

# Public Document Pack



To: Councillor McRae, Convener; Councillor Greig, Vice-Convener; and Councillors Alphonse, Boulton, Clark, Copland, Farquhar, Lawrence and Macdonald.

Town House,  
ABERDEEN 22 August 2024

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE – PRE DETERMINATION HEARING**

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in **Council Chamber - Town House** on **THURSDAY, 29 AUGUST 2024**.

**There will be a site visit undertaken before the meeting. Members please meet at the Town House reception for departing at 9am. Following the site visit, Members will return to the Town House for the hearing.**

**This is a hybrid meeting and Members may also attend remotely.**

**The meeting will be webcast and a live stream can be viewed on the Council's website. <https://aberdeen.public-i.tv/core/portal/home>**

ALAN THOMSON  
INTERIM CHIEF OFFICER – GOVERNANCE

### **BUSINESS**

**MEMBERS PLEASE NOTE THAT ALL LETTERS OF REPRESENTATION ARE NOW AVAILABLE TO VIEW ONLINE. PLEASE CLICK ON THE LINK WITHIN THE RELEVANT COMMITTEE ITEM.**

### **DECLARATION OF INTERESTS AND TRANSPARENCY STATEMENTS**

1. Declarations of Interest or Connections

### **GENERAL BUSINESS**

2. Planning Permission in Principle for proposed business / industrial development (Class 4/5/6); road infrastructure; active travel connections; landscaping and environmental works including drainage and other infrastructure - Land At Coast Road, St Fittick's Park/ Gregness Headland/Doonies Farm, Aberdeen (Pages 3 - 22) – Pre Determination Hearing – no decision made at the hearing.

Members can view all representations in relation to the application by clicking on the link below and entering the planning reference number 231371.

[Simple Search \(aberdeencity.gov.uk\)](http://aberdeencity.gov.uk)

Planning Officer: Lucy Greene

Integrated Impact Assessments related to reports on this agenda can be viewed [here](#)

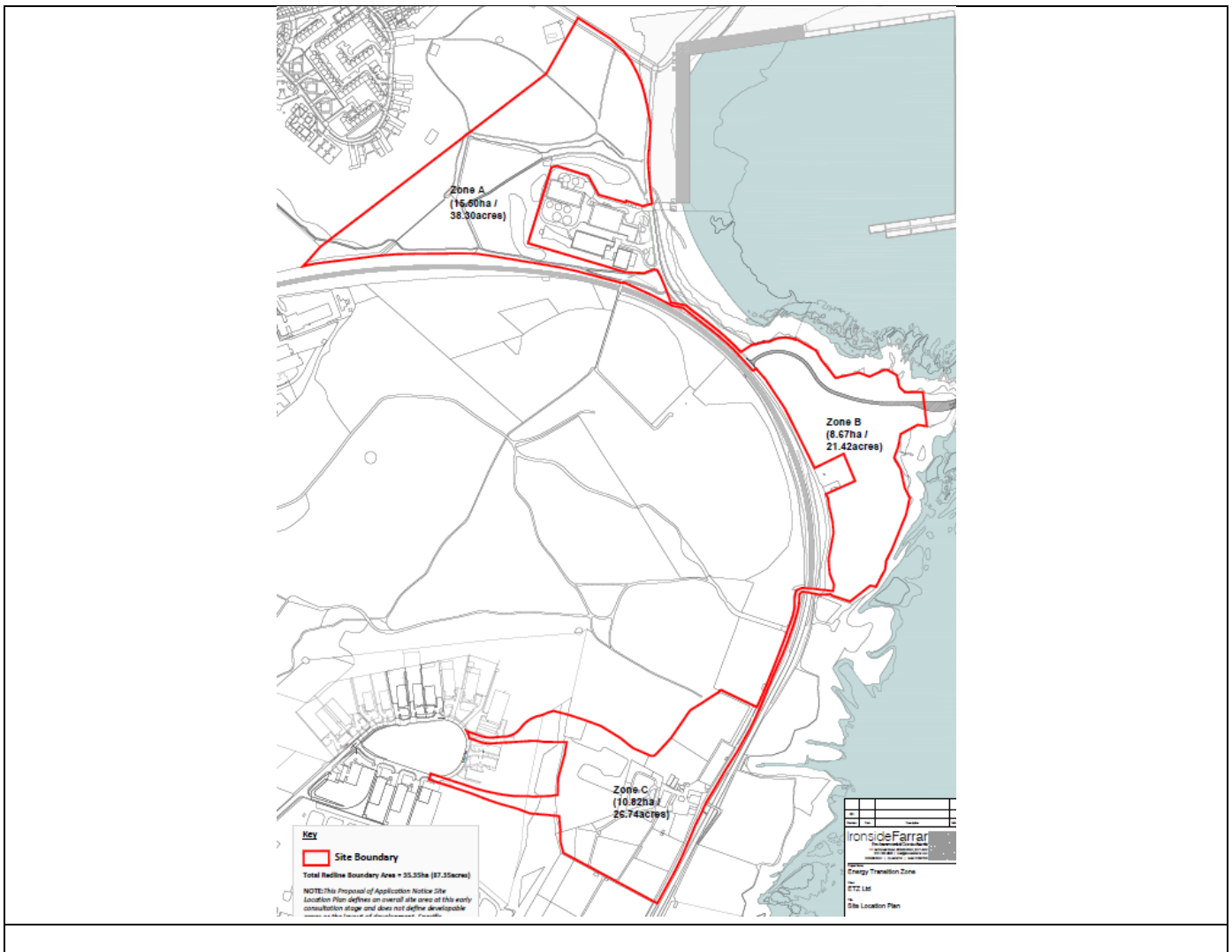
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Should you require any further information about this agenda, please contact Lynsey McBain, Committee Officer, on 01224 067344 or email [lymcbain@aberdeencity.gov.uk](mailto:lymcbain@aberdeencity.gov.uk)

 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<p style="margin: 0;"><b>Pre-determination Hearing</b> <b>(Planning Development Management Committee)</b></p> <p style="margin: 0;">Report by Development Management Manager</p> <p style="margin: 0;"><b>Date: 29 August 2024</b></p>
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<b>Site Address:</b>	Land At Coast Road, St Fittick's Park/ Gregness Headland/Doonies Farm, Aberdeen
<b>Application Description:</b>	Proposed business / industrial development (Class 4/5/6); road infrastructure; active travel connections; landscaping and environmental works including drainage and other infrastructure
<b>Application Ref:</b>	231371/PPP
<b>Application Type</b>	Planning Permission in Principle
<b>Application Date:</b>	1 November 2023
<b>Applicant:</b>	ETZ Ltd.
<b>Ward:</b>	Torry/Ferryhill
<b>Community Council:</b>	Torry



**RECOMMENDATION**

It is recommended that Committee note the contents of this report.

## **APPLICATION BACKGROUND**

### **Purpose of Report**

A report to the Planning Development Management Committee (PDMC) on 15 February 2024 recommended that a Pre-Determination Hearing on the planning application be undertaken by the PDMC, rather than being referred to Full Council. That recommendation was agreed by members at the PDMC.

The application has been referred to the Planning Development Management Committee under the Pre-determination Hearings Procedure as agreed in April 2020 (Report Number GOV/20/087), whereby under Section 38A(4) of the Town and Country Planning Scotland Act 1997, a planning authority may elect to give an applicant or persons who have submitted representations the opportunity of appearing at a Pre Determination Hearing.

This report provides information for the Pre-Determination Hearing required in relation to this application for Planning Permission in Principle for business / industrial development (Class 4/5/6); road infrastructure; active travel connections; landscaping and environmental works including drainage and other infrastructure.

No assessment of any merits or demerits of the proposal is made in this report. This is because the purpose of the hearing is not to make any evaluation or decision on the application. The aim, rather, is to enable members to gain a better understanding of the principles and context of the development and site itself, to be informed about the relevant planning policies and hear directly from, and ask questions of, officers, the applicant, consultees and members of the public who have submitted representations. The decision on the application will be taken at a future meeting of the Planning Development Management Committee.

### **Site Description**

The development site is approximately 35.35ha in total and consists of three linked areas – St Fittick's Park (Zone A), Gregness (Zone B) and Doonies (Zone C). These areas are allocated for development in the Aberdeen Local Development Plan 2023 as follows: Zone A – OP56 (St Fittick's) and small section of OP62 (South Harbour); Zone B – OP62 (South Harbour / Gregness) and Zone C – OP61 (Doonies).

The St Fittick's Park (A) area covers 15.5ha and includes the south east area of the park, with the East Tullos Burn and wetlands, woodland, open space and a recreational area. The Scheduled Monument of St Fittick's Church is close to the northern boundary of this site. The River Dee Special Area of Conservation lies 630m to the north of St Fittick's Park. A large Waste Water Treatment Plant operated by Scottish Water borders the site to the south east.

Gregness (B) covers an area of 8.67ha and is immediately adjacent to the coast and to Nigg Site of Special Scientific Interest (SSSI), designated for geological reasons, with the Coast Road forming the boundary to the west. It was formerly coastal grassland but has been used more recently as a storage and production area in association with the construction of the new South Harbour in Nigg Bay immediately to the north of the site and it contains an industrial type building. Gregness is also covered by the Balnagask to Cove (Site 1) Local Nature Conservation Site (LNCS) designation. The LNCS includes mixed habitats supporting herb rich grasslands, heathland, rocky cliffs, insect fauna and nesting sea birds. Access onto the south breakwater is taken through this site.

Doonies (C) covers approximately 10.5ha and includes a granite farmhouse and steading together with fields previously used by Doonies Rare Breeds Farm and scrubland to the west/rear. Two linear areas connect the main site to Peterseat Drive which is within the northern part of the Altens Industrial Area, to allow for potential future access linkages. Along the northern site boundary a footpath provides access to Tullos Wood from an existing public car park on Coast Road.

Footpaths, including core paths, the railway, cycle routes and Coast Road run through the sites. Residential areas in Balnagask and Torry lie close to the St Fitticks Park site to the north west and Burnbanks Village lies further away to the south of Doonies.

## Relevant Planning History

A Masterplan was approved by Planning Development Management Committee on 18 January 2024 and is now Aberdeen Planning Guidance in support of the Aberdeen Local Development Plan 2023.

Application Number	Proposal	Decision Date
230890/ESS	Proposed business / industrial development (Class 4/5/6) road infrastructure, active travel connections, landscaping and environmental works including drainage and other infrastructure	Screening opinion issued 9 August 2023, confirming EIA is required.
230707/PAN	Proposed business/industrial development (class 4/5/6); road infrastructure; active travel connections; landscaping and environmental works including drainage and other infrastructure	N/A
240620/DPP	Upgrade and realignment of link road to include walking, wheeling and cycling provision, new bridge over railway and associated works at Hareness Road and Coast Road	Current pending Application on adjacent site

## APPLICATION DESCRIPTION

### Description of Proposal

The application is for Planning Permission in Principle (PPP) and as such further applications would be required for Matters Specified in Conditions (MSC) prior to any commencement of development. Development would consist of the erection of buildings and laying of external hard surfaced yard areas in business / office, industrial and / or storage and distribution use. This would include creating level areas and buildings of relatively large footprint, representing a substantial change to the current undeveloped nature of the land. Plot boundary enclosures would also be formed. The buildings indicated in the photomontages provided as part of the current planning application are indicative in terms of building heights and reflect typical industry requirements, envisaging approximately 50,000m<sup>2</sup> of gross floorspace in total. The proposed uses, falling within Classes 4 (Business), 5 (General Industrial) and 6 (Storage / Distribution) are envisaged to relate to Energy Transition supply chain related activities and uses. Such uses might include the storage and distribution of large scale, high value components associated with this industry. It should be noted that the ALDP requires that any development within the St Fittick's Zone A is required to have a functional association with the Aberdeen South Harbour that means it cannot be located elsewhere. Strategic landscape planting and footpath and open space upgrades are also proposed.

The application proposal includes:

At St Fittick's (Zone A) indicative plans show development platforms of overall size 73,000m<sup>2</sup> (7.3ha) to the north and south of the East Tullos Burn providing indicative 13,600 m<sup>2</sup> gross floor area (GFA) in three buildings (the largest being a 10,000m<sup>2</sup> unit to the west of the Waste Water Treatment Works (WWTW). Indicative building heights, which are used as the basis for a series of photomontage viewpoints, are 12m for the two smaller units to the north of the burn and 15m for the larger unit adjacent to the WWTW. These are indicatively envisaged as single storey industrial type units.

This would involve removal of:

- An area of woodland to the west and north of the (WWTW); and,
- A grassed recreational area to the west of the WWTW;  
and,
- The East Tullos Burn would be realigned along the stretch to the north of the WWTW;
- The Coast Road would be realigned into the area to the north of the burn, so that it would sweep west and then north - close to the south side of St Fittick's Church and through the area currently used as a laydown area for the South Harbour, which is part of St Fittick's Park. The northern development site would be created to the north east of the realigned road, ie alongside the harbour.

Mitigations and compensation are proposed in the form of:

1. improvements to open spaces within Torry / Balnagask with final locations and design subject to community consultation;
2. St Fittick's Church interpretation and repair works;
3. path network enhancements within St Fittick's Park outside the site;
4. improving water quality in East Tullos Burn;
5. improving the path network and access to Tullos Wood;
6. enhancing play and recreational equipment and areas and to habitats with pollinator planning and management for biodiversity in St Fittick's Park;
7. replacement sports pitch at Tullos playing fields and enhancing recreational and leisure provision to complement existing Multi Use Games Areas (MUGA), subject to consultation with community;
8. enhancement to coastal path connections leading northwards to Torry Battery and south via Gregness and
9. compensatory tree planting on and off-site.

At Gregness (Zone B) indicative plans show a developable area of 4.2 ha with a building of 5,600m<sup>2</sup> Gross Floor Area (GFA), shown of the same maximum height (18 m) and on a roughly similar footprint (albeit larger) as the current portal frame industrial building (temporarily required for the South Harbour construction) and grassland around the edges of the headland area. Access to the harbour's southern breakwater would also be required to be taken through this site from the Coast Road. The indicative plans show a site access at the north end and a reduction in 'bare ground' (formerly grassland and currently lay down area) from 6.21ha to 4.2ha. with grassland being proposed in the reinstated area. The coastal path around the eastern edge of the site would be restored. The site is in a prominent location on a headland with the land falling from an elevation of 40m Above Ordnance Datum (AOD) to 18m AOD on the east side, to the east of the site boundary there is a steep fall to the sea.

Linked off-site mitigation and compensation for Gregness is identified as enhancement to the coastal path between Doonies and Aberdeen South Harbour.

At Doonies (Zone C) indicative plans show a developable area of 5.34 ha, with five units of overall 30,650 m<sup>2</sup> GFA. Indicative building heights are 12m. This site area includes roads links through to

Peterseat Drive. The existing site contains Doonies Farm, with the farmhouse, steadings and yards within an area of approximately 1ha, and fields (improved grassland) covering 4.34ha and scrub / grassland covering 4.35ha. Ground contours fall from west to east with levels of roughly 60m AOD to the west, falling to around 33m AOD to the east.

The end users of the development are unknown and it is not therefore possible to provide further details about characteristics of the development at this stage, these details would be provided as part of any subsequent Matters Specified in Conditions applications. The land as OP61 is gently sloping and of an open agricultural character.

Linked off-site mitigation is indicated as enhancement of the coastal path between Doonies and Cove and improving paths to Tullos Wood from Doonies (mainly within the site). The proposals for the Coast Road / Aberdeen South Harbour Link Road (ASHLR), are the subject of a current planning application (240620/DPP) and are likely to impact the Coast Road edge of the site.

In terms of surface water drainage it is stated that discharges to coastal waters do not mandatorily require Sustainable Urban Drainage Systems (SUDS) however, there remains an obligation to avoid pollution. The submissions state that final layout and end-use of sites would determine what is required.

Surface water from the northern area of the Doonies site is proposed to be drained to an existing pipe under the Coast Road and railway and into coastal waters, whilst a new pipe would be proposed from the southern area. At this point the railway is on an embankment where it crosses on a bridge over a field access track. It is proposed that an outfall would pass under the railway at this point.

Combined and foul sewers exist within or close to each site where connection could be made subject to any mitigations required by Scottish Water.

## **Amendments**

In agreement with the applicant, the following amendments were made to the application:

Supplementary information has been submitted. The indicative building at Gregness has been reduced in massing with a reduction in length and the height indicated as partially 8m and partially 18m, which is more closely comparable with the building that exists on site. Revised viewpoints have been submitted accordingly.

In addition, further plans and sections have been submitted that provide clarification of the proposals on all three site areas in terms of existing and proposed (indicative) ground levels, compensation and mitigation proposals.

A revised Biodiversity Protection and Enhancement Plan (BPEP) and associated EIA Report Chapter 8: Biodiversity, Ecology and Nature Conservation of the have been submitted.

A revised Tree loss and Compensation Plan has been submitted.

A layout plan indicating the proposals for the Coast Road/Aberdeen South Harbour Link Road (ASHLR) as per the current planning application Re. 240620/DPP overlaid onto the ETZ application proposals. It should be noted that the ASHLR proposal has recently been revised and this very recent change is not reflected in the ETZ plan.

The application was subsequently re-advertised in the press (Evening Express on 31 July and Edinburgh Gazette on 2 August), site notice posted and neighbours re-notified.

## **Supporting Documents**

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S3FQANBZH5900>

Environmental Impact Assessment Report by Ironside Farrar, October 2023, including need for the project, description of proposal, alternatives considered, summary of environmental commitments and environmental assessment with the following:

- Revised Chapter 8: Biodiversity, Ecology and Nature Conservation;
- Landscape Framework, Landscape and Visual Impact Assessment (LVIA) by Ironside Farrar, including updated viewpoints (July 2024);
- Biodiversity Protection and Enhancement Plan, Version 5, June 2024, by ECOS Countryside Services LLP;
- ETZ / Aberdeen South Harbour Link Road (as proposed) overlay drawing;
- Tree Survey by Struan Dalgleish Arboriculture;
- Population and Health Report by Dr Martin Birley ;
- Cultural Heritage Report by CFA Archaeology Ltd;
- Air Quality, Climate Change and Noise & Vibration by ITP Energised Ltd.

Statement of Community Benefits by Ironside Farrar October 2023;

Planning Statement by Ironside Farrar;

Site Investigation - Doonies by Ironside Farrar ;

Site Investigation – Gregness, by Ironside Farrar;

Site Investigation – St Fittick’s, by Ironside Farrar;

ETZ Masterplan (Draft) by Ironside Farrar;

Transport Assessment by Systra;

Pre-Application Consultation (PAC) report by Ironside Farrar, October 2023;

Flood Risk Assessment Version 2.0 by Kaya, August 2023;

Drainage Assessment V1 by Ironside Farrar.

### **Requirement for a Pre-Determination Hearing**

The planning authority has elected to give the applicant and persons who have submitted representations the opportunity of appearing at the Pre-Determination Hearing. The Planning Development Management Committee has opted to subsequently determine the application itself.

In this instance there have been a large number of objections (circa 220) from the public, as well as an objection from the Community Council in respect of development in St Fittick’s Park, it is therefore concluded that there is a high level of public interest related to a significant number of issues. These factors combined with Council’s financial interest in the application as landowner mean that in the interests of transparency the PDMC determined that a hearing be held.

### **Pre-Application Consultation**

The applicant presented to the Pre-Application Forum on 24 August 2023.

The applicant undertook statutory pre-application consultation which included:

Two public events:

Event 1- Thursday 29th June, 3pm-8pm



The first consultation event included a series of boards which provided information on the site and emerging proposals with the opportunity to comment, raise issues or ask any questions to members of the Project Team.

Event 2- Thursday 3rd August, 3pm-8pm

A second consultation event provided further developed proposals and responses to issues previously raised with the opportunity to comment, raise issues or ask any questions to members of the Project Team.

In addition, throughout the consultation period, questions or comments could be made by:

- Phone - (0131) 550 6500 (Mon - Fri, 9am - 5.30pm).
- Email – [etz@ironsidefarrar.com](mailto:etz@ironsidefarrar.com)
- Post to 111 McDonald Road, Edinburgh, EH7 4NW.

Consultation material was published online to a dedicated ETZ website (<http://www.ironsidefarrar.com/etz.htm>), allowing those unable to attend the event to review and comment on the proposals.

The event was advertised as follows:

- Proposal of Application Notice was sent to Aberdeen City Council, Torry Community Council, Cove & Altens Community Council and Local Members for Torry / Ferryhill Ward and Kincorth / Nigg / Cove Ward.
- A local flyer-drop advertising the event to c. 9,000 residential addresses within communities of Torry, Balnagask and Cove.
- Circulation of a consultation event flyer via email to all attendees of previous ETZ Consultation Events that have provided contact details and wish to be kept informed about further consultations.
- Circulation of a consultation event flyer to local community media and groups and organisations with capacity to circulate: SHMU/Torry Vision, Old Torry Community Centre, Altens Community Centre, Balnagask Community Centre, Tullos Management Committee, Torry Community Group, King's Community Church, Tullos Community Garden, Old Torry Heritage Group, Torry Library, Cove Library, Greyhope Bay, Cultivate Aberdeen, Torry People's Assembly, St Fittick's Church, Jesus House, Sacred Heart Roman Catholic Church, Friends of St Fittick's, Big Noise Torry, GREC, Balnagask Golf Club, Deeside Family Resource Centre.
- A newspaper notice advertising the consultation arrangements and events was published at least 7 days before the events took place in accordance with Regulations.

## **CONSULTATIONS**

**ACC - Roads Development Management Team** – As this application is for 'Planning Permission in Principle', full details of much of the proposed shall be required to be conditioned and purified as part of future MSC applications. There are no significant concerns.

It is noted that the further information shows the potential direct access between Plot C at St Fittick's/Zone A and the South Harbour. Specific requirements would need to be agreed with ACC Roads and the Port of Aberdeen.

Other projects, notably upgrades to Coast Road propose to bring substantial upgrades to the adjoining network which will improve/provide new active travel facilities and provide new links to these proposed development sites. The further information from the applicant notes that as the current application ('ETZ application') and the Coast Road application progress plans and drawings will be updated to combine the respective proposals. The Roads Team consider it acceptable that this could be managed via appropriately worded conditions requiring layout plans of the Doonies/Zone C and Gregness/Zone B sites showing locations of buildings, landscape and other infrastructure.

Noted that changes to core paths are proposed and these will be development further through consultation and detailed applications.

Ensure there is provided an active travel link from core path 108 through to Girdleness Road and Kirkhill Place. This link would provide a route to Wellington Road and greater connectivity of existing active travel/core path network. This would further help facilitate active travel choices to and from the site.

A number of matters would need to be agreed at detailed stage:

- Bus stops should be provided and public transport access strategy;
- Vehicle and cycle parking, space sizes and electric vehicle charging;
- Access via upgraded Coast Road / Hareness Road is acceptable but contingent on upgrades progressing. Measures may be required to enforce the use of this route;
- Construction traffic routing;
- Accesses on the public road, possibly requiring level changes as part of the Coast Road upgrades;
- Visibility splays;
- Safe pedestrian routes within sites;
- Vehicles being able to enter and exit in forward gear;
- Access strategy for abnormal loads;
- Travel Plan;
- Waste Management Plan, including storage of refuse and access for collection vehicles;
- Drainage Impact Assessment – no water retaining features would be permitted within 5m of public road/footway.

In terms of traffic modelling, the scope was discussed with the Roads Team. The conclusion of the modelling work is accepted and it is noted that the impact on the road network does not appear to be significant. It is noted that there are queues at Wellington Road junctions and this may require to be considered further.

Measures such as signage and calming measures may be required to ensure that larger vehicles do not travel west and north along St Fittick's Road. Previously it has been considered acceptable for smaller vehicles to use links to north and west, however, at detailed stage impacts on junctions in Torry will need to be considered.

Impacts of link through to Peterseat Drive will also require to be considered at detailed stage.

**ACC - Environmental Health** – The Air Quality Impact Assessment (ITP Energised, October 2023) has been reviewed and its findings considered acceptable – “no mitigation measures are deemed to be required with regard to operational traffic emissions”.

Environmental Noise (operational phase): generally in agreement with findings:

- no significant effects from road traffic
- noise limits set for proposed developments, assessment will be needed at detailed stage. Condition recommended.

Construction noise and dust:

- Construction Environmental Management Plan should be updated at detailed design stage.

**ACC - Structures, Flooding and Coastal Engineering** – Does not object following review of: 1) the updated Flood Risk Assessment Rev 3.0 dated March 2024 and 2) the Environmental Impact Assessment Report Chapter 10: Water Environment, Flood Risk and Drainage dated October 2023 and has the following comments:

- The proposed developed area of St Fittick’s/Zone A sits partially within the baseline flood risk area, therefore according to Policy 22 of the NPF4 should not be acceptable unless it falls into one of the exceptions under the same policy. However, the proposed developed area of Zone A sits outside of the flood risk area after the proposed works. Proposed works include the realignment of East Tullos Burn and land raising. From a flooding perspective, the Flood team has no concern as the proposed realignment of East Tullos burn and land raising, do not pose flood risk to a future development in Zone A or increase flood risk elsewhere outside the site. Any decision regarding NPF4 Policy 22 falls under the remit of the Council’s Planning Service..
- The Water Environment, Flood Risk and Drainage document proposes that there will be no attenuation volumes and restriction on the forward discharge rate due to direct connection to coastal waters. From the flooding perspective, this is generally acceptable, however it is proposed that the new hardstanding areas would be connected to existing pipes (for example under the railway line). This may increase flood risk within the pipes or elsewhere so there may be a requirement for attenuation. The above is noted to be considered for any future planning applications and detailed drainage proposals.
- Encouragement is given to SuDS types / designs (Sustainable Urban Drainage Systems) that increase biodiversity and amenity.

**Scottish Environment Protection Agency** – commented as follows:

#### Flooding

Request a modification to any consent granted, if this is not made, SEPA object. Modification relates to the site boundary to exclude flood risk area – this is detailed further below. SEPA state that if the planning authority proposed to grant planning permission contrary to SEPA’s advice, the proposal would be likely to require notification to the Scottish Ministers.

Policy 22 (Flood risk and water management) of NPF4 states that development will only be supported where it falls into one of the exceptions in section a). Any such development proposal would also need to provide adequate compensatory storage provision.

SEPA is satisfied that the Flood Risk Assessment (FRA) gives an appropriate representation of flood risk and accords with information held by SEPA. It is noted that work is ongoing between consultants to ensure and review data. The FRA shows that an area on the left/north bank of the burn is within the flood risk area. On the basis that none of the Policy 22 exceptions apply to the

application proposal, the site boundary would need to be modified, with this feeding through to plans for the St Fittick's/Zone A area at the detailed planning stage.

The FRA includes proposals for realignment of the burn and compensatory flood storage which would allow development of the currently proposed site, such that SEPA are satisfied with the technical information provided. If the application proposal fell within one of the policy exceptions, SEPA would not object on technical grounds, although would require a condition for an updated FRA once the review noted above has been completed. SEPA confirm that if more limited works, of a nature compatible use (nature conservation and biodiversity) were proposed to the burn, SEPA would not object (subject to FRA).

SEPA Hydromorphology are broadly satisfied with what was proposed, ie that there would be no reduction in wetland area and that the channel works are potentially consentable under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR).

There is no objection to the proposals at Gregness/Zone B and Doonies/Zone C.

### Air Quality

It is also noted that SEPA have had involvement with a programme of measures to improve water quality in East Tullos Burn (some of which falls outwith the scope of the planning application). This may include proposals for an attenuation basin on the burn, to retain sediment and pretreat to address heavy metal and hydrocarbon pollution originating from East Tullos Industrial Estate.

In terms of air quality, the site is not within an Air Quality Management Area (AQMA) However, there is potential cumulative impact upon local air quality particularly from changes to traffic density/ flow during the construction phase. Short-term particulate emissions associated with construction activities may also be an issue.

The Air Quality Assessment uses industry standard modelling (ADMS Roads) and Defra background modelled pollution concentration maps and validates the outputs against automatic and relevant passive nitrogen dioxide monitoring data to predict negligible impact on sensitive receptors and no exceedances of any National Air Quality Objective levels. SEPA agree with the adoption of this methodology.

SEPA notes that ACC, in their capacity as the Planning Authority will need to be satisfied that any subsequent impact on the surrounding road network, and in particular, the impact of this development on near-by receptors does not have the potential to lead to any future air quality issues and that conditions of the dust management plan are implemented in full.

### Drainage

During the consultation stage, roadside SUDS were agreed with ACC, to ensure that roads would not drain without treatment to the sea. Detailed drainage proposals should be confirmed to the satisfaction of ACC.

Discussions included the use of filter trenches. With a road serving an industrial area, it would be difficult to ensure no pollution entered the environment without some form of quality treatment. While there is no requirement for SUDS to coastal waters, there is still an obligation to ensure that a discharge does not contain pollution. CAR General Binding Rule 10 subsections (b) - (h) still apply, even if SUDS are not required because the discharge is to coastal waters. Additionally, high risk areas should not drain to surface water, even where that surface water is the sea.

The SUDS proposals state that they will retain the existing hydrological regime, but without attenuation. It is unclear how a greenfield site can be developed and maintain the hydrological regime if no form of attenuation is proposed. Whilst this is a matter for ACC, we would highlight that the only proposal is for 'source control' without any specification as to what that might comprise.

### Pollution Prevention

Construction Environment Management Plan (CEMP) contains no details of soil type investigations or how the construction phase drainage will be designed. Lenses of highly charged fine clay soil were found during the south harbour works. There is the potential for additional lenses to be in the area.

Regardless of the requirement for SUDS, there remains an obligation to prevent pollution of the water environment, and construction phase drainage should be implemented to control pollution from construction activities. The Surface Water Drainage Scheme does not refer to construction phase drainage design. When detailed planning permission is sought more detailed drainage proposals, during the construction phase, will need to be brought forward to ensure regulatory compliance.

**Historic Environment Scotland** – The recently submitted further information does not alter response and HES do not object. Although there would be a significant impact on the integrity of the setting of the scheduled monument St Fitticks Church (SM10400) as a result of the proposals, the mitigation and compensatory measures proposed are welcomed. They would not fully mitigate, but would lessen, the adverse impact.

Agree that impact on Tullos Cairn Scheduled Monument is minor although moderate when considered with the proposed consented solar farm at Ness Landfill.

**Network Rail** – Object - further information is required. Issue relates to existing and new surface water drainage infrastructure proposed under the railway.

**Scottish Forestry** – National Forest Inventory identifies greater area of tree loss than the application submissions in zones A (St Fittick's) and C (Doonies). In Zone A compensatory planting is insufficient to offset previous and proposed loss of woodland. Discrepancy between figures should be ground truthed and corresponding compensatory planting areas should be sought. It should be noted that a revised Tree Loss and Compensation Plan and Illustrative Site Plans have been submitted in pursuance of this issue.

**Health and Safety Executive (Explosives)** – The development site at St Fittick's falls within the consultation distances of the nearby HSE licensed explosives site at South Harbour. HSE has considered the effect that the explosives operations permitted under the licence might have on the proposed development and has concluded that if the development is granted permission to proceed, the external population density permitted in the reference zone for the explosives site will be exceeded. Therefore, whilst the probability of a major accident involving explosives is low, the consequences for people at the development could be serious and so if permission were granted for the development at St Fittick's HSE would review the explosives site licence. This review may result in the facility's explosives capacity being significantly reduced, potentially impacting the commercial viability of the site.

HSE advised that the Planning Authority may wish to discuss the consequences of the proposed development with the licensee of the explosives facility before making its decision. The Licensee is Aberdeen Harbour Board (X/4811/92/9 – latest licence number)

**Aberdeen Harbour Board / Port of Aberdeen** – Notes recent correspondence from the Health and Safety Executive (HSE) in respect of this planning application.

Confirmed that Port of Aberdeen's North Harbour has been a Health and Safety Executive (HSE) Licenced Explosives handling site since 2007. Following a robust and extensive evaluation process

by the HSE, the port was granted the same status for its South Harbour in March 2024. The process considered suitability of the location, risks to surrounding areas and structures and operations at South Harbour.

Advised that explosives licences are granted with specified maximum limits and are then routinely reviewed to take into account any future developments in the surrounding area. Vessel arrivals with explosives (e.g., well decommissioning) are risk assessed to consider existing activity in the port.

Port of Aberdeen continues to support the Planning Permission in Principle application and will review the impact of the license or comment accordingly as detailed applications come forward.

**NatureScot** – Object unless the proposal is made subject to certain measures to avoid adversely affecting the natural heritage interests of national importance at Nigg Bay SSSI. It is noted that it is proposed to address concerns through on-site surface water controls agreed as part of a Construction Environment Management Plan (CEMP) and SUDS.

As advised previously advise the proposal would have no adverse effect on the integrity of the River Dee Special Area of Conservation (SAC) – this was confirmed in response to the Council’s Habitats Regulation Appraisal (HRA) on the Energy Transition Zone Masterplan (ETZ Masterplan).

Note findings of otter survey, however, aware that otters may make use of area, and pre-commencement surveys would be required for St Fittick’s Park (Zone A).

**ACC - Waste and Recycling** – Business waste collections would be required for the uses proposed. Swept path analysis to show refuse vehicles accessing each site and bin storage, would be required.

**ACC - Developer Obligations** – Given the scale of development it is considered that the mitigation measures - core path enhancement, enhanced quantity/quality of open space and recreational facilities should be provided by the developer through new and enhanced infrastructure within the masterplan area and this would be preferred over financial contributions. The impacts on community infrastructure that require to be mitigated to make the application acceptable in planning terms should be recognised separately to that of the wider community benefits package. Further detail of the mitigation measures should therefore be provided as part of the planning application which sets out the type, location, timing and responsibilities for delivery of mitigation measures required to make the development acceptable under Policy I1 and how these interventions will be implemented in advance of or alongside future detailed planning applications for the individual sites across the ETZ area. The measures will need to be secured through either planning condition or where that is not competent then by a suitable legal agreement.

It should be noted that the further submissions include additional information about mitigation measures, and these will be the subject of further consultation in terms of Developer Obligations.

**sportscotland** – Site includes a recreational playing field within the St Fittick’s Park area. Policy 21 of NPF4 states that loss of sports facilities will only be supported where replacement or upgrade of existing facilities is provided, in convenient location, or there is a clear excess of provision. This should be informed by the authority’s open space strategy and/or Plan Sufficiency Assessment and in consultation with sportscotland. Proposal would need to be justified against the provisions of the policy.

There is an existing set of combination MUGA goal units within the playing field to the West of the Scottish Water Nigg treatment works. Given the existence of an outdoor sports facility at the site sportscotland would seek justification for the proposal against the provisions of policy 21 NPF4 and LDP Policy NE2 as detailed above.

The Planning Supporting Statement sets out local policy assessment against LDP Policy NE2 relating to the impact on green infrastructure within the site, including St Fittick's Park, under 'Green & Blue Infrastructure' p44-48. Reference is made to improvement and enhancement measures that will be made to off-set impacts and meet policy provisions, delivered by way of planning conditions/obligations. It states that further consultation with local communities and stakeholders will be undertaken. A list of measures is contained within the Planning Supporting Statement, this includes - "Provision of improved play and recreation facilities within St Fittick's Park, to improve the overall quality of infrastructure."

The principle of compensatory measures to off-set impacts of the development on outdoor sports facilities is generally accepted, provided these are dealt with through a linked, robust delivery mechanism such as a time-limited planning condition or obligation and that compensation is adequate. sportsotland request further consultation on both the proposed measures and detailed wording of the planning condition.

In an advisory capacity, sportsotland state that the exercising of access rights is critical to participation in a range of outdoor sports and support measures where these are adequately protected.

**Archaeology Service (Aberdeenshire Council)** – Past archaeological trial trenching found limited remains, with further potential especially around St Fittick's church. A watching brief would be required. On other sites micro-siting of works around boundary stones would be required. Standing survey required for Doonies farmhouse, which would be demolished. Mitigation required for visual impact on setting of Scheduled Monument of St Fittick's Church – this is proposed in the EIA.

Agrees with results, assessments, conclusions and recommendations in the EIA and requires conditions to be attached to any approval – requiring watching brief, survey of farmhouse and protective fencing to features during construction.

**Scottish Water** – No objection. Unable, at this stage, to confirm water supply capacity suggests applicant submits enquiry. Currently sufficient capacity for foul water treatment only, at Nigg WWTW. Surface water typically would not be permitted into combined sewer system. There is live infrastructure in the proximity of the development area – various water mains, this may put restrictions on construction

**North East Scotland Biological Records Centre** – Responded with search data for all notable species records, habitats and conservation sites within a 200m radius of the site.

**ACC - Land and Property Assets** – No comments received.

**Torry Community Council** – Object in the strongest terms to allowing construction on part of St Fittick's Park. St Fittick's Park is green belt and is the only green space left in Torry for the use of the people of Torry.

Granting of this planning permission would have severe impact on the people of Torry not only due to losing the last green space available, also to their physical and mental well-being and due to losing the abundance of wildlife in this area. There are ample sites in the nearby area of Altens that can be used for the purpose of the ETZ.

**Police Scotland** – This is a medium crime area. Comments in relation to: crime reduction measures during construction phase; creating environments that reduce opportunities to commit crime with design led solutions as cost effective, resource efficient and highly impactful means of improving the quality of life. Attributes of sustainable communities should be incorporated. Vehicular and pedestrian routes should be open, direct and well used. Further detailed advice is provided.

**Scottish Forestry** – (No further response received to further information) National Forest Inventory identifies greater area of tree loss than the application submissions in zones A (St Fittick's) and C (Doonies). In Zone A compensatory planting is insufficient to offset previous and proposed loss of woodland. Discrepancy between figures should be ground truthed and corresponding compensatory planting areas should be sought.

**Scottish Government** – No comments received

**ACC - City Growth** – No comments received

**Royal Society for the Protection of Birds (RSPB Scotland)** – No comments received

## **REPRESENTATIONS**

Following receipt of further information on 16<sup>th</sup> July, neighbours were re-notified, re-consultation took place and the application was re-advertised. The period for receipt of representations does not expire until 2<sup>nd</sup> September 2024. As of 20<sup>th</sup> August, no further representations have been received and a verbal update will be given at the hearing. All representations received in response to the original notification/advert as well as any further responses received, will be taken into consideration in the determination of the application.

Representations have been made by a total of 233 people. This includes 221 letters of objection and twelve (12no.) letters of support.

The matters raised could be briefly summarised as follows:

- Loss of green open space / St Fittick's Park;
- Impact on health and well-being;
- Impact on wildlife;
- Impact on wetlands and Tullos Burn;
- Impact on economy of local area and wider city;
- Appropriateness of sites and alternatives;
- Lack of meaningful participation and consultation with local people;
- Insufficient information to properly assess the application – development details and community benefits;
- Aberdeen City Council is involved with the development and not an appropriate body to decide application.

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

### **Development Plan**



## National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan.

1. Tackling the climate and nature crises
2. Climate mitigation and adaptation
3. Biodiversity
4. Natural places
5. Soils
6. Forestry, woodland and trees
7. Historic assets and places
8. Green belts
9. Brownfield, vacant and derelict land and empty buildings
10. Coastal development
11. Energy
12. Zero waste
13. Sustainable transport
14. Design, quality and place
15. Local living and 20 minute neighbourhoods
18. Infrastructure first
19. Heat and cooling
20. Blue and green infrastructure
21. Play, recreation and sport
22. Flood risk and water management
23. Health and safety
24. Digital infrastructure
25. Community wealth building
26. Business and industry

## Aberdeen Local Development Plan (2023)

Relevant planning policy requirements from the ALDP are set out below, with the key policies covered within the 'Discussion' section below:

B5 – Energy Transition Zone: see Discussion

B4 – Aberdeen Harbours: see Discussion

Zone A – OP56 (St Fittick's) and small section of OP62 (South Harbour)

Zone B – OP62 (South Harbour)

Zone C – OP61 (Doonies)

WB1 – Healthy Developments: Developments are required to provide healthy environments, reduce environmental stresses, facilitate physical activity and promote physical and mental wellbeing. Requires a Health Impact Assessment to be submitted to enhance health benefits and mitigate any impacts on the determinants of health.

WB2 – Air Quality: Requires an impact assessment, together with mitigation measures.

WB3 – Noise: Requires an impact assessment, together with mitigation measures.

NE1 – Green Belt: Only a very small area of the application site is designated as Green Belt, this lies between the Doonies ETZ designation and the Peterseat Drive Industrial Area. The policy contains a presumption against development with certain exceptions. One of these exceptions notes roads that are planned through masterplanning of sites. These areas are included with the aim of providing roads linking Doonies to Peterseat Drive.

NE2 – Blue and Green Infrastructure: This policy considers impact on rivers, wetlands, water courses and coastal areas (blue infrastructure) and the Green Space Network, which includes open space, woodlands, food growing areas (green infrastructure). It seeks to maintain the coherence of green networks for recreation, landscape, access, biodiversity and ecosystems, whilst not all of these will apply to every area of GSN, the policy seeks to retain and improve linkages between green areas for humans and wildlife, including paths.

NE3: Our Natural Heritage: Development should not damage sites, habitats, ecosystems or species protected by law or designation (national, regional or local), with geodiversity value. Alternatives must be considered, mitigation provided, and overall biodiversity gains achieved. Detrimental effects, where unavoidable, must be outweighed by social, environmental or economic benefits.

This policy states that Buffer Strips are required alongside watercourses, further guidance is provided in Aberdeen Planning Guidance and NatureScot Guidance.

NE4: Our Water Environment: this requires Flood Risk Assessment – see Discussion, and Drainage Impact Assessments. This policy refers to Undeveloped and Developed Coast. St Fittick's (A) falls into Developed Coast, whilst Gregness (B) falls into both categories.

There is a presumption against development in undeveloped coastal area, with some exceptions, including where a coastal location is required and where public access is maintained.

NE5: Trees and Woodland: Seeks to protect trees and woodlands, with mitigation required.

D1 – Quality placemaking: High Standards of design and layouts are required with design strategy to be submitted. Particular consideration needs to be given to visual impact, including consideration of materials and green roofs and walls.

D2 – Amenity: Including ensuring that refuse and recycling, cycle storage, low and zero technology and plant and services are sensitively integrated.

D3 – Big Buildings: Requires assessment of impact of big buildings on their context, although usually related to the city centre, this is of relevance in terms of visual impact.

D4 – Landscape – requires consideration of the impact on landscape setting of the city.

D5 – Landscape Design – requires design to informed by a framework strategy.

D6 – Historic Environment: Requires assessment of impact on setting of nearby Scheduled Ancient Monuments (SAMs), including St Fittick's Church and the Cairns on Tullos Hill.

D7 – Our Granite Heritage: Seeks retention of all granite buildings. Doonies Farmhouse and Steading would require to be considered under this policy.

R5 – Waste Management – Sufficient space requirements for storage and collection of refuse and recycling.

R6 – Low and Zero Carbon Buildings and Water Efficiency

R8 – Heat Networks

I1 – Infrastructure

T1 – Land for Transport

T2 – Sustainable Transport: Transport Assessments and Travel Plans will be required.

T3 – Parking

C11 – Digital Infrastructure – all new commercial development is expected to have access to high speed communications.

B1 – Business : Small area adjacent to Peterseat Drive falls into this designation

B4 – Aberdeen harbours: Presumption in favour of harbour infrastructure and ancillary uses with functional requirement to be there. New development must not impinge on the use of the harbour.

### **Aberdeen Planning Guidance**

- [Energy Transition Zone Masterplan](#)
- Natural Heritage
- Open Space and Green Infrastructure
- Flooding, Drainage and Water
- Air Quality
- Waste Management Requirements for New Developments
- Resources for New Developments
- Landscape
- Big Buildings
- Transport and Accessibility
- Outdoor Access
- Trees and Woodland
- External Materials and Their Use – including on green roof and wall infrastructure

### **Discussion**

A detailed evaluation against all relevant policies listed above will be included in the determination report to a future Committee that makes a recommendation. The following is a summary of the principal determining policies

The site lies with an area zoned under several policies, taking each site in turn:

**St Fittick's / Zone A** is zoned under ALDP Policy B5 – Energy Transition Zone where there is a presumption in favour of the development, production, assembly, storage and/or distribution of infrastructure required to support renewable energy related industries; this includes offshore wind, tidal, hydrogen and solar.

Infrastructural/transport improvements directly related to the wider Energy Transition Zone will be permitted where they have a functional requirement to be located there. Development proposals will be required to include suitable open space and landscape enhancements for the wellbeing of people and wildlife.

St Fittick's is also identified under OP56: Energy Transition Zone, and OP62: South Harbour. The OP56 description states that this site, along with OP61, will support renewable energy transition related industries in association with Aberdeen South Harbour. Any development at this site must have a functional association with the South Harbour which precludes it being located elsewhere, such as the size of the infrastructure preventing transport from other locations or requiring 'roll on / roll off' level access to the South Harbour.

The OP56 description also states that appropriate environmental assessments will be required, including a Habitats Regulations Appraisal to accompany development proposals in order to avoid adverse effects on the qualifying interests of a range of European sites. A Flood Risk Assessment is also required. Other issues which need to be addressed include water quality and habitats associated with the East Tullos Burn, heritage impacts, recreational access, habitat connectivity, compensatory planting and landscape buffering with residential areas.

The OP description also states that a joint masterplan is needed for OP56, OP61 and OP62 and this has been approved and is a key document in the determination of the application.

NPF4 Policy 22: Flooding, states at a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:

- i. essential infrastructure where the location is required for operational reasons;
- ii. water compatible uses;
- iii. redevelopment of an existing building or site for an equal or less vulnerable use; or.
- iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long term safety and resilience can be secured in accordance with relevant SEPA advice.

In response to a request from SEPA officers have indicated that they do not consider the proposal to fall within any of the above exceptions.

Policy 22 goes on to require that in the case of the exceptions noted above, where development within a flood risk area is accepted, all risks of flooding are addressed; there is no reduction in capacity increased risk for others, or need for future flood protection schemes; the development remains safe and operational during floods; flood resistant and resilient materials and construction methods are used; and future adaptations can be made to accommodate the effects of climate change.

ALDP Policy NE4 – Our Water Environment states that development will not be supported if; it increases the current and/or future risk of flooding on site or elsewhere by reducing the ability of the functional flood plain to store and convey water; or through the discharge of additional surface water; or by harming flood defences. Nor would development be supported where it would be at risk of flooding itself; there would not be adequate buffer strips to watercourses, or it would require new flood defences. The policy seeks to avoid the piecemeal development on functional floodplains, stating that "Development on the functional floodplain will only be considered where its location is essential for operational reasons and for water compatible uses."

Trees are protected by Policy NE5 - Trees and Woodland. Development proposals must seek to increase tree cover and achieve the long-term retention of existing trees. The policy states that where removal takes place, replacement planting will be required to ensure an overall net gain in tree cover and that development that does not achieve this will not be supported. Structures should be sited to take into account the predicted growth of trees, with root protection areas established and protected during development. Policy 6 of NPF4 is similar in effect.

**Gregness / Zone B** is partly zoned under Policy B5 – Energy Transition Zone and partly under ALDP Policy B4 – Aberdeen Harbours. Within B4 areas there is a presumption in favour of harbour infrastructure and ancillary uses, which are required for the effective and efficient operation of the harbour and which have a functional requirement to be located there. This may include administrative offices, warehousing and storage (including fuel storage), distribution facilities and car/HGV parking. Other harbour-related uses will be treated on their merits.

Mixed-use development within the area surrounding the harbour must take account of the character of the area and avoid undue conflict with adjacent harbour-related land uses. New development must not impinge upon the viability or operational efficiency of the harbour, or of existing businesses within the harbour zoned area. Mitigation measures may be required in order to permit uses which could otherwise give rise to such conflict.

The northern half of the Gregness site falls within Opportunity Site OP62: Bay of Nigg and is identified as part of Aberdeen Harbour expansion. As noted earlier it is covered by the ETZ Masterplan, and key issues are identified as re-instatement of the coastal path and recreational access.

**Doonies/Zone C** is zoned under ALDP Policy B5 – Energy Transition Zone where we have previously noted development must relate to renewable energy industries.

The Opportunity Site OP61 covers Doonies: This area along with OP56 (St Fittick's) will support renewable energy transition related industries in association with Aberdeen South Harbour. Similar requirements apply as for OP56, in terms of Habitat Regulations and ecological surveys.

In considering all development proposals, significant weight will be given to the global climate and nature crises in accordance with Policy 1 in NPF4.

A full analysis of the application proposal against all relevant policies, including those of NPF4 and material considerations will be included in the Report of Handling to a future committee.

### **Next Steps**

Members should note that when an application is to be determined by r PDMC that all members who wish to participate in the determination should attend the pre-determination hearing as well. It represents best practice in decision making and provides consistency with Standing Order 34 (Quasi-Judicial Items of Business) if members are present for the entire discussion.

Following the hearing, a report will be prepared by officers for a future Planning Development Management Committee. This will include an assessment of the proposed development and a recommendation to Members as regards determination of the application.

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