

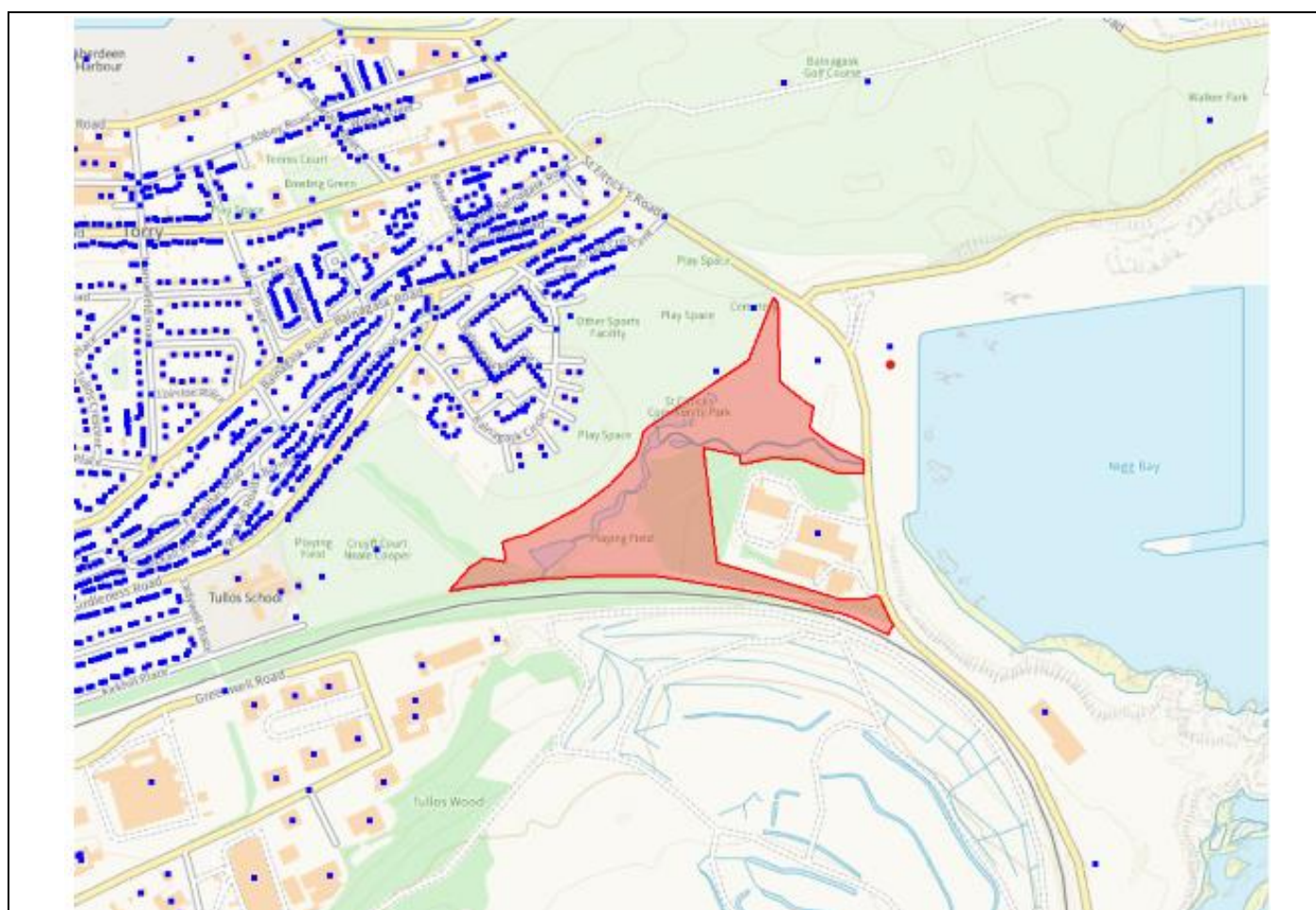


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 6 November 2025

Site Address:	Land At St Fittick's Park, Aberdeen,
Application Description:	Approval of matters specified in conditions 5c,d,e (design, layout, siting), 8 (details of East Tullos burn works), 9 (biodiversity), 10 (landscaping), 12 (flood risk assessment), 16 (CEMP), 20a,c,d,g,h (mitigations) and 21 (archaeological works) of application ref. 231371/PPP for the realignment and enhancement of the East Tullos Burn, landscape works and biodiversity enhancement, path connections and associated mitigation works (Phase 1 of Zone A)
Application Ref:	250440/MSC
Application Type	Approval of Matters Specified in Condition
Application Date:	20 May 2025
Applicant:	ETZ Ltd
Ward:	Torry/Ferryhill
Community Council:	Torry



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RECOMMENDATION

Approve unconditionally

APPLICATION BACKGROUND

Site Description

The application site is approximately 8.3ha and consists of part of St Fittick's Park (Zone A)). The area includes the East Tullos Burn and surrounding area, extending close to St Fittick's Road and Church to the north, across to Coast Road to the east and alongside the railway to the south. The site excludes the two proposed 'development platform' areas, those being: 1) area to the west and north of the Scottish Water Sewage Treatment Works; and, 2) area of St Fittick's Park adjacent to Coast Road/St Fittick's Road opposite the vehicle entrance to South Harbour (formerly used as lay down area during construction of South Harbour).

The application area (together with a further approximately 7 ha of St Fittick's and sites at Gregness Headland and Doonies, that do not form part of this application) is known as the Energy Transition Zone (ETZ) and was the subject of a Planning Permission in Principle (Ref 231371/PPP) that was approved earlier this year following a decision by PDMC in November 2024. The approval was subject to a number of conditions that require to be the subject of further applications for Matters Specified in Conditions. This is one such application, whilst a further application for phasing of development at St Fittick's and Doonies (Ref. 250429/MSC) is also on the agenda for this Committee.

The site is allocated for development in the Aberdeen Local Development Plan 2023 (ALDP) as Zone A – OP56 (St Fittick's) and a small section of OP62 (South Harbour). The St Fittick's site together with Gregness and Doonies is an allocation in the ALDP under Policy B5 Energy Transition Zones (ETZ). The St Fittick's Park (A) wider ETZ area covers 15.5ha and includes the south east area of the park, with the East Tullos Burn and wetlands, woodland, open space and a recreational area. The Scheduled Monument of St Fittick's Church is close to the northern boundary of this site. The River Dee Special Area of Conservation lies 630m to the north of St Fittick's Park. The large Waste Water Treatment Plant operated by Scottish Water borders the site to the south east.

Relevant Planning History

Also on the agenda for this Committee is:

Application 250429/MSC: Approval of matters specified in Conditions 4 (phasing - Zone A) and 41 (phasing - Zone C) in relation to Planning Permission in Principle (Ref: 231371/PPP) for the Proposed business / industrial development (Class 4/5/6); road infrastructure; active travel connections; landscaping and environmental works including drainage and other infrastructure.

There is a current planning application:

Application 250929/DPP: Erection of an accessible entrance feature, path connections, social shelter, spectator seating, paved area and associated works on Land at St Fittick's Park

Planning History:

Planning permission in principle (PPP) was granted on 24 January 2025 for:

Proposed business / industrial development (Class 4/5/6), road infrastructure, active travel connections, landscaping and environmental works including drainage and other infrastructure on land at Coast Road, St Fittick's Park, Gregness Headland and Doonies Farm, Aberdeen. The PPP was approved subject to a number of conditions that require further applications to be submitted in the form of Matters Specified in Conditions applications (MSC).

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

A number of further applications relate to the site:

Application Number	Proposal	Decision Date
230890/ESS	Proposed business / industrial development (Class 4/5/6) road infrastructure, active travel connections, landscaping and environmental works including drainage and other infrastructure.	Screening opinion issued 9 August 2023, confirming that EIA was required.
230707/PAN	Proposed business/industrial development (class 4/5/6); road infrastructure; active travel connections; landscaping and environmental works including drainage and other infrastructure.	Response issued 7 July 2023, confirming proposed pre-application consultation adequate.
240620/DPP	Upgrade and realignment of link road to include walking, wheeling and cycling provision, new bridge over railway and associated works at Hareness Road and Coast Road.	Current pending application on adjacent land.

APPLICATION DESCRIPTION

Description of Proposal

The application seeks to discharge several conditions on the Planning Permission in Principle 231371/PPP relating only to the works to the East Tullos Burn watercourse and adjacent land within the application site area of the ETZ site at St Fittick's.

The full wording of the conditions is included in the Evaluation below, and is as follows:

- Condition 5 c), d) & e): design, layout, siting – requires cross sections through the site, existing and proposed levels surveys and details of cut and fill. The remaining sections of condition 5 are not relevant to the nature of the works proposed to the burn;
- Condition 8: details of East Tullos burn works - design, dimensions of channels and buffer zones, access for recreation, details of de-silting pond and technical details;
- Condition 9: biodiversity – detail biodiversity protection and enhancement plan required;
- Condition 10: landscaping – scheme of planting including trees, shrubs, hedges and seeding. To note also is that condition 11 requires the implementation of the landscaping and also a management and maintenance programme to be approved prior to commencing the landscaping;
- Condition 12: flood risk assessment – requires a detailed flood risk assessment (FRA) and plans showing the flood extents;

- Condition 16: Construction Environmental Management Plan (CEMP) – to include dust management, surface water management, an ecological clerk of works and other measures relating to biodiversity;
- Condition 20 a),c),d),g),h): mitigation measures including improvements to open spaces in Torry / Balnagask, paths, water quality improvements to burn, habitat enhancements, replacement sports pitch at Tullos Primary School playing fields;
- Condition 21: archaeological works.

The application proposal for this MSC includes the following:

1. Re-alignment and enhancement of the East Tullos Burn, seeking to improve the functionality of the existing wetlands and facilitate further development around the St Fittick's Park site:

- Installation of a dedicated sediment retention pond, to trap fine sediment and solid pollutants from entering the wetland. The pond would be on part of the existing triangular playing field area next to the railway and include an in-built bund to separate the inflow and outflow to/from the sediment retention pond. The water entering St Fittick's from the south would essentially be routed through this pond prior to flowing through the Park.
- Realignment of the burn channel into/out of the existing downstream wetland pond.
- Creation of new inset channel to increase flow capacity and habitat availability within the realigned channel.
- Infill of a section of the existing burn channel, re-using cut material from the other design elements.

2. Strategic site landscaping and biodiversity enhancement, including new planting designed to integrate into the existing St Fittick's Park.

- Provision of new path connections around the burn and wetlands, and partial re-alignment of existing path network to maintain connectivity through the site. Benches and interpretation boards would be provided adjacent to the paths.
- Planting, of coastal grassland, inland meadow mix grassland, amenity grassland mix alongside paths, wetland and burn channel planting inland meadow landscaping as well as the retention of existing high value habitat, retention of existing woodland,
- Biodiversity enhancement measures, including a sand martin bank structure, mink removal raft, conservation of Gypsywort in particular and the planting of native species.

In addition it should be noted that a separate application has been submitted for the following off-site mitigation measures:

- Path connections linking to the existing network and connecting sports pitches within Tullos Playing Fields to St Fittick's Park.
- New access ramp / steps / seating connecting into existing playing fields entrance to St Fittick's Park (NW corner) to improve accessibility and amenity.
- Grass football pitch markings and installation of new goalposts (2no. pitches / 4no. goalposts).
- Specimen tree planting along path corridors.
- Park benches and terraced spectator seating adjacent to sports pitches.
- New social shelter (1no.).

Amendments

Revised sediment management plan, Biodiversity Plan and landscape drawings were submitted.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SVL010BZIF100>

Design Report by CBEC Eco Engineering
Design Method Statement by CBEC Eco Engineering
Biodiversity Protection and Enhancement Plan by The Habitat People
Flood Risk Assessment by Kaya, with additions in August and September 2025
Sediment Management Plan by CBEC Eco Engineering
Landscape Management and Maintenance Plan by SLR
Written Scheme of Investigation by CFR Archaeology Limited
Construction Environmental management Plan by Environcentre

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because:

- There were more than six objections to the application.

Determination of the application therefore falls outwith the scheme of delegation.

CONSULTATIONS

Aberdeen City Council (ACC) Internal Consultees

- **ACC - Structures, Flooding And Coastal Engineering** – are now satisfied that the letter from KAYA demonstrates and explains the flood mechanism in the area close to the St Fittick's Church during low impact events on their model, similar to the events in October and December 2024 as captured on resident's photos and video submitted as a representation. It is also noted that an indicative land raising plan has been proposed for the area where the former harbour compound site is located. A future planning application for this area, may require an updated FRA depending on the boundary of the proposed land raising
- **Archaeology Service (Aberdeenshire Council)** – Satisfied with the Written Scheme of Investigation and CEMP which includes appointment of Archaeological Clerk of Works. These satisfy requirements of the condition. Condition can be part discharged as the on-site mitigation will need to be undertaken.
- **ACC - Environmental Health** – Satisfied with proposals for controlling and monitoring construction noise and vibration, dust vehicle and plant emissions.

External Consultees

- **Historic Environment Scotland** – No objection. Satisfied that landscaping near St Fittick's Church would not adversely affect the setting of the building.
- **Network Rail** – No objection. Advisories suggested.
- **Scottish Environment Protection Agency** – SEPA are providing technical advice on the Flood Risk Assessment (FRA) and further technical information at the request of the planning

authority.

Kaya have now provided additional information (letter dated 18 September 2025) in response to SEPA's comments and those provided by Aberdeen City Council flood team regarding historical flooding of the site. Further clarity has been provided on the modelling and outputs provided. The outputs provided did not show any flooding below 0.1m depth and as such some of the flow pathways were not shown. Clarification of this has been provided and it is outlined that the modelling indicates water flowing both north and south across the path.

A further review has been undertaken of the video evidence provided of the flood event and it is shown within the letter how the modelling represents the flow mechanisms within the video. SEPA confirms holding no further information to indicate that the modelling is not representative of that observed and documented and observes that it would appear from the outputs of the modelling that the only receptors at risk are the wetlands and park itself. SEPA therefore have no further comments to make.

- **Scottish Water** – No objection. Notifies of live Scottish Water infrastructure in the area.
- **Torry Community Council** – objection, making the following points:
 - Proposal threatens the benefits of the Park to residents, such as the landscape, sports and biodiversity features. The Park being the last large open natural space in Torry.
 - Unclear why two applications are required for seemingly related conditions.
 - The proposals relate to undefined, speculative, intense industrial proposal.
 - Turning a green space to concrete is not considered an environmentally friendly way to 'new' zero future, when so much industrial land lies vacant.
 - The Community Council has commented on many applications stating that there would be environmental and infrastructure impact. These have been implemented with resultant heavy road usage, congestion, bus delays, rat-running on residential streets. For this application, the Coast Road is promised but still without the consents required to build over the railway and funding does not appear to be secure. It is therefore questioned whether condition 3 (Provision of Coast Road Upgrade) can be achieved, including due to funding.
 - It is questioned whether the requirements of a range of conditions will be met with traffic management and environmental deterioration being particular concerns.
 - St Fittick's Park is a flood plain and the risk should be managed through natural solutions.
 - The proposals have little or no health and well-being benefit for the local community.
 - Condition 4 in respect of landscaping should not be discharged as the landscaping would not mitigate for the loss of green space and does not comply with Policy 4: Natural Places, of NPF4.
 - There should be a public hearing to air concerns and for the developer to present their evidence supporting loss of the well-used open space.

REPRESENTATIONS

140 representations have been received (140 objections, 0 in support and 0 neutral). The matters raised can be summarised as follows –

Material Considerations

1. Mitigation measures must be agreed with the community and installed before the park is developed.
2. Previously promised community benefits such as the restoration of part of the park used for south harbour construction and the landscaping and handing back of Gregness have not taken place.
3. Proposals would destroy park for speculative use. Phase 2 allows for the development platforms and the development may never be built.
4. Previous mention of discussions and interest from various end users appear to have come to nothing and 750 Full Time Equivalent jobs mentioned in business plan by 2023 have not been created.
5. In considering application proposals, the park must be seen as a public open space, not a brownfield site.
6. The end user and lease arrangements must be known as this will affect the community benefits package, with different possible end users having a different impact (eg. noise, odour, vibration and light).
7. The impacts must be known in order to carry out an equality impact assessment as required by the Judicial Review decision. It was stated that the EIA could not be carried out until an end user is known. This should take place prior to phasing being agreed.
8. All mitigation measures should take place in phase 1, including those off-site.
9. Queries goals of ETZ project and whether certain technologies such as hydrogen and carbon capture, are "green" or are to extend the fossil fuel era.
10. Project is not 'Just Transition' as it exacerbates existing inequalities and does not meet the key criteria of the Scottish Climate Change Act.
11. Community is against the proposals, has political support from some quarters and is being ignored.
12. Biodiversity will not be enhanced with the loss of plants and animals and will not be mitigated for local people. Loss of bird species, woodland and habitat will not be replaceable in the local area.
13. Development is premature before Coast Road project is open and will result in heavy vehicles through Torry. Queries whether there is funding for the road.
14. Public health, including mental health and amenity will be damaged by noise and air pollution. The impact is even greater in a deprived community, where life span is shorter due to existing industrial development. Replacement facilities will not be easily accessible by locals.
15. Biodiversity Plan is not by a suitably qualified professional and little weight should be put on the opinion that the loss of habitat can be mitigated.
16. If application is approved (contrary to objections) it must be conditional on a binding contract with a prospective user ensuring that it is used for a purpose identified as fulfilling the functional association criteria, before any commencement of works.
17. Development site is a functional flood plain
18. Realignment of burn is not 'restoration' and will damage amenity and biodiversity and construction of channels will release toxic sediments. It is unnecessary as work was done ten years ago.
19. Bird species that use the park and wetlands, including species in decline and rare Spotted Crake.
20. SEPA raised objection to development in flood plain.

Non-Material Considerations

1. Phasing plan should be rejected unless end users are established first. When mitigation measures are properly discussed with community, local people and councillors may suggest a different phasing plan.
2. Phasing application should not be submitted with first application for first phase, implying presumption of approval.
3. Matters relating to the independence of Scotland and sovereignty of the Scottish people.
4. References to the Council's decisions in its capacity as landlord relating to the lease of the park.
5. Principle of loss of park for development, including this being a short sighted decision. The park is well-used by the public, including dog walkers and it will be a significant loss.
6. Availability of alternative sites.
7. Legacy of displacement of local people, with Torry being surrounded by heavy industry.
8. Likely to be no funding for maintenance of park and off site mitigation sites given local authority funding cuts.
9. Imaginative plan for whole area around new port is required, with reuse of Altons buildings, rail connection was also previously mentioned.
10. References to conditions other than those that are the subject of this application.
11. Disturbance during construction.
12. Potential land take for security fences, services and security personnel and lighting will deter use of the area
13. Development likely to cause continuation the displacement of Torry residents, adding to the hundreds of Balnagask residents currently enduring grave treatment due to RAAC.
14. Questionable economic benefits as job numbers will be insignificant compared to oil and gas industry.
15. The plots in St Fittick's are too small and burdened with constraints to be chosen against others such as Port of Nigg, Cromarty and Ardersier.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Development Plan

National Planning Framework 4

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

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 4 (Natural Places)
- Policy 6 (Forestry, Woodland and Trees)

- Policy 14 (Design, Quality and Place)

- Policy 20 (Blue and Green Infrastructure)
- Policy 21 (Play, Recreation and Sport)
- Policy 22 (Flood Risk and Water Management)
- Policy 23 (Health and Safety)

Aberdeen Local Development Plan 2023

- Policy B5 (Energy Transition Zones)
- Policy NE2 (Green and Blue Infrastructure)
- Policy NE3 (Our Natural Heritage)
- Policy NE4 (Our Water Environment)
- Policy NE5 (Trees and Woodland)
- Policy D1 (Quality Placemaking)
- Policy D4 (Landscape)
- Policy D5 (Landscape Design)
- Policy I1 (Infrastructure Delivery and Planning Obligations)
- Policy WB1 (Healthy Developments)

Aberdeen Planning Guidance

- Open Space & Green Infrastructure
- Natural Heritage
- Flooding, Drainage & Water Quality
- Trees & Woodlands

Other National Policy and Guidance

- Energy Transition Zone Masterplan

EVALUATION

Key Determining Factors

The principle of development is established by the Planning Permission in Principle (Ref. 231371/PPP). This application relates to the phasing of development at St Fittick's Park and Doonies. Therefore, the relevant matters for consideration the acceptability of the details of the works to the burn and associated biodiversity and landscaping, and whether this would achieve the aims of development plan policies. In considering this, a key question will be the whether it would be justifiable to realign the downstream stretch of the East Tullos Burn at the same time as the proposed work to the wetland and creation of the filtration pond.

The application seeks to discharge various conditions noted below, only in so far as they relate to the application site and works to the burn.

Layout and Design

The main consideration in respect to condition 5 is the change in levels that would take place to install the sediment pond and realign the burn and, in respect to condition 8, the detailed design of the course of the burn and new pond. These would also have an impact on the usability of the park, in terms of people having access across natural open space and along paths. The whole site is covered by Policy NE2: Green Space Network, which supports the wildlife, biodiversity, ecosystem services & functions, access, recreation, landscape and townscape value of the Green Space Network. Development that does not achieve this will not be supported. The qualities of good design within policies D1 in the LDP and 14 in NPF4 are also considerations, in particular the park as a public realm as experienced by people, and the provision of a biodiverse open space.

Addressing the relevant parts of each of these two conditions in turn:

5. DESIGN, LAYOUT, SITING, MASSING

That no development of any individual plots / units shall take place unless a matters specified in conditions application has been submitted to the planning authority for the details listed below...

c) Cross sections through the site as necessary showing the proposed height of buildings, and site levels as proposed with an indication of the levels as existing, including a cross section through St Fittick's Church and the realigned St Fittick's Road and northern site area if within the St Fittick's/Zone A;

d) Existing and proposed topographical survey plans;

e) Details of cut and fill operations;

The details in respect of existing and proposed levels have been submitted within the Design Report by Cbec eco engineering, including cross sections through the burn channel and bank areas as existing and as proposed. These details show changes in ground levels of up to 2m to create the retention basin on the area which is currently the triangular recreation ground, at the south eastern extent of the site. A proposed path would be routed to skirt around the southern side of the sediment pond, with a bridge over the burn close to where it enters the pond. The cross sections largely show the creation of the channels to and from the sediment pond, the infill of the existing burn channel and the ground to either side remaining at the same level.

Further downstream and to the north, there would be level changes where the burn channel is realigned, this would also involve creating new burn channel with associated flood plain of a nature consistent with the existing. The proposals involve the realignment of the existing burn channel northwards into an existing wetland area, and the creation of a new channel exiting the wetland, running in a south easterly direction to join the existing culvert, adjacent to the Coast Road. The realignment takes place from a point approximately half way along the length of the burn within the site and is consistent with what is indicated within the ETZ Masterplan and the PPiP drawings. A proposed bridge over the new burn channel would link the existing paths to the north and west of the burn.

Within the central area an existing 'online' pond would be retained. Although no longer on the line of the burn, it would be linked to the wetlands via an existing pipe underneath the path. Much of the remainder of the existing burn channel would be infilled.

Longitudinal and horizontal cross sections are provided along the realigned burn channel and these indicate existing and proposed ground levels.

Cut and fill is indicated within the Cbec design report and the proposal for this application involves cut and fill as required to carry out the work described above. In addition, sediment would be removed from the existing wetland in the area at the southern end of the site. This is the wetland at the southern side of the park into which the burn flow when it first enters the park. Under the

proposal, the burn flow would enter the new sediment pond prior to flowing through this wetland. The purpose of the sediment pond is discussed in the sections below.

Network Rail does not object in relation to works near the railway line.

Overall, the details of level changes are acceptable as being required in connection with the new sediment pond which would improve water quality before water enters the wetland, and to enable the realignment of the burn. Justification for the realignment prior to approval of occupiers on the development platforms, is discussed below. The application does not include any other ground level changes extending closer to the St Fittick's Church and details of the realigned road are not proposed through this application.

8. DETAILS OF EAST TULLOS BURN WORKS

That no development shall take place within St Fittick's Zone A unless the details listed below have been submitted to and approved in writing by the planning authority by way of a matters specified in conditions application (the implementation of these works shall be controlled by condition 4 on phasing):

- a) Restoration design for the Burn to include a natural meandering course;*
 - b) Details of dimensions of the burn channel and buffer zones throughout length of Burn within the PPP application site;*
 - c) Details of how park users would access the burn for recreational purposes;*
 - d) Detailed plans and technical information showing the de-silting pond or other measures to improve water quality;*
 - e) Buffers to be a minimum of 6m wide to each side of Burn.*
- all in accordance with the Natural Heritage APG*

The design is for the burn to have a meandering course, with the realigned section being more constrained, although it meanders within the corridor which includes 'buffers' of 6m or wider. The rationale for carrying out all of the work to the burn in one project is outlined below.

The proposed East Tullis Burn works build on restoration started in 2014 by the Council, which realigned the burn and created wetlands, scrapes, and improved access. Led by the same designer (CBEC Eco-engineering), the new phase continues these efforts, delivering options previously delayed. This stage will realign the burn through a more natural floodplain, aiming to reduce sedimentation and flood risk, improve water flow and quality, and boost species diversity through additional planting.

Starting these works early is crucial due to limited construction windows and their role in achieving long-term environmental goals, such as enhanced water quality, restored wetlands, and landscape improvements along the burn corridor. Early implementation ensures key ecological measures are integrated from the outset, securing both hydrological and environmental commitments regardless of future site development.

Design plans consider future site integration, with 6m wide buffer zones, maintained public access, and opportunities for further planting and biodiversity. The phased approach prioritises minimizing wildlife disturbance, delivering core landscape features and environmental enhancements ahead of other infrastructure, maintaining open space for as long as possible, and addressing the replacement of sports pitches and open spaces.

Maintenance of the wetland and sediment pond are covered by the Design Method Statement which provides assurance the maintenance has been fully considered and is appropriate. This is relevant to condition 8 and 10 (Landscaping).

SEPA have advised that sediment management, i.e. removing sediment from the existing wetlands, is included within a Controlled Activities Regulations (CAR) application that has been made to SEPA.

The public would be able to access the realigned section of the burn along an asphalt path to the north and the existing track, to the south. Park benches would be installed along with interpretation boards close to the wetlands and sections of boardwalk across the burn close to the wetlands.

The proposal supports and protects the functions of the Green Space Network in accordance with Policy NE2 and the submissions satisfy the requirements of condition 5 and 8.

The design of the works to the burn, footpaths and benches would provide an inclusive and accessible environment, allowing for people to have positive social interactions and connect with nature. This application does not include built structures, apart from benches and paths and the proposals would renew and improve the area around the burn.

Natural Environment

The following conditions are relevant. Policy 3: Biodiversity in NPF4 states that:

“Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management.”

9. BIODIVERSITY PLAN

That no development shall take place of any individual plot / unit unless there has been submitted to and approved in writing by the planning authority by way of a matters specified in conditions application a detailed Biodiversity Protection and Enhancement Plan related to that plot/unit based on the principles and measures described in the BPEP Version 5, June 2024 and the ETZ Masterplan and including the requirements of Policy NE3: Natural Heritage in the adopted Aberdeen Local Development Plan 2023, or such other as is subsequently adopted.

The measures identified in the BPEP shall be implemented fully in accordance with the phasing plan agreed under condition 4.

The amended Biodiversity Plan was revised following discussions and is now considered acceptable.

A number of measures are proposed, including:

- Wetlands improved in terms of water quality to the benefit of flora and fauna, and botanical enhancement by way of the reintroduction of several regionally extinct and endangered species.
- Management and maintenance of reed beds to ensure they do not cause stagnation
- Conservation of Gypsywort, as this is the only known population in NE Scotland
- A mink raft, to humanely remove non-native species
- Creation of a Sand Martin bank – an artificial structure to assist in combatting declining numbers of this species of bird
- Reuse of plants from the old channel where possible, saving already developed ecosystems, with invertebrates being transplanted
- Seeding and planting to create coastal grassland and inland grasslands – supporting native butterflies and pollinators

Appendix A of the Design Method Statement sets out the Planting and Riparian Management Plan for the wetlands. The wetlands and sediment pond have been designed to deliver long-term sustainability while naturally minimising the need for intervention. The plan states that the proposed species are expected to establish and develop over time without the requirement for intensive management, enabling the area to evolve into a self-sustaining habitat.

The new sediment basin is a key addition, which prevents the transfer of sediment into the wetland by capturing the material upstream and allows for periodic removal. This ensures that downstream wetlands remain free from excessive sediment build-up, avoiding the need for regular maintenance interventions.

Active management is limited to the sediment basin, supported by monitoring such as walkovers. Wetland management will be integrated into the wider landscape maintenance program, overseen by ETZ and undertaken in close coordination with ACC, as part of the Council's ongoing St Fittick's Park maintenance obligations.

This provides assurance the maintenance has been fully considered and is appropriate.

10. LANDSCAPING SCHEME

That no development to any individual plot / unit pursuant to the planning permission hereby approved shall take place 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 and off site areas to be included as mitigation and compensation. Such a scheme shall include indications of all existing trees, hedges and landscaped areas on the land, and details (numbers and area of woodland) of those to be removed and any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting on-site and off-site including details of numbers, densities, locations, species, sizes and stage of maturity at planting.

No direct tree felling is proposed however some incidental and isolated tree loss would occur to facilitate the realignment of the burn and enhanced path connections. Significant planting is included as part of the proposed soft landscaping scheme, with 60no. new trees proposed to be planted in the western area of the Park covered under the separate detailed planning application 250929/DPP. In addition, 7no. existing small beech trees that have been recently planted will be relocated to a woodland edge location within the Park. The overall approach to Compensatory Planting remains as set out in the approved PPIP with offsite tree planting in St Fittick's.

The proposed landscape planting around the burn corridor, including the wetlands is considered appropriate. Historic Environment Scotland is satisfied in terms of impact on the St Fittick's Church Scheduled Monument. It is noted that tree planting would take place in this area at a later stage.

Flooding

12. FLOOD RISK ASSESSMENT

That no development shall take place unless there has been submitted to and agreed in writing by, the planning authority by way of a matters specified in conditions application, a detailed Flood Risk Assessment (FRA) based on the Kaya FRA V3 March 2024, including plans showing a range of flood extents of greater frequency than 1 in 200 years, and the development shall not be operational unless any recommendations contained therein have been implemented in full and are fully operational on site.

Reason: In order to avoid flood risk and pollution of the water environment in accordance with Policy NE4 of the LDP 2023 and Policy 22 of NPF4.

A FRA has been submitted by the applicant with this being expanded following discussions with Council's Flooding Team and SEPA. This additional information was partly in response to a video

and photographs submitted by a local resident showing a typical annual flood event. It has been clarified, and the consultees are content, that the modelling used for the FRA is accurate. Flooding takes place on a fairly regular basis (ie annually) and would be likely to cause standing water within the park to the north east of the existing and proposed wetlands and to the south west of St Fittick's Church. It has been established that this is highly unlikely to directly affect St Fittick's Church although it would affect areas of the park for a temporary period during and after heavy rain.

The application submissions comply with the Policy NE4 in the LDP as they would not increase the risk of flooding elsewhere, would not reduce the ability of the functional flood plain to store water and adequate provision *would* be made for maintenance access. In terms of Policy 22: Flood risk and water management, of NPF4, the proposal considered under this application includes only water compatible uses with no buildings. It can also be seen that the flood extent would not affect the development plots.

Environmental Protection

The following condition requires measures to manage impacts on the environment during construction:

16. CEMP

That no development shall take place to any individual plot unless there has been submitted to and approved in writing by the planning authority by way of a Matters Specified in Conditions application a detailed Construction Environmental Management Plan, including but not limited to, dust management, surface water management, ecological clerk of works and other measures noted within detailed Biodiversity Protection and Enhancement Plan. Construction shall not take place other than in full accordance with the CEMP as so agreed unless otherwise agreed in writing by the planning authority.

Reason: To prevent pollution and damage to environment and wildlife.

The submitted CEMP is acceptable. The plan provides a comprehensive framework for managing the environmental impacts associated with the Energy Transition Zone development. It covers a range of environmental aspects, including land contamination, water environment, noise, dust, cultural heritage, and biodiversity. It sets out the roles and responsibilities for various stakeholders, outlines mitigation measures, and establishes monitoring and reporting procedures. It also recognises the importance of ecological considerations and includes measures for habitat protection, species conservation, and biodiversity enhancement.

Environmental Health have reviewed plans for controlling dust and noise and are satisfied. An advisory informative note would be added to any permission granted, relating to construction hours.

Mitigation Measures

20.MITIGATIONS

That no development shall take place to any individual plot within St Fittick's / Zone A unless there has been submitted to, and approved in writing by, the planning authority by way of a matters specified in conditions application, details of the proposed mitigations for that development plot. (It is expected that all the listed mitigations, or similar as agreed based on the approved drawings, would be implemented for development of Zone A and they are split proportionately between the plots within the zone.). Mitigation works shall be carried out in accordance with the timing agreed in condition 4 (Phasing) above.

Details shall include a description of community consultation that has taken place on the proposed mitigations, a statement of the impact on public health based on the Population Health Chapter of

the EIA report, and location, layout and elevational plans as required, details of materials, planting, seed mixes and maintenance of landscaped spaces.

a) Improvements to existing green and brownfield open spaces within Torry / Balnagask; as indicatively shown on Illustrative Masterplan Visualisation Oct 2024-2391329

c) Path network enhancements and wayfinding features in St Fittick's Park inside and outside the site – details to include schedule of works to the paths as indicatively shown on Illustrative Masterplan Visualisation Oct 2024-2391329

d) Improving water quality in East Tullos Burn – details to be agreed through condition 8 as indicatively shown on Illustrative Masterplan Visualisation Oct 2024-2391329

g) Enhancing habitats with pollinator planting and management for biodiversity; as indicatively shown on Illustrative Masterplan Visualisation Oct 2024-2391329

h) Replacement sports pitch at Tullos Primary School playing fields and enhancing recreational and leisure provision to complement the existing Multi Use Games Areas (MUGA); as indicatively shown on Illustrative Masterplan Visualisation Oct 2024-2391329

Reason: To provide mitigation for loss of greenspace, recreational facilities, paths and path space; in accordance with Policies NE2 and NE3 in the LDP 2023 and the ETZ Masterplan.

Mitigations would be relevant where they relate to the element of the wider project that is covered by this MSC application. The loss of recreational land – part of the triangular area where it is proposed to locate the sediment pond - is the main item, whilst part of the application covers the mitigation works in respect of water quality noted at d) and discussed above in relation to condition 8.

Measures are included to enhance greenspaces, including the path network, benches, landscaping and biodiversity measures. A pitch is to be laid out close to Tullos School and upgrades carried out at the entrance to the park from Girdleness Road. These are the subject of a separate planning application (250929/DPP) as they are not within the site of this MSC application. Other measures are proposed that are linked to the development of the plots.

Section a) improvements to greenspaces - pollinator planting, grassland, wetland, tree, shrub and biodiversity measures have been included in this application within the area surrounding the burn as described above.

Section c) improvements to the path network are shown on the plans and include three crossings of the burn by boardwalk, with the existing bridge retained and repaired. Five benches and two interpretation boards are also included.

Section d) requires improvements to water quality and this is covered under condition 8.

Section g) requires pollinator planting and biodiversity measures, including sand martin bank and mink removal raft – these are covered under condition 9.

Section h) two replacement pitches for the recreation field, part of which would be lost for the sediment pond. These would be provided close to Tullos Primary School, outside the current application site, as noted above. These would be pitches laid out on the existing grassed area, with goals provided.

The timing of the delivery of mitigations is covered by the application for phasing also on the agenda for this Committee.

The submissions include a Community Consultation Report to inform the design of greenspace mitigation measures. This involves an online survey, which was promoted by a mail drop. Youth groups were targeted including groups that play football, and two events were held at local venues. To provide opportunities for community involvement, ETZ Ltd have an established Community and Coast Programme, that includes a Cultural Programme aimed at activating local greenspace. On completion of the works, through Community and Coast Programme ETZ would continue to identify partners to work with to deliver educational and recreational activities to encourage ownership and pride in the local environment.

Taking the foregoing into account the mitigations proposed in terms of improvements to open spaces, path networks, water quality, habitats and the replacement sports pitch are sufficient to satisfy the requirements of Condition 20.

21. PROGRAMME OF ARCHAEOLOGICAL WORKS

No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority by way of a matters specified in conditions application and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

The Archaeologist is satisfied with the Written Scheme of Investigation and CEMP which includes appointment of Archaeological Clerk of Works. The condition can be part discharged as the on-site mitigation will need to be undertaken.

Climate and Nature Crises, Mitigation and Adaptation

The proposals for the burn would enhance the natural environment within the site and the flood risk assessment ensures that the proposals take into account future climate change.

Matters Raised in Representations

Many of these are covered above, however, the following responses are made to the other matters raised:

- 1. Mitigation measures must be agreed with the community and installed before the park is developed.*
Further MSC applications require to be submitted and approved prior to any commercial development of the park.
- 2. Previously promised community benefits such as the restoration of part of the park used for south harbour construction and the landscaping and handing back of Gregness have not taken place.*
These are matters relate to the application for South Harbour and are not material considerations that can legitimately be taken into account when assessing this application.n.

3. *Proposals would destroy park for speculative use. Phase 2 allows for the development platforms and the development may never be built.*

Planning Permission in Principle has already been granted that establishes the principle of the wider development. The current application is restricted to landscape, biodiversity and recreational improvement related to the relevant planning conditions. Implementation would result in enhancements to water quality and the environment around the burn that are acceptable on their own merits whether the development platforms are built or not. It is considered justifiable to carry out the realignment of the burn together with the works to the wetland and sediment pond, as this would avoid prolonged periods of works affecting the burn and allows planting and biodiversity measures to become established.

4. *Previous mention of discussions and interest from various end users appear to have come to nothing and 750 Full Time Equivalent jobs mentioned in business plan by 2023 have not been created.*

It is understood that discussions are on-going regarding end users. However, the current application is for the burn works only and do not permit development plots to be formed.

5. *In considering application proposals, the park must be seen as a public open space, not a brownfield site.*

The proposals enhance the park and the burn.

6. *The end user and lease arrangements must be known as this will affect the community benefits package, with different possible end users having a different impact (eg. noise, odour, vibration and light).*

In terms of the current application the mitigations for the burn works are the only ones to be relevantly considered and do not permit development plots to be formed. This involves most significantly mitigating the loss of part of the recreation ground for the sediment pond.

7. *The impacts must be known in order to carry out an equality impact assessment as required by the Judicial Review decision. It was stated that the EIA could not be carried out until an end user is known.*

The Integrated Impact Assessment has been considered in the light of the current applications, which do not include the development plots.

8. *All mitigation measures should take place in phase 1, including those off-site.*

This relates to the phasing application (250429/MSC) mitigation measures for this application are covered above.

9. *Queries goals of ETZ project and whether certain technologies such as hydrogen and carbon capture, are “green” or are to extend the fossil fuel era.*

10. *Project is not ‘Just Transition’ as it exacerbates existing inequalities and does not meet the key criteria of the Scottish Climate Change Act.*

As noted above, the application is solely for works to the burn.

11. *Community is against the proposals, has political support from some quarters and is being ignored.*

All representations are taken into account. A public hearing was also held where elected Members listened to views.

12. *Biodiversity will not be enhanced with the loss of plants and animals and will not be mitigated for local people. Loss of bird species, woodland and habitat will not be replaceable in the local area.*

As noted above, biodiversity would be enhanced by the proposals currently under consideration.

13. *Development is premature before Coast Road project is open and will result in heavy vehicles through Torry. Queries whether there is funding for the road.*

Conditions on the planning permission in principle cover the requirements for the road network in order to avoid heavy vehicles passing through residential areas.

14. *Public health, including mental health and amenity will be damaged by noise and air pollution. The impact is even greater in a deprived community, where life span is shorter due to existing industrial development. Replacement facilities will not be easily accessible by locals.*

Conditions on the PPiP cover requirements for impact assessments for noise and air quality. The CEMP covers impacts from the works to the burn that are the subject of this application.

15. *Biodiversity Plan is not by a suitably qualified professional and little weight should be put on the opinion that the loss of habitat can be mitigated.*

The Biodiversity Plan has been reviewed by specialists within the Council, amended following discussions and is considered acceptable, as noted above.

16. *If application is approved (contrary to objections) it must be conditional on a binding contract with a prospective user ensuring that it is used for a purpose identified as fulfilling the functional association criteria, before any commencement of works.*

The current MSC application does not include approval of the end users, this will be the subject of a future application.

17. *Development site is a functional flood plain*

The application is for works to the burn only.

18. *Realignment of burn is not 'restoration' and will damage amenity and biodiversity and construction of channels will release toxic sediments. It is unnecessary as work was done ten years ago.*

The works are designed to enhance the burn in terms of water quality and management of reeds to create a balance of species. The works will require a CAR licence and a sediment management plan has been developed to ensure that toxins are not released.

19. *Bird species that use the park and wetlands, including species in decline and rare Spotted Crake.*

The biodiversity plan would enhance habitats for species in decline. Further MSC applications would be required, including surveys and biodiversity plans for development of the plots.

20. *SEPA raised objection to development in flood plain.*

This was in respect of the PPiP application, which was approved following referral to the Scottish Ministers. SEPA have confirmed contentment with the technical aspects of the proposal.

ADMINISTRATIVE MATTERS

Points 1. and 2. refer to the phasing plan application. The mitigation measures must be aligned with the elements of the development that cause a need for them, as they would not otherwise be justified in planning terms. The approval of the burn works application and / or the phasing application would not prejudice the outcome of the other application. The application is determined by the planning authority and the powers of the Scottish Government and Council's role as landowner are not relevant.

The principle of development has already been established by the granting of planning permission in principle and the Masterplan for the wider area approved.

Points 13. To 17. relate to the future development of the sites and would be relevant considerations at the time of further MSC applications for the end users and development plots.

RECOMMENDATION

Approve Unconditionally

REASON FOR RECOMMENDATION

The application submissions provide sufficient and acceptable details for works that would enhance water quality and biodiversity around the burn with planting of appropriate species

and transplanting from successful areas of the habitat. The burn realignment taking place as part of the works and ahead of the development on the plots, is justified due to the benefits of carrying out the works as a single project to reduce disruption. The proposal complies with policies relating to the natural environment, namely Policy 1 (Tackling the Climate and Nature Crises), Policy 2 (Climate Mitigation and Adaptation), Policy 3 (Biodiversity), Policy 4 (Natural Places), Policy 6 (Forestry, Woodland and Trees), Policy 20 (Blue and Green Infrastructure) and Policy 23 (Health and Safety) of National Planning Framework 4 (NPF4) and NE2 – Green and Blue Infrastructure, NE3 – Our Natural Heritage, NE5 – Trees and Woodland, D4 – Landscape, D5 – Landscape Design and WB1 – Healthy Developments of the Aberdeen Local Development Plan 2023 (LDP). In relation to Policy B5 (Energy Transition Zones) the proposal would provide enhancements as part of the open space and landscape for the wellbeing of people and wildlife, in compliance with the policy.

The area of recreational open space lost for the sediment pond would be mitigated by the creation of two grass football pitches close to Tullos School. It would therefore comply with Policy 21 (Play, Recreation and Sport) in NPF4 and NE2 – Green and Blue Infrastructure of the LDP. This is the subject of a separate detailed planning application (Reference 250929) which also includes tree planting and park entrance features. The implementation of these works would be controlled through the phasing plan submitted under Matters Specified in Conditions application (250429/MSC).

The application submissions satisfactorily discharge the relevant conditions in respect of the application site consisting of the area around the Burn and path to the south of the Waste Water Treatment Works and is consistent with the ETZ Masterplan.

ADVISORY NOTES FOR APPLICANT

1.To protect the amenity of neighbouring properties/occupants, development works (including site/ground preparation, demolition, and construction) causing noise beyond the site boundary should not occur outside the following hours:

- ☐ Monday to Friday 0700 hours to 1900 hours
- ☐ Saturday 0800 hours to 1300 hour

2.The EMP/CEMP is a key management tool during construction works and should be maintained as a live document throughout the construction phase to ensure that it remains appropriate/robust.

3.All construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

- Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

The developer must contact our Asset Protection Engineers regarding the above matters, either by [submitting an enquiry on the Network Rail website](#) or by writing to:

Network Rail Asset Protection Engineer
151 St. Vincent Street, GLASGOW, G2 5NW
E-mail: AssetProtectionScotland@networkrail.co.uk

Further information regarding working on or near the railway can be found on the [Network Rail website](#).