceptable.
12. A minute of the meeting will be produced by Committee Services and made publicly available on the Council website.
13. Members should be aware that the proposal being discussed may be determined under delegated powers and may not come back before them for determination. Any report of handling on an application pursuant to a proposal considered by the Pre-Application Forum will contain a very brief synopsis of the comments made by the Forum but the report itself will be based on an independent professional evaluation of the application by planning officers.
14. Training sessions will be offered to Councillors to assist them in adjusting to their new role in relation to pre-application consultation and its relationship with the Code of Conduct.
15. The applicant/agent will be expected to report on how they have, or have not, been able to address any issues raised by the Pre-Application Forum in the Pre-Application Consultation Report that is required to be submitted with any subsequent planning application.

GUIDANCE FOR MEMBERS

In relation to point 11 on the Procedure Note above, it might be helpful to outline a few points regarding the Councillors Code of Conduct and the Scottish Government's Guidance on the role of Councillors in Pre-Application procedures which will hopefully be helpful to the Members. These were discussed at the Training run by Burness Paull on the 28th of November, 2014.

So very briefly, The Code's provisions relate to the need to ensure a proper and fair hearing and to avoid any impression of bias in relation to statutory decision making processes. Having said that, in terms of the Scottish Government's Guidance on the role of Councillors in Pre-Application procedures:

- Councillors are entitled to express a provisional opinion in advance of a planning application being submitted but only as part of the Council's procedures (as detailed at item 1 to this agenda)

- No views may be expressed once the application has been submitted
- In terms of the role of the Forum, it meets to emphasise an outcome limited to the generation of a provisional view (on behalf of the Forum, rather than individual Members of the Forum) on the pre-application, this will allow:
 - Members to be better informed
 - An Early exchange of views
 - A greater certainty/more efficient processing of applications

Members of the Forum are entitled to express a provisional view, but should do so in a fair and impartial way, have an open mind and must not compromise determination of any subsequent planning application.

In terms of dealing with Pre-Applications, Members of the Forum should:

- Identify key issues
- Highlight concerns with the proposal/areas for change
- Identify areas for officers to discuss with applicants
- Identify documentation which will be required to support application

In terms of the Code of Conduct and any interest that Members of the Forum may have in a pre-application, it is worth reminding Members of the Forum that they must, however, always comply with the *objective test* which states “ *whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor.*”

This page is intentionally left blank

Planning Development Management Committee

LAND AT NIGG BAY
PROPOSAL OF APPLICATION NOTICE

NATIONAL DEVELOPMENT COMPRISING CONSTRUCTION OF NEW INFRASTRUCTURE TO FACILITATE THE CREATION OF A NEW DEEP WATER HARBOUR, INCLUDING NEW ROADS, PARKING AND MEANS OF ACCESS, TEMPORARY CONSTRUCTION AND FABRICATION AREAS AND OTHER ASSOCIATED DEVELOPMENT WHICH MAY INCLUDE PUBLIC REALM AREAS, PATHS, LIGHTING AND SIGNAGE.

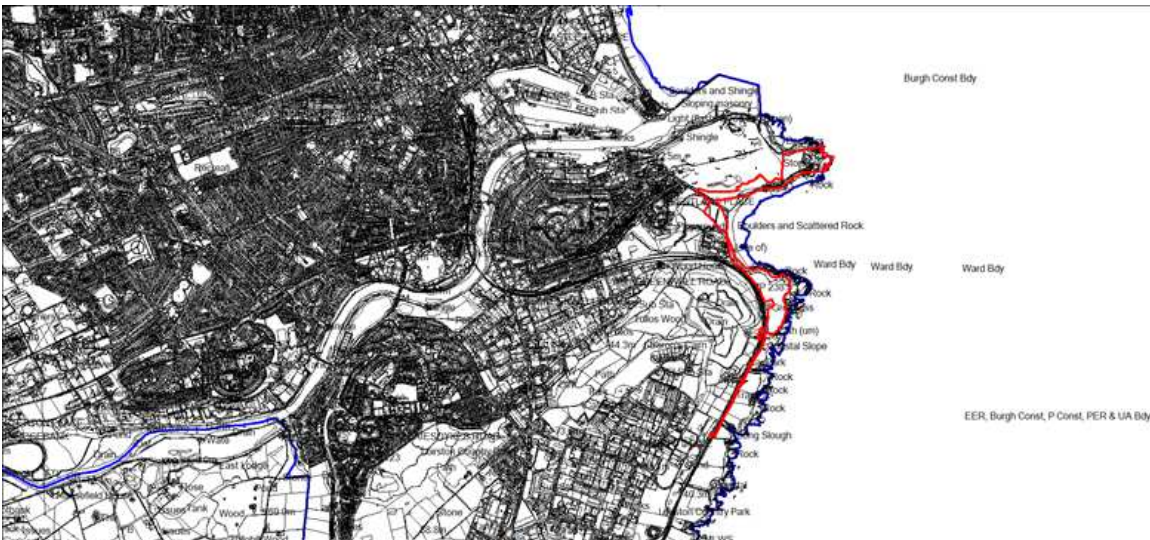
For: Aberdeen Harbour Board

Application Ref. : P151158

Officer: Garfield Prentice

Committee Date: 26th October 2015

Ward : Torry/Ferryhill (Y Allan/A Donnelly/J Kiddie/G Dickson)



SUMMARY

This is a report to the Pre-Application Forum on a potential application by Aberdeen Harbour Board for development on land adjacent to the coast between Girdleness Lighthouse and Altens, including land adjacent to Nigg Bay.

The proposal would constitute a 'national' development being directly associated with the proposed Aberdeen Harbour Expansion Project at Nigg Bay. Therefore the applicant submitted a Proposal of Application Notice on 6th July 2015. The earliest date at which an application could have been lodged was 28th September 2015. However, the applicant has indicated that an application is likely to be lodged in early November.

RECOMMENDATION:

It is recommended that the Forum (1) note the key issues identified; (2) if necessary seek clarification on any particular matters; and (3) identify relevant issues which it would like the applicants to consider and address in any future application.

DESCRIPTION

The site extends from the Girdleness headland, including Girdleness Lighthouse and Walker Park to near to the road junction of the Coast Road and Hareness Road, which provides access to Altens Industrial Estate and encompasses various areas of land between those two points, including land adjacent to Balnagask golf course, an area immediately to west of the Nigg Bay, the majority of the headland to the south of the bay and a strip of land immediately to the east of the railway line. Other than the lighthouse and its single storey associated buildings, most of which have been converted to residential use, there are no buildings within the application site. For the avoidance of doubt, the application site does not include Nigg Bay or its shoreline.

RELEVANT HISTORY

None

PROPOSAL

The proposed development would comprise the construction of new infrastructure to facilitate the creation of a new deep water harbour at Nigg Bay. The development could potential include the construction of new roads, parking and the means of access to the harbour, temporary construction and fabrication areas and other associated development which may include public realm areas, paths and lighting. No further details are available at the time of writing. For the avoidance of doubt, the application would not be for the actual harbour, the consent for which would be sought through different consenting regimes under the Harbours Act 1964 and the Marine (Scotland) Act 2010.

CONSIDERATIONS

The main considerations against which the eventual application would be assessed are outlined as follows:

Principle of Development

The proposed new harbour is identified as a national development in Scotland's Third National Planning Framework (NPF3). NPF3 is the spatial expression of the Government Economic Strategy and identifies national developments and other strategically important development opportunities for Scotland. Statutory development plans must have regard to NPF3 and, importantly, the Scottish Ministers expect planning decisions to support its delivery. Whilst national development status establishes the need for a project, it does not grant development. Planning permission and any other necessary assessments and consent will still be required at the consenting stage.

Annex A – National Developments in NPF3 specifically identifies Aberdeen Harbour expansion as a national development. The listing in Annex A includes a description of the classes of development. Of potential relevance to the application following this Proposal of Application Notice are the classes *“the construction of new and/or road infrastructure from existing networks (and) the*

provision of water supply and related infrastructure directly for new harbour facilities”

The site boundary identified in the Proposal of Application Notice and therefore the development proposed in any subsequent planning application falls wholly within the boundary delineated in NPF3 and thus is categorised as a national development, for which the need for the project has been established through NPF3.

The whole of the application site lies with the green belt and is identified as Green Space Network, whereby Policies NE2 ‘Green Belt’ and NE1 ‘Green Space Network’ of the Aberdeen Local Development Plan are applicable.

Policy NE2 states *“No development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration and landscape renewal.”* A number of exceptions are identified in the policy, the relevant exception being *“Essential infrastructure, such as electronic communications infrastructure and electricity grid connections, transport proposal identified in the Local Development Plan....”*

Policy NE1 states *“The City Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the Green Space Network. Proposals for developments that are likely to destroy or erode the character or function of the Green Space Network will not be permitted. Where major infrastructure projects or other developments necessitate crossing the Green Space Network, such developments shall take into account the coherence of the network. In doing so measures shall be taken to allow access across roads for wildlife and for access and outdoor recreational purposes. Development which has any impact on existing wildlife habitats or connections between them, or other features of value to natural heritage, open space, landscape and recreation must be mitigated through enhancement of Green Space Network.”*

The Proposal Local Development Plan designates part of the site as “Aberdeen Harbour”. The remainder of the site is identified as Opportunity Site 62 relating to the Aberdeen Harbour Expansion Project and as Green Space Network.

Environmental Impacts

That part of the application site to the south of the bay lies within a Local Nature Conservation Site. Policy NE6 states *“Development that, taking into account any proposed mitigation measures, has an adverse effect on a protected species or an area designated because of its natural heritage value will only be permitted where it satisfies the relevant criteria in Scottish Planning Policy.”*

An environmental impact assessment for the new harbour, including the associated infrastructure, covering the whole of the site designated in NPF3 is currently being undertaken by environmental consultants appointed by the

applicant. The Environmental Statement will be prepared as part of that assessment.

The impact on the local environment would be determined at the planning application stage, when extent of the development proposals would be known.

Impacts on Open Spaces and the Green Space Network

The application site includes areas of open space and Green Space Network. In addition, there are expansive areas of public open space and a golf course immediately adjacent to the site. The impacts on existing open spaces and the Green Space Network would be determined at the planning application stage, when extent of the development proposals would be known.

Impacts on the Local Road Network and Traffic

The impacts of the new harbour proposal would be considered through the submission of a Transportation Assessment carried out on behalf of the applicant. The access arrangements would also be considered as part of that process. Any proposal would be expected to accord with the relevant transportation policies within the Local Development Plan and the Council's Supplementary Guidance 'Transport and Accessibility'.

Impacts on Residential Amenity

The application site is separated from the residential areas of Torry and Balnagask by an expansive area of open space. A small number of residential properties within the grounds of Girdleness Lighthouse are within the application site. The impact on residential amenity would be determined at the planning application stage, when extent of the development proposals would be known.

Impact on the setting Girdleness Lighthouse and St. Fittick's Church

Girdleness Lighthouse and associated cottages and St. Fittick's Church are listed buildings (Category A and Category B respectively). The impact on the setting of the listed buildings would be determined at the planning application stage, when extent of the development proposals would be known.

PRE-APPLICATION CONSULTATION

The Proposal of Application Notice application detailed the level of consultation to be undertaken as part of the Pre-Application Consultation process. Consultation with the local community council (Torry Community Council) and with Cove and Altens Community Council has been carried out by the applicant. It is also proposed to consult with Nigg Community Council. Public consultation events took place on 16th and 23rd September 2015 at the Tesco store on Wellington

Road and on 17th and 24th September 2015 at Union Square Shopping Centre. On each occasions the events were from 10.00 am to 7.00 pm.

CONCLUSION

This report highlights the main issues that are likely to arise in relation to the various key considerations of the proposed development. It is not an exhaustive list and further matters may arise when the subsequent application is submitted. Consultees will have the opportunity to make representations to the proposals during the formal application process.

RECOMMENDATION

It is recommended that the Forum (1) note the key issues identified; (2) if necessary seek clarification on any particular matters; and (3) identify relevant issues which would it would like the applicants to consider and address in any future application.

A handwritten signature in black ink that reads "Daniel Lewis". The signature is written in a cursive, slightly slanted style.

Daniel Lewis
Development Management Manager