

## **DEVELOPMENT MANAGEMENT SUB COMMITTEE**

**17<sup>TH</sup> FEBRUARY, 2010**

### **PLANNING APPLICATIONS WHICH ARE THE SUBJECT OF WRITTEN REPORTS**

#### **DEVELOPMENT PLAN DEPARTURE**

**2. DANESTONE AND TILLYDRONE, JUNCTION OF A90/TILLYDRONE AVENUE (THIRD DON CROSSING).** Reference was made (one) to article 3 of the minute of meeting of the Development Management Sub Committee of 19<sup>th</sup> August, 2010, at which time there was under consideration a report by the Head of Planning and Sustainable Development on the application (100135) by Aberdeen City Council for the construction of a new 2.4 kilometre long, generally 7.5 metre wide, single carriageway wide road with associated footpaths, segregated cycleways, verges and earthworks, also clearance of some existing vegetation, trees and construction of a new bridge over the River Don, new drainage, road signs, street lighting, landscaping and accommodation; and (two) to the minute of meeting of the Development Management Sub Committee on 14<sup>th</sup> December, 2010, at which time a public hearing was held given the large number of representations received in respect of the proposal, and in accordance with Section 14 of the Planning Etc. (Scotland) Act 2006. The Sub Committee now had before it the final report on the application as prepared by the Head of Planning and Sustainable Development.

Councillor Boulton moved as a procedural motion, seconded by Councillor Allan:-  
that consideration of the proposal be deferred and not debated today as the proposal was not currently in the present Local Development Plan.

On a division, there voted:- for the procedural motion (4) - Councillors Adam, Allan, Boulton and Crockett; against the procedural motion (7) - the Convener; Vice-Convener; and Councillors Cormie, Greig, Jaffrey, Penny and Yuill.

**The Sub Committee resolved:-**  
to consider the application this day.

The report before members again contained a detailed description of the site and the surrounding area and of the proposed development, providing detailed information on the line of the proposed new road and bridge; referred to the Environmental Statement submitted in respect of the proposal; gave an indication of the responses received from the many statutory and other consultees contacted, in particular those from the local and neighbouring Community Councils; and advised of the large number of representations received including a detailed summary of the points raised therein. The relevant planning policy issues arising in relation to the application proposal were also identified within the report.

The report provided a detailed evaluation of the proposal under consideration, highlighting that the proposal was identified in the Structure Plan as part of the strategy for strategic growth; acknowledged that whilst the proposal was contrary to some individual policies and had tensions with a number of other policies, it was also consistent with some policies; referred to Scottish Planning Policy, which emphasised sustainable economic development as an overarching purpose, with infrastructure development identified by the Government's economic strategy as being one of the five strategic priorities critical to economic growth; stated that the Third Don Crossing was one of the critical infrastructure projects required to achieving the Energetica concept towards the region's aspiration to be a global energy hub, and contributed towards making the City and Shire one of the most interesting and enjoyable locations in which to live and work; advised that the proposed Local Development Plan identified the application site for the Third Don Crossing to the north of the River Don, with a requirement for the proposed plan to identify a site for the Third Don Crossing, and it being the Council's settled view on the content of the new Adopted Local Development Plan; further stated that the proposed application would have an adverse impact on the amenity of some local residents, with a significant impact on a relatively small number of local residents, however, on a wider scale, the impacts on issues such as air quality and noise had an overall neutral impact and air quality would improve for some residents in the King Street area; further advised that the proposal would not have an adverse impact on the landscape from the gateway entrances into the city and would enhance accessibility for existing residents to cross the river in both directions for employment and leisure purposes, providing the opportunity for enhanced public transport; and by way of conclusion, considered that as the wider economic benefits of the proposal outweighed the negative local impacts of the proposal and that with the attachment of conditions, including an Environmental Management Plan and other mitigation measures, the proposal was acceptable.

The Convener moved, seconded by the Vice-Convener:-

that the application be approved subject to the following conditions:- (1) That no development shall take place within the application site to the north of the corner of Gordon's Mills Road, until the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. (2) That the development shall not take place unless there has been submitted to and approved by, the planning authority, in consultation with Transport Scotland, details of the proposed tie in arrangement of the A90 parkway / Whitestripes Avenue Roundabout and that the development shall be implemented in complete accordance with the details as so approved. (3) That development shall not take place unless there has been submitted to and approved in writing by, the planning authority, as plan showing the relocating of the goal posts to the south of Balgownie Drive, and that the development shall not be brought into use unless the goalposts have been relocated in accordance with the scheme as so agreed. (4) That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in

the course of development, and the proposed areas of tree / shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting, including details of planting in areas around the underpasses. (5) That all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority. (6) That no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the planning authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation. (7) That any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the planning authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 1989 "Recommendation for Tree Works" before the building hereby approved is first occupied. (8) That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the planning authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks. (9) That development shall not take place unless there has been submitted to, and approved in writing by, the planning authority detailed layout plans showing: (a) a pedestrian crossing on the new road between the two junctions with Grandholm Drive; (b) a pedestrian crossing of the new road close to the junction with Hayton Road; (c) a pedestrian links by steps, or otherwise, between the riverside path on the north side of the river, and the new road close to the new bridge; and (d) details of the link between the pedestrian cycleway under the bridge on the south side of the river, and the riverside pathway. The development shall not be brought into use unless the scheme has been implemented in complete accordance with the details as so agreed, unless otherwise agreed by the planning authority. (10) That no development shall take place unless a scheme for external lighting, including lighting within the underpasses has been submitted to and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme. (11) That no development shall take place unless there has been submitted to, and approved in writing by, the planning authority a full site specific Environmental Management Plan (EMP) that includes all matters indicated within the Environmental Statement by AECOM dated April 2010 and incorporates detailed pollution prevention and mitigation measures for all construction elements potentially capable of giving rise to pollution during all phases of construction, reinstatement after construction and final site decommissioning. The EMP shall be submitted at least 2 months prior to commencement of works and shall include: (a) details

of an appropriately qualified and experienced designated 'appointed person' who would be responsible for enforcing the EMP and will have the authority to stop and implement work; (b) pre-construction surveys, including of otters, bats and badgers mitigation measures; (c) a construction EMP including measures for controlling dust during construction; (d) details of measures to prevent entry of pollutants into any bodies of water; (e) a full site waste management plan; (f) details of waste water drainage from temporary and permanent facilities for workers on site; The scheme shall be implemented in complete accordance with details as so approved and work shall not take place unless the measures as so agreed and those within the ES referred to above are in place and fully operational. (12) That development shall not take place unless there has been submitted and approved in writing by, the planning authority, details of noise mitigation measures. The development shall not be brought into use unless the scheme has been implemented in complete accordance with the details as so agreed. (13) That no development shall take place unless there has been submitted to, and approved in writing by, the planning authority, details of works to the listed octagonal tower in order to preserve its structural integrity. These shall take place in complete accordance with the scheme as so agreed, within 6 months of the new road being brought into use. (14) That the development of the proposed embankment in the area to the south of the mill lade shall not take place unless there are in place compensatory flood storage provisions as described in the Flood Risk Assessment by AECOM dated February 2010 and letter from the applicant to SEPA, dated 7 July 2010. (15) That two months prior to the commencement of any works, a detailed water feature survey and risk assessment is undertaken, submitted and approved in writing by, the planning authority (in consultation with SEPA). No development shall take place unless the survey and assessment have been so approved. The work shall be carried out in complete accordance with the assessment as so agreed. (16) That no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the planning authority and thereafter no part of the development shall be brought into use unless the drainage has been installed in complete accordance with the said scheme. (17) That no development shall take place unless a scheme detailing all external finishing materials to the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed. (18) That no development shall take place unless there has been submitted to, and approved in writing by the planning authority, details of protection measures to sports pitches. Development shall not take place unless the measures as so agreed are in place, fully in accordance with the scheme as so agreed. (19) That the proposal for the partial demolition of the Category B listed garden walls, should be implemented only as part of a wider scheme for the development of the Third Don Crossing (as approved under this application, or other permission subsequently granted). That development shall not take place unless there has been submitted to, and approved in writing by, the planning authority a scheme showing the phasing of development.

Councillor Boulton moved as an amendment, seconded by Councillor Allan:-  
that the application be refused on the grounds that its consideration was premature as it was not currently in the Local Development Plan and for reasons regarding concerns in respect of the displacement of traffic not being fully considered, the impact on the local community and seeking further information on the figures to support the economic benefits of the proposal.

On a division, between the motion and the amendment, there voted:- for the motion (7) - the Convener; Vice-Convener; and Councillors Cormie, Greig, Jaffrey, Penny and Yuill; for the amendment (4) - Councillors Adam, Allan, Boulton and Crockett.

**The Sub Committee resolved:-**

that the application be approved in accordance with the terms of the successful motion.

**Councillor Allan at this point moved, in terms of Standing Order 36(3) that the application be referred to Council. Councillor Allan was supported in this regard by Councillors Adam, Boulton, Crockett and the Vice-Convener.**

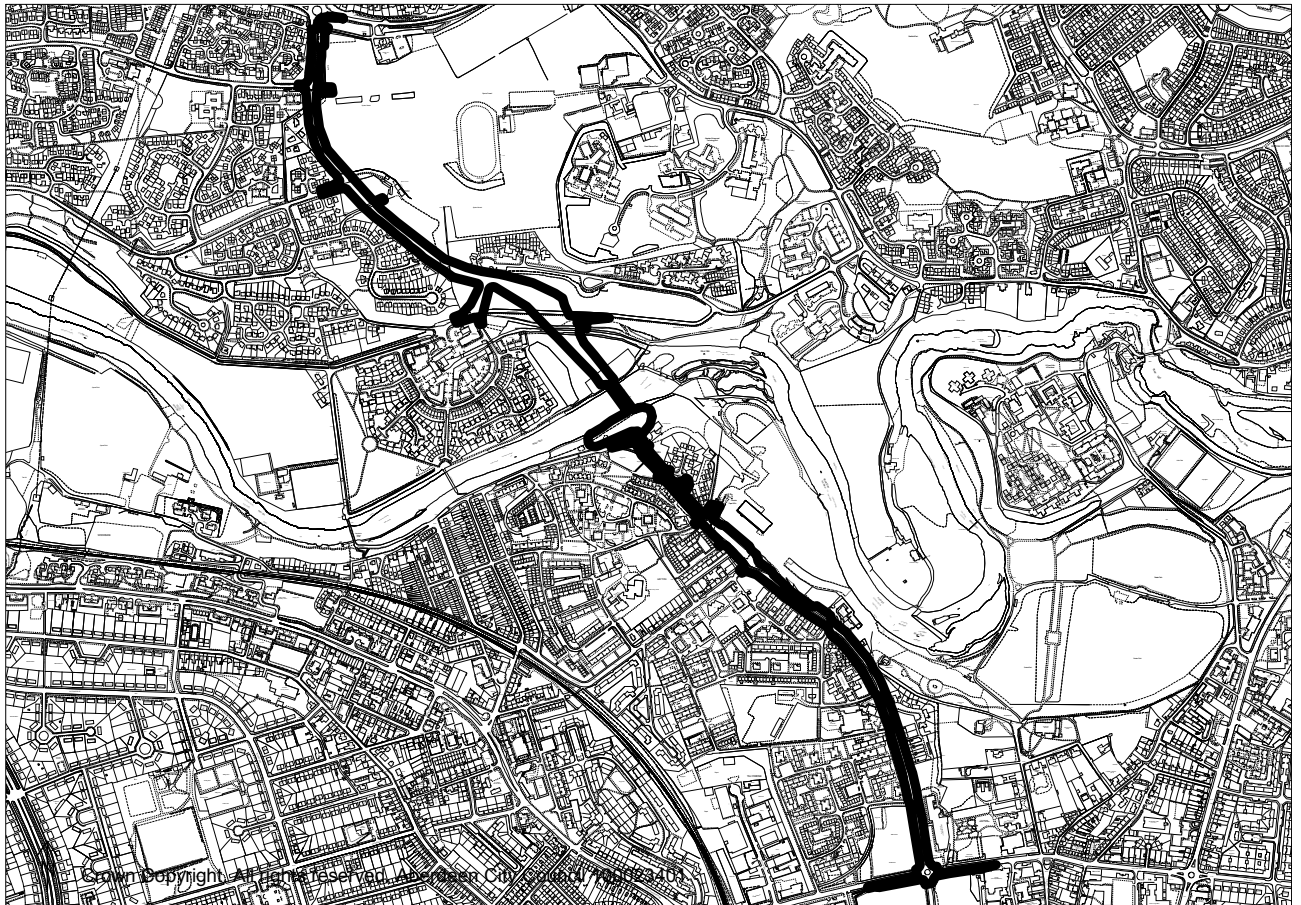
## DANESTONE & TILLYDRONE, JUNCTION OF A90/TILLYDRONE AVE

CONSTRUCTION OF A NEW 2.4KM LONG, GENERALLY 7.3M WIDE SINGLE CARRIAGEWAY WIDE ROAD WITH ASSOCIATED FOOTWAYS, SEGREGATED CYCLEWAYS, VERGES & EARTHWORKS, ALSO CLEARANCE OF SOME EXISTING VEGETATION, TREES AND CONSTRUCTION OF A NEW BRIDGE OVER THE RIVER DON, NEW PIPE DRAINAGE, ROAD SIGNS, STREET LIGHTING, LANDSCAPING AND ACCOMMODATION

For: Aberdeen City Council

Application Ref. : P100135  
Application Date : 29/01/2010  
Officer : Lucy Greene  
Ward: Dyce/Bucksburn/Danestone (R Clark/B  
Crockett/M McDonald/ G Penny); Bridge of  
Don (M Jaffrey/G Leslie/J Reynolds/W  
Young); Tillydrone/ Seaton / Old Aberdeen (N  
Collie/J Noble /R Robertson)

Advert : Dev Plan  
Dept/Section 60/65  
Advertised on : 17/02/2010  
Committee Date : 17/02/2011  
Community Council : Comments  
Bridge of Don, Tillydrone, Old  
Aberdeen



## **RECOMMENDATION: Approve conditionally**

Members should note that through a number of other decisions such as those relating to the structure plan and transport strategies, the principle of the road has been accepted by the Council. The role of the Development Management Sub-Committee is to determine whether this route is acceptable in planning terms, not to decide whether the road would relieve congestion.

## **DESCRIPTION**

The application site extends from the roundabout junction of the Parkway A90(Trunk Road) with Whitestripes Avenue and Fairview Street, southward across open space just to the east and parallel with the edge of Danestone. The site includes an approximately 27.5m wide section through the Category B listed Danestone Walled Garden and runs to the east of Grandholm.

The site crosses the River Don to join up with Gordon's Mills Road and Tillydrone Avenue in Tillydrone and includes a strip of land centred on but wider than the existing roads. The southern most extremity of the site is the roundabout at the junction of Tillydrone Avenue, St Machar Drive and Bedford Road and short lengths along St Machar Drive. The site varies in width between 25m and approximately 120m adjacent to the River and 75m to the east of Grandholm.

The site includes open space adjacent to residential areas, a Category B listed walled garden, the River Don and residential land in the form of gardens and a disused house, as well as existing roads.

The Category A listed Grandholm Mill lies approximately 85m from the edge of the application site.

From the point where Tillydrone Road meets Tillydrone Avenue, close to Benholm's Lodge, known as the Wallace Tower, the properties on the east side of Tillydrone Avenue lie within the Old Aberdeen Conservation Area.

The River Don Valley, including the Mill Lade is designated as a District Wildlife Site.

Some of the trees within the application site are protected by Tree Preservation Order (TPO) and these include Tree Preservation Orders 78 (Danestone House), 145 (Grandholm Mill), 160 (Tower Bar) and 182 (Donside Papermills).

The site falls reasonably steeply from the north towards the River, rises slightly to the south of the River, levelling off before St Machar Drive. The levels are approximately 60m AOD at the northern most point, falling to just below 6m AOD at the River, then rising to nearly 28m AOD in Tillydrone and around 20m AOD at St Machar Drive.

## **PLANNING HISTORY**

An application for a similar proposal was submitted in early 2006 (ref. A6/0149). There was a development plan departure hearing held for that application, but it was not determined, rather the applicant put it on hold pending the outcome of

the Public Local Inquiry into the Aberdeen Local Plan 2008. The application was withdrawn shortly before the current one was submitted.

Given the length of time that had passed since the original planning application and the changes made to the scheme, a new application was submitted.

The differences between the schemes are that the proposed route now takes a slightly different line to the east of Grandholm and there are changes to the proposed cycle paths.

## **PROPOSAL**

The application is for full planning permission to develop an additional Crossing of the River Don, together with a new stretch of road to join the new bridge to the existing road network to the north of the Don. The existing roads to the south of the River would be altered to be slightly realigned, upgraded and cycle paths added. An Environmental Impact Assessment has been carried out and an Environmental Statement submitted.

It should be noted that the length of the proposed road to the south of the junction with Gordon's Mills Road although included with the application, could be built without planning permission under permitted development rights granted to Roads Authorities under Class 31, Part 12 of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992.

The proposed bridge would span the River Don between Tillydrone and land to the east of Grandholm. It is proposed that there would not be any support for the bridge within the river itself.

The bridge would be a framed box girder bridge with a reinforced concrete deck. The parapet would be steel handrail with vertical infill bars. The bridge will be painted and it is likely it will be a fairly neutral colour, such as grey.

The carriageway of the road would be 7.3m in width, with 2m wide footpaths each side and a 3m wide cycle path, with verges between the carriageway, footway and cycle way. The only exception to this would be over the bridge itself, where there would be a shared 3m cycle and footpath on the east side, with a 2m footway on the west side. The cycle path would be on the east side of the road to the north of the River and to the west, south of the River. It is proposed to plant trees between the cycleway and footway, along most of the length of the road; and at the back of the footway where this is feasible due to space.

There would be a new stretch of road which would start at the roundabout on The Parkway (A90) and Whitestripes Avenue. The new road would follow the current route of Fairview Street southward. To the south of its existing junction with Fairview Street, Laurel Lane would be stopped up and a hammer head turning area provided. A footpath would provide access onto the corner of Fairview St and the proposed new road. 38 trees would be lost along the east side of Fairview Street, these are small and immature. Replacement planting of native species would take place.

The proposed road would then run in a south easterly direction and there would then be an entirely new length of road running through what is currently the western edge of the University Playing Fields. This would affect one existing



football pitch, however, the layout of the pitches in this area could be rearranged so that the same number of pitches are provided. There is an existing tree belt to the east of the rear gardens of houses on Laurel Lane, 18 of the 55 trees would be lost, with another 5 possibly requiring to be removed. Replacement planting of native species would take place.

There would be a junction onto the proposed road from Laurel Drive and at this point the road would be in a cutting, being at approximately 3m below existing levels around this point. 31 trees would be lost around this junction and replacement trees would again be planted.

There would be proposed toucan crossings (for cyclists and pedestrians) close to The Parkway roundabout and close to the junction with Laurel Drive.

The proposed road would cut through the Category B listed wall to the Danestone Walled Garden, with the octagonal summerhouse remaining on the west side of the road and the existing building remaining on the eastern side of the road. Access would be provided from the proposed road to the buildings to the east. Almost the entire length of the two side walls would be demolished, including the north west corner and part of the end wall. Approximately 30 trees would be lost along this length to the south of the walled garden, these would include a number of mature lime trees, that form the central portion of a line of 18no trees protected by TPO and a row of cherry trees of varying degrees of maturity. There would also be 9 larger trees lost and these include lime, poplar, sycamore, beech and an elm.

The proposed road would skirt along the edge of the rear gardens of houses in Brander Place and John Park Place. There would approximately 6m between the ends of the gardens and the edge of the footway. The road would be within a cutting of 2 - 3m along this stretch. It is also proposed to plant trees between the road and the gardens.

The route of the proposed road would run between the rear gardens of houses on Laurel Avenue and the western most flats on Balgownie Drive. The road would be in a cutting of approximately 4-5m at this point and the edge of the cutting would be immediately adjacent to the edge of the flatted block at the end of Balgownie Drive.

The existing line of Grandholm Drive would be broken, with separate junctions being provided onto the proposed road from each side. This would not consist of a cross roads, but the junctions would be offset by approximately 100m.

At this point, although separate footway and cycle paths would be provided alongside the road, a separate shared pedestrian and cycle path would break away from the road and loop further to the east, passing under Grandholm Drive, via an underpass, and joining back onto the proposed road further south. The purpose of this is to provide a route that avoids crossing the junction of Grandholm Road with the proposed road. A second shared pedestrian and cycle path leads alongside the mill lade from Grandholm Crescent, under the proposed road via an underpass, crosses the pedestrian / cycle loop previously mentioned and joins Grandholm Drive. This route would provide access for pedestrians and cyclists between Grandholm and Grandholm Drive to the east of the proposed road, without having to cross the proposed new road.

At this point to the east of Grandholm, the proposed road would be on an embankment which would be 4.5m high at the point just before the proposed road crosses the Mill Lade. The road would remain on an embankment of between 4.5m and 5m between the Mill Lade and the River Don. The proposed road would be at approximately the same level as the existing land on the south side of the River. An area of new woodland planting on the north side of Balgownie Drive opposite Grandholm Mill would also be lost. The woodland was planted last year as part of the Council's 'Tree for Every Citizen' project and part of the Granite City Forest.

Where the existing Gordon's Mills Road sweeps round to the west, this existing section of carriageway in front of the childrens' playground would become redundant as the proposed road would run straight onto Gordon's Mills Road. The existing road would be realigned slightly, so that it would lie a little further to the east. The degree of change varies along the length. The junction of Gordon's Mills Road onto the proposed new road would be further to the north, on what is now open space. This would leave the existing corner stretch of the Gordon's Mills Road, to be landscaped and added to the open space adjacent to the play area. Approximately 24 trees would be lost on the south side of the river, on the river bank and on the area of open space. Mostly notably are several larger beech trees and a number of mature rowans. Between the Community Centre and Meadow Place, a row of lime and cherry trees would be lost, as the road would be located to the east of its existing position.

At Meadow Place, the proposed alignment of the road, would involve using part of the existing front garden of the house at no.16 Meadow Place. The edge of the footway would be approximately 4.5 m from the front of the house at the closest point. Meadow Place, would be accessible from the existing northern most access point only, with the southern access being stopped up and a turning circle incorporated. Trees adjacent to Meadow Place may also be lost to accommodate the footway and turning circle.

The proposed road and its associated footway would extend further to the east and this would involve taking an approximately 6-7m wide strip of the front gardens of the sheltered housing at nos 1 and 10 Meadow Lane. The land forming the front gardens would be required to be built up to accommodate the proposed road, which would involve a small embankment in front of the sheltered housing.

On the west side of the road, access would be maintained into Gordon's Mills Place. The cycle path next to the road, would involve removal of part of the embankment in front of the flats at nos 19 – 33 Gordon's Mills Road. The northern most access to Gort Road would be stopped up and access taken via the southern most access and Hayton Road.

As the road alignment would be slightly further east, almost all the trees along the bank on the edge of the former Donside Mills site would need to be removed. These trees are protected by Tree Preservation Order.

To the north of Gort Road, the cyclepath would be laid out through the existing lay-by. To the south of Gort Road, the edge of the cycleway would be almost in

line with the edge of the existing footway, although the edge of the garden at 3 Gordon's Mills Road would be required for the cycleway.

Adjacent to the Pennan Road flats, the proposed road itself would be no closer to the flats, however, some of the landscaped area would be proposed to be removed for the cycleway and footway. It is proposed to take the cycletrack along the existing Tillydrone Terrace, in order to try to retain the beech trees that exist between Tillydrone Road and Terrace.

Coningham Road would be stopped up, in order to avoid loss of trees for the visibility splay. In front of the former St Machar Primary School, it is proposed that the strip of landscaping would be removed for the cycleway and this would also entail the removal of 5 trees.

In front of the flats at 1 – 77 Tillydrone Avenue, some of the grassed area would be removed to accommodate the cycleway, although the edge of the road would be no closer than the existing road. All of the trees (15no silver birch) would be removed from in front of the flats at 2 -32 Wingate Road.

As the road approaches the St Machar roundabout it would widen out and this would result in the removal of strips of grassed land from the edge of St Machar Park. Similarly, along the edges of St Machar Road approaching the roundabout, strips of land would be taken to accommodate the widened road and its footways. All of the trees along the edge of pavement between 64 Tillydrone Avenue and the St Machar roundabout on both sides of the road would be lost due to the footways and cycleways associated with the road. This would involve removal of 54 trees.

A tree survey has been submitted, it shows that 480 trees would be lost for the development, with the possibility that more would be lost during construction, depending upon how this is carried out.

Of the trees protected by TPO, 158 would be removed, these include 69no in the Grandholm Mill TPO, 7no. in Danestone House TPO, 9no. in Tower Bar TPO and 73no. in Donside Papermill TPO. Some of the trees within the latter TPO area have been removed as they have been affected by the development on-going on that site, some of the trees shown to be retained on the submitted plans have recently been removed, with the agreement of the planning authority, as they have been affected by development.

A significant number of replacement trees would be planted, this would be a similar number to those removed.

The applicant has submitted a Transport Modelling Report that shows that the proposed bridge is required due to the congestion that exists and is predicted for the future in the areas around the Bridge of Don and Persley bridges. The applicant states that the need for bridge also arises from the Aberdeen City and Shire Structure Plan, which allocates land for 21,000 homes to greenfield sites in the city, with the Proposed Plan allocating 7,610 of those to the Bridge of Don, as well as 32 hectares of employment land.

The existing bridges currently act as a 'bottle neck' through which traffic has to enter the City, the development of a further bridge would disperse traffic across

the road network. The applicant has described how the proposed new bridge would ease congestion on the strategic routes by taking local traffic.

The applicant has stated that traffic related economic benefits of the Third Don Crossing in terms of consumer and business user benefits are £55million approximately (taking into account structure plan growth), without traffic growth, the benefits are £29 million. These figures are based on an appraisal report that was carried out in March 2010 and included economic appraisal of the application scheme, and do not include deductions for the cost. The appraisal is based on a Department for Transport methodology and considers traffic related benefits to private and business users, such as time spent in congestion and the fuel and vehicle costs savings.

The applicant has described discussions with local transport operators that have identified that the scheme will provide the opportunity to extend existing bus services across the River Don, thereby providing improved direct links between Bridge of Don, Tillydrone and the Powis / Berryden area.

The applicant has additionally stated that it has been identified that the crossing will significantly increase the reliability of bus services and anticipates that the combination of these two items will assist achieving modal shift.

## **ENVIRONMENTAL STATEMENT**

An Environmental Statement (ES) has been submitted for the proposal. This follows the carrying out of an Environmental Impact Assessment and deals with various issues.

Firstly the ES describes the scheme design background and the alternatives that were considered. These included:

- a road that followed the same route as the application proposal from Fairview Street until just south of Balgownie Drive, but then ran further to the east and crossed the river approximately where the 'Tower Bar' flats now stand, meeting Tillydrone Road, opposite Coningham Terrace;
- a road that included the Parkway to the east of Fairview Street, and ran around the east side of Bridge of Don, crossing the River Don to the east of the existing Bridge of Don and followed the Esplanade and Park Road, eventually joining the Beach Boulevard;
- the fourth option consisted of the same route as this application proposal, but the bridge was to be 'bus only'. Due to lower traffic volumes, this would not have required the improvements to the roads through Tillydrone.

The options were assessed and a public consultation carried out. The application proposal option was found likely to have the least environmental impact overall. The 'bus only' option did not meet the scheme objectives, had the lowest economic return and little public support. The application proposal option was the most westerly and the shortest, in terms of overall length and new carriageway. Taking into account economic, traffic and engineering assessment, as well as the environmental impact, the application proposal option was chosen as the preferred route.

The ES also looked at the following issues:

Ecological impact: various surveys have been carried out of bats, badgers, otters and water voles. It is proposed to carry out further surveys prior to any

construction, with mitigation measures designed depending on results and these would be dealt with via an Environmental Management Plan. The Plan would be agreed with SNH and SEPA and there would be an appointed person on site to oversee the implementation.

Air quality, noise and vibration: the ES describes how air quality would be degraded and noise levels and vibration would increase within the area local to the application site, particularly within Tillydrone and in the housing on the east side of Danestone. At the same time the ES predicts that due to the reduction of traffic on routes currently leading to the crossings of the Don, air quality, noise levels and vibration would improve on other routes within the City, including those where current levels are high. The ES therefore concludes that the overall impact on residents of the city would be neutral. In addition, as the air quality, noise and vibration levels in areas local to the application site are currently well within acceptable limits, although they would be affected adversely, unacceptable levels would not be reached. However, the proposal would necessitate the provision of acoustic measures to windows to some residences close to the proposed road. The ES states that other mitigation measures would be proposed in respect of noise. These issues are described further in the comments from the Environmental Health Officers below.

Cultural heritage: includes looking at the impact on listed buildings, a scheduled monument, archaeology and Old Aberdeen Conservation Area. Most notably of these is the Category B listed Danestone walled garden, most of which would be removed if the proposal were to be implemented. The ES suggests that archaeological impact be dealt with by a condition requiring digs in relevant areas.

Landscape and visual impact: the ES considers the impact on townscape and landscape, and concludes that the townscape of Danestone and the University playing fields, Grandholm Village and the River Don corridor would experience moderate adverse long term impacts. During the construction period there would be significant adverse impacts on all properties facing the site or with a view of it. There would be a major to moderate and adverse long term visual impact, considered to be significant, on some properties on: Laurel Lane and Laurel Grove, Danestone Cottage, Laurel Avenue, Laurel Gardens, Brander Place and John Park Place, Balgownie place and Balgownie Drive, Grandholm Village, Gordon's Mills Road to Gort Road, Meadow Place and Meadow Lane, Gort Road, Hayton Road, Pennan Road and Tillydrone Road. The ES proposes that mitigation measures will help reduce visual and landscape impact with tree and shrub planting. The ES concludes that the landscape and visual impact within the wider area will not deteriorate to a significant degree, with the moderate impact being restricted to those areas within close proximity.

Geology and soils: there is some made up ground and some infill sites within the application site. Possible issues of contamination and preventing this reaching ground water, along with other matters of waste management are proposed by the ES, to be dealt with via a Construction Environmental Management Plan.

Community and private assets: this section relates to loss of amenity and recreational space and mitigation measures. The ES states that in relation to the University playing fields, discussions had taken place with the University. The applicant has subsequently submitted a plan showing how the same number of

pitches could be provided by reconfiguring the layout of the pitches in the area to the east of the application site.

Effects on all travellers: this considers issues such as amenity and severance. Mitigation measures would include the provision of pedestrian and cycle crossings.

A Flood Risk Assessment (FRA) has been submitted with the application. This shows that the north bridge embankment lies within the existing floodplain of the 1 in 200 year flood event and would cause displacement of 3332m<sup>3</sup> of flood storage. The FRA identifies two possible flood storage areas to mitigate the effects of the new raised embankment.

## **REASON FOR REFERRAL TO SUB-COMMITTEE**

The application has been the subject of more than 5 objections, has been advertised as a departure from the development plan and is a Council development.

A departure hearing was held on 14<sup>th</sup> December 2010 and minutes to this meeting are included within the agenda for this meeting.

## **CONSULTATIONS**

**ROADS SECTION** – satisfied that the proposal has been designed in accordance with the Design Manual for Roads and Bridges.

**ENVIRONMENTAL HEALTH** – Raises issues of amenity of local residents in terms of noise, vibration and air quality.

Air quality - the scheme is predicted to have an overall neutral impact upon local air quality based on the balance between beneficial and adverse impacts. Any increases are perceived to be within acceptable limits. Receptors adjacent to the proposed crossing would be expected to experience the greatest increase in concentrations as well as close to Gordon's Mills Road, Tillydrone Road and Tillydrone Avenue. The impact is described in the Environmental Statement as predicted to be medium to large, however, background levels are low and the proposal would not result in an exceedance of national air quality objectives. It is also predicted that air quality on King Street, south of St Machar Drive, would worsen, nitrogen dioxide (NO<sub>2</sub>) levels here are already close to the national air quality objective. Any deterioration in this area may result in the need to extend the City Centre Air Quality Management Area (AQMA). Beneficial impacts were predicted on King Street, north of St Machar Drive, as well as on Bedford Road, Ellon Road, Balgownie Road and Great Northern Road. The existing annual mean NO<sub>2</sub> concentration on Ellon Road near to the Balgownie Road junction is close to the national air quality objective value, therefore a reduction in pollution levels at this location would be particularly beneficial. There is a high risk of exposure to construction dust for properties within 100m of the proposed road.

Noise – A large number of residents would be exposed to significant noise and vibration impact. The Environmental Statement contends that these can be addressed through mitigation measures, but until such time as a robust scheme has been submitted and accepted, concerns remain regarding noise and vibration impact. The areas particularly affected would be along Tillydrone Road and the eastern edge of Danestone. Although it is predicted that there would be

fewer properties in total affected by noise in 2030 if the proposal were to be implemented, there would be more properties (1200 predicted) that would be largely or very largely affected, compared to no properties being affected to this extent if the proposal is not implemented. It is estimated that there would be around 4000 properties experiencing a decrease in noise as a result of the proposal. It is estimated that 243 properties would qualify for acoustic insulation amongst those most affected. The Environmental Statement states that earthworks or acoustic barriers could provide noise mitigation, however, no detailed assessment has been made as to potential reductions.

Vibration – there would be 500 more properties affected if the scheme were to be implemented, but with around 250 others experiencing a decrease.

SEPA – As there is a 500m cutting proposed, this may intercept groundwater. This may require licence from SEPA. SEPA request that a condition be attached to any consent, requiring a detailed survey and risk assessment to take place.

Regarding flooding, the attachment of conditions is required, relating to compensatory flood storage provision and requiring an Environmental Management Plan (EMP) to be submitted in advance of work commencing on site. SEPA find the mitigation measures in respect of surface water to be acceptable, these incorporate the Pollution Prevention Guidelines. In terms of Environmental Management, the proposal for an EMP with an appointed person to oversee mitigation measures, is welcomed. Some of these measures would also be regulated by SEPA. SEPA request condition requiring a full site specific EMP. Details of foul drainage from facilities on site for workers should also be included in the EMP. SEPA also request that a full site waste management plan be incorporated into the EMP, in order to minimise waste at source.

SCOTTISH NATURAL HERITAGE – Content with the scope of surveys carried out to inform the Ecological report. Otters: support the need for pre-construction surveys and suggest that work should not take place in areas near otters for two hours either side of sunset.

Badgers: support need for pre-construction surveys. If any new setts are found, then a licence would be likely to be required.

Bats: lighting could disrupt bats commuting and foraging. If permanent lighting is shown to disrupt bats and otters, then it may require a licence. However, it should be possible to mitigate this by lighting under the bridge to one side only and by the type of lighting.

Breeding birds: site clearance and felling trees should be carried out during winter months to avoid disturbance during the bird breeding season.

ARCHAEOLOGY – Request attachment of a non-standard investigation condition, that would only include part of the site area.

GRAMPIAN POLICE ARCHITECTURAL LIAISON – welcome the proposal, though concern is expressed over the potential volumes of traffic on Bedford Road / St Machar Drive / King Street area. However, they are aware that other traffic management plans are proposed to complement the bridge proposal and these should help to address any issues.

The police comment that consideration should be given to the design, lighting and landscaping proposals around the underpasses to avoid these becoming crime generators; it is suggested that a CCTV/Automatic Number Plate Recognition camera with infra red capability is installed on the bridge as the crossing would provide an opportunity for criminals;

TRANSPORT SCOTLAND – advises that a condition should be attached relating to details of the roundabout junction with the A90 Trunk Road.

In considering the proposal in relation to issues affecting the trunk road network it is noted that although a number of receptors will experience an increase in noise levels, any increase associated with the A90 (T) will be negligible. With regard to air quality, expected concentrations of pollutants are noted, however, it is also noted that local air quality assessments indicate that the proposed scheme would result in an overall neutral impact on air quality based upon the balance between beneficial and adverse impacts predicted (in different locations).

SPORTSCOTLAND – Do not object to the application on the basis that the pitches in the area to the east of the application site could be laid out in the different configuration in order to provide the same number of pitches. In addition, the University has contributed considerable sums to the Aberdeen Sports Village where indoor and outdoor pitches have been provided. It is requested that a condition is attached to consent granted, relating to protection measures for the pitches during the construction period.

STRATEGIC DEVELOPMENT PLAN AUTHORITY – the Third Don Crossing is one of the proposals set out in the structure plan and is also in the key diagram. Proposals identified in the plan were selected on the basis of their importance in helping achieve the vision for the North-East, and the proposal is seen as a key project. The plan recognises the importance of investing in infrastructure to allow growth and deal with congestion.

The Third Don Crossing is part of a wider package of measures, including the Aberdeen Western Peripheral Route and Haudagain improvements that will help deal with congestion.

This proposal is also an example of new infrastructure which could be expected to receive financial contributions from development sites in both Aberdeen City and Aberdeenshire, as well as the Council itself. The principle of the development is consistent with the structure plan.

SCOTTISH GOVERNMENT, ENVIRONMENTAL QUALITY DIVISION – Advised that they have no comments on the Environmental Statement in terms of air quality, noise and nuisance.

HISTORIC SCOTLAND – Broadly content with the assessment of the impacts contained in the ES for historic environment assets and do not object. Raise the issue of the impact of the proposal on the setting of the Category A listed Grandholm Mill complex and recommend that the road embankment is kept to the minimum height possible. Confirm that they are content with the principle of the partial demolition of the Category B listed Danestone Walled Garden, which is accepted on the grounds of public benefit.

HEALTH AND SAFETY EXECUTIVE – no comments

COMMUNITY COUNCILS – The site falls within the area of 3 community councils – Tillydrone Community Council and Old Aberdeen Community Council sent letters of objection. The Bridge of Don Community Council sent comments and observations:

Tillydrone Community Council objects on the following basis:



- The proposal does not conform with the development plan – it is not included within the adopted local plan.
- It is not legally competent to found the location of the proposal on the key diagram in the structure plan, nor on a non-statutory plan (Access from the North) which was prepared to complement the former local plan – this supplementary planning document was approved by the Council in June 2004 and has very little materiality;
- Access from the North is fundamentally flawed as it did not consider other options, including the dualling the existing Persley Bridge;
- The application is premature to finalisation of the emerging local plan. As a major piece of infrastructure, the location of the bridge should be determined within the context of a strategic review within the local plan preparation process, which includes an examination of site specific proposals including cross examination.
- The traffic impact has not been properly considered as the congestion models are out of date. The result would be unacceptably high traffic rates along the proposed route and surrounding communities;
- The reporters' report on the local plan in 2007 recommended excluding the Third Don crossing on 14 grounds. The real issues affecting the community have not been addressed.
- The proposal would not reduce traffic congestion but would displace it further towards the centre of the City;
- Air and noise pollution would increase and are a grave concern. The Environmental Statement has understated the increase in air pollution. When looking at the details of the concentrations in the Appendices the significance of the increase is conveyed and the report is inconsistent;
- Tillydrone is a regeneration area and there are numerous social and economic disadvantages, including poor life expectancy. The proposal would widen the gap between rich and poor, it would not enhance quality of life or offer opportunity. Tillydrone is identified as within the top 100 most deprived areas in Scotland, in the NHS 'Traffic Lights' report, where life expectancy is significantly lower than more affluent areas. The road traffic figures are also worse than average.
- Impact on archaeology and built heritage;
- The River Don valley is Tillydrone's greatest asset. There would be an adverse impact on landscape and ecology and fragmentation of wildlife corridors. Mitigation attempts are unconvincing and will not deliver the same quality of habitat;
- The proposal would cause disturbance to bats and would be required to pass the strict tests set out in the relevant Directive;
- The proposed Third Don Crossing has been opposed consistently and strongly by a very large number of residents from the immediate adjacent areas of Grandholm, Tillydrone, as well as Old Aberdeen, Seaton, George Street and Rosemount and Mile-End.

Old Aberdeen Community Council stated that: although there are traffic delays, these should be dealt with by public transport improvements, as there is an existing chronic lack of joined up transportation strategy for the region; unless there is a modal shift the new Bridge would only encourage more car use and deliver only temporary relief; the south exit of the new road would decant people onto a unsuitable road infrastructure. If the Berryden dualling takes place, the primary route for traffic would be westwards past St Machar Academy, this is unsuitable for commuter traffic and even worse if it were to be used by heavy

goods vehicles. Routing traffic into traffic lights at St Machar Drive would lock up this section of road, already gridlocked with east-west traffic. A more comprehensive upgrade of Haudagain would have been a much better solution.

The Third Don Crossing as proposed would have a significant negative impact on the life and health of the residents of Old Aberdeen, Tillydrone, Hayton and beyond with little improvement for the city traffic.

The Community Council has battled against the proposal, when it was to be included in the local plan in 2005 (rejected by the Scottish Government Reporter), again when it was included in the small print of the Haudagain consultation as being part of the solution, against its inclusion in the Structure Plan in April 2009 and in the Access from the North consultation in June 2009. It is acknowledged that mention is made in the Structure Plan and in the Main Issues Report to the local plan. However, these are not site specific. It is therefore considered that the application is premature and should be consequent on approval of the new local development plan.

The Community Council feels that the Council is failing to address the traffic congestion concerns and have written to the Minister for Transport requesting that the application be called-in.

Bridge of Don Community Council stated that: the Bridge should maybe be further northwards; the Haudagain Roundabout also needs to be dealt with; although many in their area are in favour, many are not; that the pinch point for congestion would just be moved to St Machar Drive; that the crossing is being built primarily to allow the expansion of Bridge of Don; that infrastructure in the area already cannot cope with the level of traffic; plans show that the road would be very close to some residents and questions whether they were notified individually; questions how the Fairview Street junction would be laid out; questions where and what type of pedestrian crossings would be provided.

George Street Community Council's comments have been included with the representations, as the site does not fall within its area and as such for this application it is not a statutory consultee.

## **REPRESENTATIONS**

In response to neighbour notification and advertisement of the application and the ES, 714 representations were received from individuals, households and organisations; 2no. petitions were also received. The representations can be broken down as follows:

- 377 standard postcards;
- 283 letters

These included one petition with 27 no. signatures from Tillydrone Community Centre and one petition with 103 signatures from Don Crossing Communities Alliance.

There were 54 letters of support.

The letters included objections from the following bodies: Riverbank Parents Council, Aberdeen Civic Forum and Don Crossing Communities Alliance and representations from the Aberdeen and District Angling Association.

A letter of support was received from Malcolm Bruce MP and a letter of objection from Lewis MacDonald MSP.

In summary, the main points made in the standard postcard objections, as well as by many others, are that the proposal:

- (1) is contrary to the adopted Aberdeen Local Plan;
- (2) will lead to unacceptable increases in traffic volumes in Tillydrone and surrounding area causing loss of amenity and endangering local residents;
- (3) will lead to severe increases in levels of CO<sub>2</sub> in the area, endangering the health of local residents;
- (4) will irreversibly damage the River Don and the extensive range of wildlife that live along it.

The following is a summary of other points made in the letters:

- Many people would be badly affected in terms of residential amenity. A number of objectors describe individual circumstances. These include residents in Bridge of Don and Tillydrone, where the proposed road would be located close to existing houses and in some cases within existing gardens;
- That there would be an increased level of pollution from the additional traffic (estimated at 9,500 per day) on the new road / bridge;
- That there would be an increase in the noise levels from the additional traffic, for example, one resident described how the proposal would create terrible noise for someone who lives 7m from the road;
- That Tillydrone is a deprived area and one identified for regeneration, however, a lot of people work and look after their properties. The road would destroy the area – a lovely part of Tillydrone;
- Loss of local environment, natural habitat, green space and mature trees, including on Gordon Mills Road, that it would also cause damage to air and water quality and the environment of otters;
- The proposal would cause disturbance to bats (and would be required to pass the strict tests set out in the relevant Directive);
- The issue is raised of artificial lighting from the bridge falling on the River Don and adversely affecting fish behaviour;
- Impact on archaeology and built heritage.

There were a number of comments relating to the transport network and how the proposal would fit within the existing road network. These include:

- Traffic should be kept out of the City Centre not brought in;
- That rat running would take place through local areas;
- That the Bridge would cause big traffic jams with traffic only being able to go onto King Street or up St Machar Drive;
- That the level of traffic is horrendous already and this would make it worse for residents on both sides of the Don. The area could not cope with the volume of traffic the bridge would bring;
- That the volume of traffic would be dangerous in an area where families live and where children are not used to traffic. Children may be knocked down, including because they need to cross roads to get to school. Traffic would also increase on the residential roads within Tillydrone, causing vehicles to speed through the neighbourhood;
- That the road would pass sheltered housing complexes which would be dangerous for the residents, also as they need to cross the road to catch a bus;

- Safety issues for school children in Grandholm and going to St Machar Academy;
- That the existing traffic problems, including at Haudagain, require to be resolved without creating more problems by building the Third Don Crossing;
- That the St Machar Roundabout would become like the Haudagain roundabout as a result of the proposal;
- That the Parkway, Persley Bridge and Mugiemooss Road all need to be dualled and there should be a flyover at the Haudagain.
- The Western Peripheral Route may well sort out many of the problems, with the bridge not being required;
- The site for the bridge should be further northwards along the River;
- Four pedestrian crossings would reduce traffic flow and add to driver stress, perhaps contributing to accidents;
- There needs to be more commitment to public transport including rail, cycling and most importantly, bus travel;
- The traffic impact has not been properly considered as the congestion models are out of date. The result would be unacceptably high traffic rates along the proposed route and surrounding communities;
- That any easing in traffic levels would encourage more people to travel by car and / or to revert to travelling at peak hours.

There were also objections on the following grounds:

- It is not legally competent to found the location of the proposal on the key diagram in the structure plan, nor on a non-statutory plan (Access from the North) which was prepared to complement the former local plan – this supplementary planning document was approved by the Council in June 2004 and has very little materiality;
- Access from the North is fundamentally flawed as it did not consider the option of dualling the existing Persley Bridge;
- The application is premature to finalisation of the emerging local plan. As a major piece of infrastructure, the location of the bridge should be determined within the context of a strategic review within the local plan preparation process, which includes an examination of site specific proposals including cross examination.
- That note should be taken of the views of the Local Plan Reporters in 2007. They said that the Third Don Crossing would make little difference to traffic congestion in the City, but would have a major impact on the people of Tillydrone;
- In this climate of cut-backs the money for the bridge would be better spent elsewhere. The Haudagain is mentioned in this context a number of times;
- One of the purposes of the modernisation of planning was to prevent pernicious repeat applications making repeated and almost identical application until objectors are beaten;
- That it should be taken into account that many people are against this Bridge;
- The proposal would widen the gap between rich and poor, it would not enhance quality of life or offer opportunity.

54 letters of support were received, mostly from residents of Bridge of Don who commute into the City and state that the proposal would improve existing traffic problems for people travelling into the City from north of the Don.

## **PLANNING POLICY**

The current development plan comprises the Aberdeen City and Shire Structure Plan, approved in August 2009, and the Aberdeen Local Plan, adopted in 2008. Material Considerations include the local and regional transport strategies, the Proposed Local Development Plan and Scottish Planning Policy, as well as issues raised by consultees and objectors.

### **Aberdeen City and Shire Structure Plan August 2009**

The structure plan which forms part of the Development Plan and was approved by Scottish Ministers, supports the principle of a Third Don Crossing, including it in the Spatial Strategy, where the proposal is mentioned in the context of improvements needed to serve new development in the city.

A Third Don Crossing is listed amongst a range of projects that will help to achieve the vision for the North-East, by dealing with congestion and allowing growth in and to the north of the City.

A Third Don Crossing is also indicated in symbol form on the Key Diagram in the vicinity of this proposal. No specific site is identified for the bridge.

The structure plan states that local development plans will identify land for proposals mentioned in the local and regional transport strategies; and that contributions would be expected from developers on a range of sites in both council areas.

It emphasises the vital role of the green belt and states that its boundaries will need to change to accommodate growth sought by the Structure Plan.

Economic growth is one of the six objectives of the structure plan. The objective is described as providing “opportunities which encourage economic development ...while at the same time improving the essential strategic infrastructure necessary to allow the economy to grow over the long term”.

The structure plan identifies the ‘Energetica’ initiative as helping to deliver this in the Aberdeen to Peterhead strategic growth corridor.

### **Aberdeen Local Plan June 2008**

There is no site identified in the adopted local plan for a Third Don Crossing. The application site is zoned under several policies in the local plan:

Policy 28 ‘Green Belt’ – the area immediately adjacent to the River Don, where the proposed bridge would be located, lies within the green belt. There is a general presumption against development in the green belt with certain exceptions. One of these is for infrastructure development that cannot be accommodated other than in the greenbelt, and is also identified in, and wholly compatible with the development plan. The policy also states that all development in the green belt should be of highest quality in terms of siting, scale, design and materials; and should have regard to other policies – in terms of landscape, trees & natural heritage.

Policy 36 'Urban Green Space' – the application site runs through the edge of the playing fields, and these are zoned urban green space. The open space north of the mill lade is zoned urban green space. In addition, the policy relates to smaller areas of green open space, not specifically shown on the local plan maps (due to their size). This policy states that permission will not be granted to use or redevelop any playing fields or other areas of urban green space, unless an equivalent area is made available in the locality. There are various criteria relating to:

1. there being no significant loss to landscape character and amenity of the site and adjoining areas;
2. access being either maintained or enhanced;
3. the site being of no significant wildlife or heritage value; and,
4. there being no loss of established or mature trees.

Policy 29 'Green Space Network' (GSN) – Areas zoned as green belt and urban green space may also be zoned as GSN, as is the case here. The policy aims to protect the recreation, public access, wildlife and landscape value of such areas; these values should be protected and enhanced and proposals likely to erode the character will not be permitted. Where major infrastructure necessitates crossing GSN, access routes for wildlife and outdoor recreation should be provided

Policy 40 'Residential Areas' – the application site includes areas within Tillydrone zoned as residential and the Donside site is zoned mixed use. In residential areas the character and amenity should be retained. Other uses should be complementary to residential use or create no conflict or nuisance to enjoyment of residential use.

Policy 41 'Mixed Use areas' – development in these areas must take into account existing uses and character and not create undue conflict.

The site also includes parts of Opportunity Site OP40 and OP49.

Opportunity Site 40 is on the west side of the University playing fields to the south of Laurel Lane. It is identified as a site suitable for a major leisure and recreational development with proposed facilities being available for use by the local community and University. There has not been a planning application for this development.

Opportunity Site 49 is the Donside Paper Mill site. This has planning permission for a mixed use development of housing and flats, together with small areas of office, employment, local retail and café uses.

Subject policies that are relevant are as follows:

Policy 35 'Access and Recreation Areas' – Recreational footpaths along the River Don shall be protected and enhanced. Core paths will be designated and protection given to these and other informal routes from development. Development should not compromise the integrity of these and opportunities should be taken to improve access.

Policy 27: Air Quality – air quality assessment is required where there is a significant effect on local air quality. Presumption against development where breach of National Air Quality Quality Standards. Where there is significant

deterioration in local air quality, even where standards are not breached, this will be a material consideration.

Policy 1 'Design' – factors such as scale, massing, materials, details and landscaping will be taken into account.

Policy 2 'Landscape Design' – details of a landscape design scheme should be submitted as part of the application.

Policy 4 'Protection of Urban Green Space' – existing areas of amenity space, recreation grounds, wildlife sites and woodlands are not brownfield sites for new development.

Policy 7 'Crime Prevention and Community Safety' – all development shall include measures to design out crime.

Policy 24 'Planning and Flooding' – development shall not be permitted if it would increase the risk of flooding, or flood itself; surface water must be disposed of through Sustainable Urban Drainage Systems (SUDS), and in manner to avoid flooding and pollution during and after construction.

Policy 31 'Landscape Protection' – development must not adversely affect landscape character or elements that contribute to sense of place around the city; disturb recognised recreation, wildlife or woodland resources; or sprawl into green spaces between places. Development shall respect landscape character and be capable of being absorbed into sites without adverse impact on landscape elements and linear features.

Policy 33 'Protecting Trees and Woodland' – contains a presumption against loss of trees and woodlands with natural heritage value that contribute to the character of the locality. Where trees are unavoidably lost, replacements of appropriate species and numbers, including providing new street trees and community woodland. Tree protection should be in place during development.

Policy 34 'Natural Heritage' – development with significant adverse impact on local designation shall not be permitted unless public interest at a regional level outweighs ecological value of the area and there is no alternative site. Satisfactory mitigation measures must be taken.

### **Scottish Planning Policy**

In terms of Scottish Planning Policy (SPP), there are various sections relevant to the application, including:

**Sustainable Economic Growth** – The SPP states that the planning system should proactively support development that will contribute to sustainable economic growth.

**Climate Change** – the need to help to mitigate the causes of climate change and the need to adapt to its short and long term impacts should be taken into account in all decisions throughout the planning system.

Greenbelt – local development plans should establish boundaries and identify types of development that are appropriate in the green belt; the SPP goes on to state that certain types of development may be appropriate, including essential infrastructure.

Playing Fields – Paragraph 156 specifically includes playing fields within educational establishments and states that playing fields and sports pitches should not be redeveloped except where, inter alia, there would be a replacement, or upgrade of an existing facility and these should be equally convenient; or, a playing field strategy shows that there is a clear excess to meet current and future demand.

Landscape and natural heritage – policy includes a presumption in favour of protecting woodland resources, removal would only be considered where it would achieve significant and clearly defined additional public benefits; compensatory planting may form part of the balance. Planning authorities should seek to prevent further fragmentation of habitats, and identify opportunities to restore links that have been broken

Transport - States the need for a local transport strategy and development to be complementary and consistent with Regional Transport Strategy. Improvements to active transport networks, such as paths and cycle routes will support more sustainable travel choices.

Designing Streets is a Scottish planning policy document that defines streets as having two functions: place and movement. The passage of people on foot and cycle is recognised as making a positive contribution to the overall character of a place. Elements of the policy and design guidance, such as junctions and connections are relevant to consideration of the design of the proposed road.

### **Proposed Aberdeen Local Development Plan**

According to Circular 1/2009 on Development Planning, the proposed plan represents the planning authority's settled view as to what the final adopted content of the plan should be.

The consultation period for the Proposed Aberdeen Local Development Plan has now expired and representations have been received. In the case of the Third Don Crossing, objections number 169, whilst there have been 2 letters of support.

The Proposals Map in the Proposed Plan shows the Third Don Crossing and associated works to the road between the St Machar roundabout and the Parkway roundabout.

Policy T1 lists land safeguarded for various transport projects and these include the Third Don Crossing, as well as the Berryden Corridor and Haudagain roundabout improvements. The Proposed Plan states that these schemes are included in order to meet the objectives of the Local and Regional Transport Strategies.

In the Proposed Plan sites have been allocated to meet the housing and employment land requirements of the Structure Plan and for the Bridge of Don



and Grandhome area, these include land for a total of 7,610 housing units up to 2030, split into three stages, including 3210 units in the first phase up to 2016. There is also a total of 32 hectares of employment land allocated for within the Bridge of Don / Grandhome area up to 2030. The 'Directions for Growth' section of the Proposed Plan dealing with the Bridge of Don / Grandhome area to the north of the River Don lists the Third Don Crossing, as well as Haudagain and the Aberdeen Western Peripheral Route, as proposed road schemes that will provide benefits to the area.

### **Listed Buildings and Conservation Areas**

The Planning Authority has a statutory duty to have special regard to the desirability of preserving listed buildings, their setting, or any features of special architectural or historic interest which they possess, and to preserve or enhance the character of Conservation Areas.

### **Transport Strategies**

The Regional and Local Transport Strategies are material considerations. NESTRANS Regional Transport Strategy 2021 (RTS) considers parts of the road network to be priorities for action and these include upgrading the A90/A96 junction at Haudagain, including a third Don Crossing. The Economy is one of the strategic objectives in the RTS. The aims, in respect of the economy, are defined as:

- making the movement of goods and people within the north east and to / from the area more efficient and reliable;
- improving the range and quality of transport to / from the north east to key business destinations;
- improving connectivity within the north east, particularly between residential and employment areas.

Aberdeen Local Transport Strategy 2008 to 2012 includes the Third Don Crossing in its Strategy to improve the City's transport system by adding to our transport infrastructure. The Third Don Crossing is listed in the Implementation Plan.

### **Energetica Delivery Plan December 2010**

Energetica is a concept that aspires to position the region as a global energy hub. Physically, it consists of a coastal development extending from north Aberdeen to Peterhead, linking together key energy assets and providing opportunities for new investment in infrastructure, leisure and housing. A number of projects and initiatives are underway and these are captured in the delivery Plan. In terms of critical physical infrastructure there are several key actions proposed. The Third Don Crossing is listed amongst these actions, as having benefits for the Bridge of Don / Grandholme Residential Development Zone.

### **Regeneration Masterplan**

Tillydrone is a regeneration area and is the subject of a regeneration Masterplan. The masterplan approved by the Council in 2007, takes into account the possibility of a Third Don Crossing

## **EVALUATION**

The application shall be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan consists of the Aberdeen City and Shire Structure Plan and the Aberdeen Local Plan 2008. Scottish Planning Policy, the Regional Transport Strategy 2021, Local Transport Strategy 2008 - 2012 and the Proposed Local Development Plan, as well as other matters, including those raised by objectors, are material considerations to be taken into account in development management decisions.

### **Structure Plan**

The structure plan supports the principle of a Third Don Crossing, whilst leaving the identification of a specific site to the local plan.

The structure plan in its spatial strategy supports the Third Don as being required in order to ensure that infrastructure is in place to support planned new development within the City.

In Chapter 5 – Putting the Plan into Practice, the Third Don Crossing is mentioned in relation to dealing with congestion as well as allowing growth in and to the north of the City.

The ‘Accessibility’ objective of the structure plan is to make sure that all new developments contribute towards reducing the need to travel and to encourage people to walk, cycle or use public transport by making these choices attractive. In this context local development plans will identify and protect land for the transport proposals mentioned in the local and regional transport strategies.

The structure plan Key Diagram indicates the proposal for a Third Don Crossing by way of a symbol in approximately the area of the application site, however, this is not intended to identify a particular site.

It is considered that the application proposal is supported by the structure plan and it is clear that it should be located where it would provide access for those sites allocated for new development within the north of the city. The structure plan also supports developer contributions being made by developers within the city and shire.

### **Adopted Local Plan**

The application site is zoned under several policies within the Aberdeen Local Plan.

Urban green Space – Policy 36 and Policy 4

The southern and northernmost lengths of the application site are zoned under this policy. In addition, some small areas of open space, not shown on the local plan zoning maps, are covered by this policy.

Within Tillydrone, the areas to the sides of the existing roads that are required for the proposal would be specifically required to accommodate the 3m wide cyclepath and part of the footway. Along this stretch, to the south of Wingate

Road, the proposed road would be wider than the existing carriageway as there are improvements required to convert the existing roundabout to a signalised junction. This would include the provision of an additional lane on the approach to the junction and a pedestrian island at the junction itself. This would involve a strip of the existing open space, of maximum width approximately 8.5m extending back from back edge of the landscaped / planted verge that runs along the heel of the existing pavement.

In terms of the criteria in the policy:

1. The St Machar open space / playing field consists of an expanse of open mown grass, the removal of the strip along the eastern edge would not impact upon the landscape character or amenity of the site. It is proposed to plant replacement trees between the cycle and footways and these would, in time, provide a benefit to amenity to compensate for the loss of the trees within the verge;
2. There would be no impact on access to the open space;
3. The site is mown grass adjacent to the road and as the expanse of the open space would remain, there would be no significant impact on wildlife or heritage value;
4. There would be no loss of trees on the area zoned urban green space. There would be compensatory planting for the loss of trees on the adjacent verge, which have a positive impact in terms of amenity.

The northern stretch of the site zoned under Urban Green Space policy includes the Balgownie playing field, the Danestone Walled Garden, and the open space down to the mill lade south of Grandholm Drive.

The proposal would involve widening the existing length of Fairview Street, between the roundabout and the sharp turn to the west, requiring a strip of land for a cycleway and embankment. This strip, which would be approximately 11m at its widest point, is an existing tree planted embankment. It is proposed that the embankment and remaining area between the proposed widened Fairview Street and Laurel Lane, to the east, would be planted with new trees. In terms of the policy the principle role of this strip of land is as a landscaped / tree planted edge to the road. If the application proposal were to be implemented, this role within the landscape would continue, albeit with a narrower strip of land. The existing trees are relatively small and immature. The proposal complies with the criteria within the policy.

The stretch of proposed road to the south of Fairview Street would require a strip of land of at least 17.3m in width, with embankments and cuttings being additional to this. The length of road within land zoned as Urban Green Space would be approximately 770m. In addition, there would be land required for the realignment of Grandholm Drive and for the separate pedestrian and cycleways around the junction of the proposed road with Grandholm Drive. In addition to the land take, the proposed road would affect one of the pitches at the University's Balgownie playing fields. These pitches are available to be hired by the public. However, the applicant has submitted a plan showing how the pitches could be reconfigured in order to provide the same number and size of pitches if the application proposal were implemented. As the University has contributed to the development of the Aberdeen Sports Village, it is considered that the impact on one pitch at Balgownie is acceptable. There is no objection from SportScotland to this or any other part of the proposal, subject to the pitches being protected during construction. Adjacent to Balgownie Drive there are goal posts with no pitch marked out. The applicant has submitted a plan showing the goals in a

relocated position, in order that the playing area is not affected by the application proposal. As this land near Balgownie Drive is Council owned, a suitable condition could be attached to any permission granted.

In terms of the criteria in Policy 36:

1. The application site slopes down towards the River Don, being visible from locations to the north and from the south side of the River. The proposed road would be highly visible from many locations within the immediate locality and would have a significant impact on landscape character and general amenity within the local area. In longer distance views, this would be mitigated to some extent by tree planting. However, within localised areas, such as the area between Balgownie Drive and Grandholm, the road would completely change the character of the open space and landscape. The open space remaining would be severed, in particular, as the road is within a deep cutting adjacent to Balgownie Drive, and on a significant embankment as it passes Grandholm.
2. Whilst access would be maintained to the areas of open space remaining, access across the wider open space would be degraded to a significant degree.
3. and 4. The site is of value to wildlife and heritage. It contains the Category B listed Danestone Walled Garden, as well as a large number of mature trees, including Wych Elm. This is an important species locally due to it being the only tree species on the North East Scotland Local Biodiversity Action Plan species list.

Urban Green Space policy also applies to areas of green space (other than private gardens) not separately zoned on the local plan maps. The proposal for a separate cycle way would result in much of the land take that is required in Tillydrone. The benefits of encouraging cycling by providing the separate cycleway, need to be balanced against the impact on amenity due to loss of gardens and open space. The proposal also results in the removal of large areas currently used for informal recreation in the area to the north of the river.

The proposal is therefore, clearly contrary to Policy 36 in the adopted local plan.

#### Green Belt – Policy 28

In terms of green belt policy the issue is whether the application proposal falls within the policy exception covering infrastructure development. A crossing of the River Don within the City, must cross the green belt as the entire length of the Don corridor is zoned as greenbelt. The approved structure plan requires that a site for the Third Don Crossing is identified in the local plan. Although the local plan has not yet 'caught up' with this structure plan requirement, it is clear that a site must be identified and that will have to include green belt land. Indeed, the Proposed Local Development Plan does this on a site currently allocated as green belt – a green belt location is inevitable. It is therefore considered that the application proposal consists of infrastructure development that cannot be accommodated other than in the green belt. The proposal has also been identified in the development plan, by virtue of its inclusion within the structure plan. This policy exception for infrastructure development is included in the green belt policy, thus there is the assumption that infrastructure may not be separately zoned in the development plan, but may fall within green belt zoning and be acceptable in terms of the policy. The issue is, therefore, whether the proposal is compatible with the development plan as a whole and its aims. It could be argued

that this is the case, following the logic that the structure plan requires a site to be identified, that the site would have to be in the green belt, and that any crossing of the Don Valley would be likely to have an adverse impact in terms of landscape, trees and natural heritage.

#### Green Space Network – Policy 29

The areas zoned as Urban Green Space and Green Belt are mostly also zoned Green Space Network (GSN). The policy contains allowance for infrastructure projects that necessitate crossing the GSN, this proposal is such a project. The policy then requires that account be taken of the coherence of the network, particularly in terms of access across roads for wildlife and outdoor recreation. The River Don corridor is the most significant wildlife corridor that is affected by the application. There would be access for both wildlife and people under the bridge alongside the river. From the point of view of security for walkers, this route would be enclosed only to the minimal degree required and it is not considered that access for recreation would be affected by safety concerns. Should the proposal be approved it is also recommended that a condition be attached relating to details of steps, or other access, between the riverbank level and the bridge itself, in order to maximise ease of access across the bridge and also for recreational purposes.

Around the junction with Grandholm Drive there would also be level access under the road (which would be on an embankment at this point). The foot and cycle path would run alongside the Mill Lade and this would provide access between the west and east sides of the road for wildlife as well. Elsewhere along the stretch of proposed new road, access would not be provided other than by crossing the carriageway. However, the road to the north of Grandholm is largely at the western extremity of the open space, so that crossing by wildlife is less likely to be a significant issue. The area of trees to the east of properties on Laurel Lane, the area of the walled garden to the west of the proposed road and the area to the north west of the proposed junction into Grandholm would all be isolated, from the point of view of wildlife, between garden fences and the proposed road.

#### Residential Areas - Policy 40

The housing area within Tillydrone is zoned under this policy, which seeks to protect residential character and amenity. It should be noted that the length of the proposed road to the south of the junction with Gordon's Mills Road although included with the application, could be built without planning permission under permitted development rights granted to Roads Authorities under Class 31, Part 12 of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992.

The tensions with residential policy exist where the proposal would involve loss of gardens, amenity space, wider areas of open space and trees, severance, noise and vibration and loss of amenity due to the perception of the oppressive presence of a road, or busier road, in the proximity of dwellinghouses.

The proposal would involve cycle and footways associated with the road being located on areas that are existing garden ground and on areas of open space in front of flats; and, where there would be areas of trees and open space affected

by the proposals. The removal of areas of garden and the implementation of the application proposal would have a significant impact on the amenity of the occupiers of those houses directly affected and impacts of varying degrees on all the residents along the length of the road and those passing through the area.

Properties in Danestone, to the east of the application site, are also within an area zoned as residential and the proposal would have an adverse impact on residential amenity, mainly due to noise, but also due to the other factors listed above.

As stated above, the proposal for a separate cycle way would result in much of the land take that is required in Tillydrone. The benefits of encouraging cycling by providing the separate cycleway, need to be balanced against the impact on amenity due to loss of gardens and open space.

There would be an adverse impact in terms of the additional noise, vibration and degraded air quality. Air quality will also be discussed further in terms of Policy 27: Air Quality. With all three of these factors there would be an adverse impact on the residents closest to the proposed road, whilst others near roads currently feeding routes to the existing river crossings are predicted to experience improvements in noise, air quality and vibration. To some extent, this is dependent on traffic volumes being influenced by other factors that cannot be foreseen at present. However, although air quality levels would worsen, levels of pollutants are relatively low compared to other areas, and the impact of the proposal would be acceptable in terms of air quality levels.

With regard to vibration, there would be an adverse impact on residents, especially within Tillydrone. There are no measures proposed to mitigate for vibration and Environmental Health Officers do not request these in their comments.

With regard to noise, Environmental Health Officers have requested that details of mitigation measures be submitted prior to determination of the application. The road would be within a cutting close to the houses in Danestone and it is considered that the land would form a buffer helping to reduce traffic noise. With Tillydrone it is more difficult to identify measures that would be acceptable from a visual and security point of view. One possibility is the use of willow panels. It is considered that this matter could be adequately dealt with via the attachment of appropriate conditions to any consent granted.

There would be tensions with Policy 40, including in terms of the localised impact of the proposal on air quality, noise levels and vibration. These negative impacts on the application site area may be balanced by positive impacts elsewhere. The loss of gardens and amenity open space and areas of trees would be contrary to Policy 40.

#### Mixed Use Area – Policy 41

The former Donside Papermill Site is zoned as mixed use. Planning permission has been granted for an urban village on this site and construction has started on site. In the areas closest to the road, that is the subject of this application, there would be flats in blocks, with houses slightly further from the road. The existing line of the road would be straightened out, and in doing so would take the edge

off the former papermill site. The area in question is a tree planted bank, protected by Tree Preservation Order (TPO). The impact on residential amenity on the future occupiers of the site would be in terms of a lower air quality, increased noise, the loss of trees and severance from the facilities in Tillydrone. However, none of these factors would result in an unacceptable level of amenity for residents. Due to the fact that the Donside residents would be further from the road than many existing Tillydrone residents, and that with the possible timescales of the Donside development and the road proposal, it is likely that occupiers of the flats would move in either with knowledge of the likelihood of the Third Don road proposal being implemented (if planning permission is approved) or it having been implemented. In either case it is considered that the proposal is acceptable in term of the impact on amenity of future residents.

Policy 41 also states that proposals on sites zoned mixed use must accord with all other relevant local plan policies. In relation to this area of the application site, the main issue of policy tension would be with Policy 33 'Protecting trees and woodlands'. This policy will be dealt with below.

It is considered that the proposal is not contrary to Mixed Use Areas Policy 41.

#### Opportunity Site OP40:

There has been no planning permission for a recreational development on this site at Balgownie playing fields. The application proposal would not prevent this taking place, as access could be provided off any new road.

#### Opportunity Site OP49:

As mentioned above, development is underway at the former Donside Papermill site. The impact on the site has been dealt with above.

#### Access and Recreation Areas – Policy 35

Core paths exist alongside the River Don and access would not be prevented by the proposed bridge, which would allow access underneath. Due to the impact of the proposed road and bridge on the character of the riverside area, the proposal would not improve the environmental and recreational quality of the riverside paths. The provision of access over the bridge would improve access to both sides of the river for those using the paths and would provide the opportunity for views over the river. It is recommended that a condition should be attached to any permission granted, requiring the provision of access from the riverside path onto the bridge and road side footway. However, it is considered that the overall impact of the proposal would be detrimental to the environmental quality of the riverside paths, this needs to be balanced against the benefit of increased accessibility and improvements to the network of paths (ie. including those alongside roads).

#### Air Quality – Policy 27

An air quality assessment has been carried out as part of the Environmental Impact Assessment. The application proposal would result in additional vehicle traffic passing through the Air Quality Management Area (AQMA). Figures in the Environmental Statement show that overall impact on the City Centre AQMA would be a marginal benefit or no change, although for some receptors on King Street (within the AQMA) there would be a slight adverse impact. Environmental

Health comments confirm that any increases in levels of pollutants would be within acceptable limits and that the overall impact would be neutral, due to the balance between beneficial and adverse impacts. It is, therefore, considered that the proposal accords with Policy 27.

#### Design and Landscape Design – Policy 1 and 2:

Policy 1 relates to the design of developments taking into account the context, rather than the principle of development itself. Given that the application is for a bridge and associated new road and road widening and the bridge itself would be a fairly simple structure, then this would minimise the inevitable impact on the river corridor. The parapet would consist of open railings and the sides of the bridge on the river bank would be open, rather than enclosed, helping to lighten the visual impact.

In terms of Policy 2, the submitted plans indicate the locations of tree planting and that these would be native species. It is considered that this matter is capable of being satisfactorily dealt with via the attachment of appropriate conditions to any consent granted.

#### Crime Prevention and Community Safety – Policy 7

In terms of this policy, the main issues are safety of pedestrians and cyclists when using the underpasses at Grandholm - there would be an underpass under the proposed new road, this would be where the foot and cycleway runs alongside the Mill Lade; and there would be a second underpass where the foot and cycleway runs under Grandholm Drive. Grampian Police Architectural Liaison Officer was consulted and also suggested that Automatic Number Plate Recognition (ANPR) cameras be installed on the bridge, as it would provide a route for criminals. In relation to ANPR cameras, as the Council would control the road it would be able to install cameras if the problem raised by the Police became an issue.

With regard to safety within underpasses, it is proposed that lighting would be provided along the routes in question. It is recommended that a condition be attached to any permission granted, relating to the provision of lighting. Landscaping could also be covered by condition, whereby the issues of safety and security could be assessed. The route from Grandholm along Grandholm Drive would be taken by children and parents on their way to Braehead Primary School and Bridge of Don Academy, as Grandholm is within the catchment areas for these schools. Although there would be likely to be numbers of people using the underpasses at school times, thus reducing the perception of danger in the underpass, it is also recommended that a condition be attached relating to the provision of a pedestrian crossing on the proposed new road. This would provide a choice of routes for those travelling on foot from Grandholm eastward.

#### Planning and Flooding – Policy 24

A flood risk assessment has been submitted with the application and SEPA is satisfied that with the attachment of a condition relating to the implementation of the compensatory flood storage provisions the proposal would be acceptable in this respect.



## Landscape Protection - Policy 31

The Environmental Statement finds that there would be significant impacts on the townscape / landscape around Danestone and the Balgownie playing fields, Grandholm Village and on the River Don corridor. Along the corridor to the south of the river it finds that there would be minor adverse or insignificant impacts. It is considered that this is an accurate assessment of the proposal; the impact would be less where the road follows the line of the existing roads in Tillydrone and the impact on the Conservation Area would be insignificant, other than the increase in traffic around the periphery.

The River Don, in particular, provides a strong sense of place, Grandholm Village, due to its particular character, including the presence of the Category A listed Mill building, is also a distinctive place in terms of Policy 31. The road to the north of the river, would cross the playing fields and areas of open space, including the Category B listed Danestone Walled Garden. It would therefore create disturbance, loss and damage to recreation resources. The proposed road would be mainly in cutting to the north of Grandholm and on an embankment between Grandholm and bridge. The traffic itself and lighting columns would also have a visual impact within these areas. Tree planting along the road corridor and in open spaces between the road and residential areas would help mitigate the landscape impact of the proposal. The design of the bridge itself minimises the impact within the river corridor. The laying out of a cycle and footway between the river edge and Gordon's Mills Road, on the south side of the river, would involve the loss of approximately 20 trees, in addition to those lost for the road itself. This has been provided to allow cyclists and pedestrians to cross from one side of the road to the other without crossing the carriageway, although a 'toucan' crossing is also provided close to this point. The laying out of this ramped cycle and footway, which would be within cuttings would have a significant impact on the river landscape, however, tree planting is proposed and this would greatly reduce the impact over time.

There is a stone wall along the heel of the pavement near to the Wallace Monument, this forms the edge of the Conservation Area, and conditions attached to any consent granted could ensure that this to is retained, together with the stone wall on the west side of the road, alongside Tillydrone Avenue.

Although, it is proposed to plant a large number of trees, it is inevitable that the proposed road would have a significant impact on the landscape, especially around the river and to the north of the river. The proposal is therefore contrary to Policy 31.

## Protecting Trees and Woodland - Policy 33

There would be approximately 480 trees lost for the proposed road and bridge. These would include 158 no. trees protected by TPO

One of the most dominant tree species of those trees to be removed is Wych Elm, this is the only tree species on the North East Scotland Biodiversity Action Plan species list. A total of no 44 Wych Elms of good health and form would be removed. In addition, a further 13 no. trees may be required to be removed as part of the remediation process.

It is proposed to plant replacement trees, these would be on the sides of cuttings and embankments, within larger areas between the proposed road and residential areas, between the road and separate cycle and footways; and street trees within verges between the foot and cycle way.

Whilst the extent of tree loss would significantly undermine the aim of the policy (to protect the City's tree cover) the proposal does comply with paragraph 2. of the policy, as it is proposed to plant an appropriate number of replacement trees, including street trees and areas of woodland. This would be controlled by the attachment of a suitable condition to any consent granted.

#### Natural Heritage - Policy 34

The application proposal would adversely affect the District Wildlife Sites (DWS) at the River Don and the Mill Lade. The impact on protected species, and other species and habitats would be dealt with via Environmental Management Plan as described above.

The principle of the Don crossing is identified in the Structure Plan and local and regional transport strategies. The economic benefits for the public, at a regional level, emanate from the development within the Energetica corridor, as well as the proposed Third Don Crossing being required to ease existing and future congestion. These benefits outweigh any adverse impact on the natural heritage designations. In addition, mitigation measures would be required as part of a Environmental Management Plan that would be a condition of any consent granted. Any alternative site would still involve crossing the river corridor, all of which is designated as a DWS.

It is therefore considered that the proposal complies with the terms of this policy, as the policy allows for adverse impact on a non-statutorily designated site, if there is public interest at regional level.

#### **Scottish Planning Policy**

SPP states that increasing sustainable economic growth is the overarching purpose of the Scottish Government and that planning should facilitate this purpose. The proposal has clear benefits for the economy of the City and wider region, as described above in relation to the economic appraisal of the application scheme. The appraisal found that, taking structure plan growth into account, there would be £55 million of traffic related benefits, with further benefits if public transport is provided. Economic objectives in terms of transport are identified in the Regional Transport Strategy and part of the proposal to achieve these is the Third Don Crossing.

In terms of climate change, the land allocations for housing and employment land in the area to the north of the river were identified after careful consideration of environmental, topographical and accessibility issues. The sites were also subject to Strategic Environmental Assessment (SEA). The application proposal would provide the opportunity for greater accessibility from the areas of new development as well as the existing housing areas. There is the opportunity for public transport to run along the proposed new route, providing a shorter journey time for all modes of transport into the City.

In addition, the application scheme would reduce the number of vehicles standing in queues, this together with shorter journey distances would reduce emissions compared to a situation without the application proposal.

It is therefore considered that improving accessibility and connectivity within the City would not contribute to the causes of climate change. However, there may be an issue with the provision of additional capacity on the road network, encouraging more people to drive into the city. However, this issue is addressed through wider measures within the local and regional transport strategies.

In terms of playing fields, the application proposal is considered acceptable as the University has made significant investment in the Aberdeen Sports Village, where high quality indoor and outdoor pitches have been provided. In addition, the pitches in the area to the east of the application site could be laid out in such a way as to provide the same number and size of pitches as currently exist.

The relationship of SPP on green belts to the application proposal is similar to that described above in respect of green belt policy in the adopted local plan. Essential infrastructure is included as one of the types of development that may be appropriate within the green belt.

The application site does not contain any statutorily designated landscape and natural heritage sites, although it does provide habitat for protected species, there are areas of protected trees and a locally designated district wildlife site. The site is not therefore the most sensitive landscape described by SPP as having little or no potential for new development.

The application site is located to the side of the green space where it crosses the University playing fields, although there would be small areas of treed open space created to the west of the road in Danestone and to the north east of Grandholm, where the proposal would result in habitats being severed. The impact on the green space east of Grandholm would be to sever the existing open space. However, the wildlife corridor along the River Don would remain, and would physically link the two areas of green space that would remain either side of the embankment to the north of the river, albeit that there would be disturbance for wildlife from the traffic on the road and the link alongside the river would be along a well used footpath. Wildlife could also use the Mill Lade itself, and foot/cycle way alongside, to cross between the areas of green space that would be created by the proposed road.

With regard to particular protected species, these would be the subject of further surveys and mitigation measures that would form part of an Environmental Management Plan (EMP) that would be conditioned as part of any consent granted.

As described above, the application proposal is included within the Regional Transport Strategy and the Local Transport Strategy. The proposal also includes providing separate cycle and footways, the former being off-road which together with the creation, by the application proposal, of a more direct route into the City from many areas north of the river, would encourage cycling.

## **Listed buildings**

The Category B listed Danestone walled garden would be partially demolished as part of the application proposal, as the road corridor would cross the garden. A length of wall and the octagonal tower would remain to the west side of the road, whilst walls and the house and associated outbuildings would remain to the east. The walled garden would effectively be destroyed by the application proposal. The octagonal tower would remain, but its context would be lost and its setting significantly damaged. The applicant has indicated that there would be proposals to undertake some works to the tower to ensure that its structural integrity and this could be the subject of a condition attached to any consent granted.

Historic Scotland have confirmed that it is content with the principle of the partial demolition of the walled garden, on the grounds of public benefit.

With regard to the impact on the Category A listed Grandholm Mill, it is considered that the Mill Lade is not part of the curtilage of the Mill. In any case, the proposals do not involve blocking off the lade.

In terms of the impact of the proposed road, on its embankment, on the setting of the Category A Mill, it is considered that the setting of the Mill is formed principally by Grandholm Village. There is an area of separation, albeit relatively small, between the proposed road and Grandholm Village. The road would be seen together with the Village mainly in views from south of the River, however, views of the Mill would not be obscured. The road would be clearly in view from the observation tower in the Mill, however, trees planting on the embankment would help to screen the road in time. It is considered that the public and economic benefit of the road would outweigh any impact on the setting of the Mill. In addition, the road, being located on the embankment at this point, would provide additional views of the Mill, within its setting in Grandholm Village and this would provide a high degree of interest from this public vantage point.

## **Conservation Area**

The application site abuts the Old Aberdeen Conservation Area, however, the proposal has an insignificant impact, as described above.

## **Designing Streets**

The layout design would not fully integrate the road into the existing road network to the north of the river, however, this is not possible given the layout of residential cul de sacs and streets. There would be junctions from Fairview Street, Laurel Drive and Grandholm Drive, and pedestrian crossings. To the south of the river, the proposal consists of a road widening in order to incorporate cycle and wider footways. There would be junctions with most of the existing side roads, providing a high degree of integration with the existing road network in Tillydrone. There would be a degree of severance between the existing Tillydrone to the west and the Donside Village and existing houses to the east of the road.

A condition would be recommended to be attached to any permission granted, relating to an additional pedestrian crossing within Tillydrone adjacent to the Donside papermill site.

Although the new road to the north of the river would be within cuttings and on an embankment, this is required to create acceptable gradients on the road, and also to avoid flood risk to the road. The embankments and sides of the cuttings

would be tree planted to help minimise the visual impact and soften the design. Although the widening of the road corridor through Tillydrone does not require planning permission, it is part of the application. The proposal for a separate cycle way would result in much of the land take that is required in Tillydrone. The amenity aspects of this have been dealt with above.

In terms of design, the impact of the loss of gardens and open space for cycle and footways would be capable of being mitigated to some degree by tree planting within the verges. However, retrofitting the proposals within an existing residential area inevitably results in a less than ideal layout design.

### **Proposed Local Development Plan**

The application proposal is zoned within the Proposed Plan as land safeguarded for transport proposals that are required in order to meet the objectives of the local and regional transport strategies

In addition to this requirement the Proposed Plan allocates significant areas of land for development adjacent the existing built up area to the north of the River Don. These development would benefit from the proposed bridge and road, in terms of providing a shorter route into the City, the potential for public transport improvements and the easing of congestion on the existing bridges.

The application proposal clearly accords with the Proposed Plan. However, there are 169 letters of objection to the Proposed Plan in respect of the Third Don Crossing. The Proposed Plan is a material consideration and is required by the structure plan to allocate a site for the Third Don Crossing, however, the weight to be attached in the decision making process is somewhat less than would be attached to an adopted plan.

### **Other matters (including those raised by objectors)**

Many of issues raised by objectors have been dealt with in the report above. The outstanding issues are dealt with below:

Reporters' report on the adopted local plan – the purpose of this was to report on those proposals and policies that should be included in the adopted local plan, rather than to comment more widely on the merits of the individual proposals. This is explained by the Reporters in the first paragraph of their report on this issue. The Reporters' report is not directly relevant and the extent to which this report is a material consideration is limited by the fact that the Reporters' Report was part of a process that lead to the adopted Aberdeen Local Plan 2008. That plan has been fully considered earlier in this report. The Reporters, in paragraph 89 of their report, did not recommend including the Third Don Crossing in the local plan, as it would not have conformed with the structure plan current at the time. A new structure plan has now been approved.

There has been a change in context since the Reporters issued their report, in the form of the local and regional transport strategies, the benefits of the application proposal for the Haudagain, the proposal being an integral part of the Access from the North proposals, the new SPP and the Proposed Local Development Plan.

With regard to the other issues raised by the Reporters including in terms of traffic and congestion, and the environment and impact on the amenity of those living close to the application site, these issues have been dealt with above.

Impact on Tillydrone, a deprived area – it is acknowledged that the application proposal would have local adverse impacts principally in terms of noise, air quality and amenity and these have been dealt with above. There are considered to be positive impacts from the application proposal for the residents of Tillydrone, these include the provision of quicker and easier access to areas of employment to the north of the river, with the possibility that public transport would be extended to cover the new road. The issue of severance would not impact upon the majority of residents in Tillydrone, as there would be access provided to the riverside and pedestrian and cyclist crossings of the road would be provided at various points.

It is noted that there are more affluent residential areas of the City through which busy roads run, for example, Queens Road, North Deeside Road and Great Western Road. It is considered to be the case that the burden of traffic congestion is not only carried by those in the deprived areas of the city. In addition, the air quality assessments show that improvements would result from the proposals for the less affluent areas to the east of King Street.

Traffic models – The traffic modelling exercise was repeated during 2010 and the information submitted relates to these results. The particular traffic model used 2007 as a baseline, however, all relevant traffic growth patterns would have been added to the figures for both the short and long term predictions. It is considered that the traffic models used are up to date and appropriate.

#### Access from the North

Access From the North study was not a planning document - this was not its purpose. The study was carried out in accordance with national guidelines to identify the best means of reducing congestion in the north of the City. It was in part carried out under powers within the Roads (Scotland) Act 1984 which permit roads authorities to construct new roads.

In terms of the options considered, the applicant has stated that it is not possible to take every option that is suggested forward to more detailed route investigation studies. Therefore, in accordance with recommended national practice a sifting exercise was carried out and four options were taken forward to more detailed study. Taking this limited number of options forward is consistent with practice elsewhere.

The applicant has confirmed that the widening the Bridge of Don was not taken forward to detailed study because the capacity issue on the Ellon Road/King Street corridor is caused by junction capacity and not by the width of the Bridge of Don. As such, widening the Bridge of Don would not have provided effective congestion relief and would additionally have potentially required significant property demolition at the Balgownie Road/Ellon Road junction. In view of this, a route running parallel to the Ellon Road/King Street, a few hundred metres to the east, was selected for further investigation. This parallel route provided extra capacity without the problems associated with upgrading Ellon Road/King Street. The study found that this option was more expensive, provided less congestion

relief, had lesser modal shift benefits and had greater environmental impact than the line that is currently being proposed.

It was also confirmed by the applicant that, as with the Bridge of Don, widening Persley Bridge would not have provided adequate congestion relief since the primary capacity problem is not Persley Bridge but the junctions at the Haudagain and Mugiemoss/Parkway. A report was submitted to Council in January 2004 giving high level costs for upgrading the Haudagain and the Parkway as an alternative to the Third Don Crossing. The cost of this upgrade was estimated to be over £20m more than the Third Don Crossing. Subsequent to this a full study was carried out into the upgrading of the Haudagain and that study concluded that any Haudagain improvement that complemented the regeneration of the adjacent residential area would require to be an at grade (single level) junction. Such a junction would require both the Aberdeen Western Peripheral Route (AWPR) and the Third Don Crossing to be constructed if the congestion problems at the Haudagain were to be adequately resolved.

Given the topography of the north of the City, a tunnel under the River Don would have required excessive approach gradients and would have cost many times that of a bridge solution.

Prematurity - There is a duty on the planning authority to determine applications and the planning legislation includes provisions for processing applications that do not accord with the development plan. The relationship of the proposal to the structure plan, and other approved strategies is outlined above.

Human Rights - Consultation has taken place in accordance with planning legislation and legislation covering Environmental Impact Assessment and a public hearing has been held in accordance with the Council's agreed procedures. All representations have been taken into account.

The Courts have ruled that the Scottish planning system complies fully with Human Rights legislation.

## **Conclusion**

The proposal is identified in the Structure Plan as part of the strategy for strategic growth, without identifying a site. One of the key objectives of the structure plan is economic growth and part of this is the provision of essential infrastructure. The structure plan also requires the emerging local development plan (the Proposed Plan) to identify a site for the Third Don Crossing and sites for 21,000 homes on greenfield sites up to 2030.

The adopted local plan does not make any mention of the Third Don Crossing (the issue of the Reporters Report is dealt with above) and the proposal is contrary to some individual policies, has tensions with a number of others but is consistent with others.

Scottish Planning Policy emphasises sustainable economic development as its overarching purpose. The Government's Economic Strategy identifies infrastructure development as one its five strategic priorities that are critical to economic growth.

The Energetica concept is central to the region's aspiration to be a global energy hub focussing on all energy technologies. It also contributes to the desire to make the City and Shire one of the most interesting and enjoyable locations in which to live and work. The Third Don Crossing is one of the critical infrastructure projects required to achieve this.

The Proposed Plan identifies the application site for the Third Don Crossing as well as making land allocations for 7610 homes and 32 hectares of employment land to the north of the River Don. This Proposed Plan is the subject of objections and the weight given to it is therefore more limited than the adopted plan. However, there is a requirement for the plan to identify a site for the Third Don Crossing and it is the Council's settled view on the content of the new adopted local development plan.

It is accepted that the proposed bridge, associated new road and road widening would have an adverse impact the amenity of some local residents, with a significant impact on a relatively small number of local residents; on the environment within the local area, including on a listed structure and on a large number of trees. At the same time, looking at the impacts on a wider scale, issues such as air quality and noise have an overall neutral impact, and air quality will improve for some residents in the King Street area. The proposal would not have an adverse impact on the landscape from the gateway entrances into the city. The landscape impact is capable of mitigation to some extent by tree planting. It is considered that overall the adverse impact is local to the proposal. The proposal would also enhance accessibility: for existing residents to cross the river in both directions for employment as well as leisure purposes; and, from new areas of sustainably located development, providing the opportunity for enhanced public transport to these and existing areas.

The economic benefits of the proposal are clear and have been described above. The proposed bridge would take local traffic into the city, dispersing traffic from the bottlenecks at the existing bridges, easing congestion on these strategic routes. The Scottish Government emphasises the importance of economic growth and this is picked up by the structure plan. The Regional Transport Strategy picks up the transport contribution to economic growth and specifically recognises the dependency on the delivery of the Third Don Crossing to implement improvements to the Haudagain. It is therefore considered that the wider economic benefits of the proposal outweigh the negative local impacts of the proposal and that with the attachment of conditions, including for an Environmental Management Plan and other mitigation measures, that the proposal is acceptable.

### **RECOMMENDATION: Approve conditionally**

with the following condition(s):

(1) that no development shall take place within the application site to the north of the corner of Gordon's Mills Road, until the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority - in the interests of protecting items of



historical importance as may exist within the application site.

(2) that the development shall not take place unless there has been submitted to and approved by, the planning authority, in consultation with Transport Scotland, details of the proposed tie in arrangement of the A90 parkway / Whitestripes Avenue Roundabout and that the development shall be implemented in complete accordance with the details as so approved - to ensure that the safe and efficient operation of the trunk road is maintained.

(3) That development shall not take place unless there has been submitted to and approved in writing by, the planning authority, as plan showing the relocating of the goal posts to the south of Balgownie Drive, and that the the development shall not be brought into use unless the goalposts have been relocated in accordance with the scheme as so agreed - in the interests of recreation

(4) that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting, including details of planting in areas around the underpasses - in the interests of the amenity of the area and security.

(5) that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

(6) that no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the Planning Authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation - in order to preserve the character and visual amenity of the area.

(7) that any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the Planning Authority; any damage caused to

trees growing on the site shall be remedied in accordance with British Standard 3998: 1989 "Recommendation for Tree Works" before the building hereby approved is first occupied - in order to preserve the character and visual amenity of the area.

(8) that no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks - in order to ensure adequate protection for the trees on site during the construction of the development.

(9) That development shall not take place unless there has been submitted to, and approved in writing by, the planning authority detailed layout plans showing:

- a) a pedestrian crossing between on the new road between the two junctions with Grandholm Drive;
- b) a pedestrian crossing of the new road close to the junction with Hayton Road;
- c) a pedestrian links by steps, or otherwise, between the riverside path on the north side of the river, and the new road close to the new bridge;
- d) details of the link between the pedestrian cycleway under the bridge on the south side of the river, and the riverside pathway

The development shall not be brought into use unless the scheme has been implemented in complete accordance with the details as so agreed, unless otherwise agreed by the planning authority - in the interests of safety and accessibility for walkers.

(10) That no development shall take place unless a scheme for external lighting, including lighting within the underpasses has been submitted to and approved in writing by the Planning Authority, and thereafter implemented in full accordance with said scheme - in the interest of public safety.

(11) That no development shall take place unless there has been submitted to, and approved in writing by, the planning authority a full site specific Environmental Management Plan (EMP) that includes all matters indicated within the Environmental Statement by AECOM dated April 2010 and incorporates detailed pollution prevention and mitigation measures for all construction elements potentially capable of giving rise to pollution during all phases of construction, reinstatement after construction and final site decommissioning. The EMP shall be submitted at least 2 months prior to commencement of works and shall include:

- a) details of an appropriately qualified and experienced designated 'appointed person' who would be responsible for enforcing the EMP and will have the authority to stop and implement work;
- b) pre-construction surveys, including of otters, bats and badgers mitigation measures;

- c) a construction EMP including measures for controlling dust during construction;
- d) details of measures to prevent entry of pollutants into any bodies of water;
- e) a full site waste management plan;
- f) details of waste water drainage from temporary and permanent facilities for workers on site;

The scheme shall be implemented in complete accordance with details as so approved and work shall not take place unless the measures as so agreed and those within the ES referred to above are in place and fully operational - to control pollution of air, water and land.

(12) That development shall not take place unless there has been submitted and approved in writing by, the planning authority, details of noise mitigation measures. The development shall not be brought into use unless the scheme has been implemented in complete accordance with the details as so agreed - in the interests of residential amenity.

(13) That no development shall take place unless there has been submitted to, and approved in writing by, the planning authority, details of works to the listed octagonal tower in order to preserve its structural integrity. These shall take place in complete accordance with the scheme as so agreed, within 6 months of the new road being brought into use - in the interests of preserving a listed building

(14) That the development of the proposed embankment in the area to the south of the mill lade shall not take place unless there are in place compensatory flood storage provisions as described in the Flood Risk Assessment by AECOM dated February 2010 and letter from the applicant to SEPA, dated 7 July 2010 - in the interests of avoiding flooding.

(15) That two months prior to the commencement of any works, a detailed water feature survey and risk assessment is undertaken, submitted and approved in writing by, the planning authority (in consultation with SEPA). No development shall taken unless the survey and assessment have been so approved. The work shall be carried out in complete accordance with the assessment as so agreed - in order to protect people and the water environment.

(16) that no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be brought into use unless the drainage has been installed in complete accordance with the said scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(17) that no development shall take place unless a scheme detailing all external finishing materials to the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out

in accordance with the details so agreed - in the interests of visual amenity.

(18) That no development shall take place unless there has been submitted to, and approved in writing by the planning authority, details of protection measures to sports pitches. Development shall not take place unless the measures as so agreed are in place, fully in accordance with the scheme as so agreed - in order to protect sports pitches.

(19) That the proposal for the partial demolition of the Category B listed garden walls, should be implemented only as part of a wider scheme for the development of the Third Don Crossing (as approved under this application, or other permission subsequently granted). That development shall not take place unless there has been submitted to, and approved in writing by, the planning authority a scheme showing the phasing of development. Thereafter the proposal shall be implemented in complete accordance with the scheme as so agreed – in the interests of the listed building

**Dr Margaret Bochel**  
Head of Planning and Sustainable Development