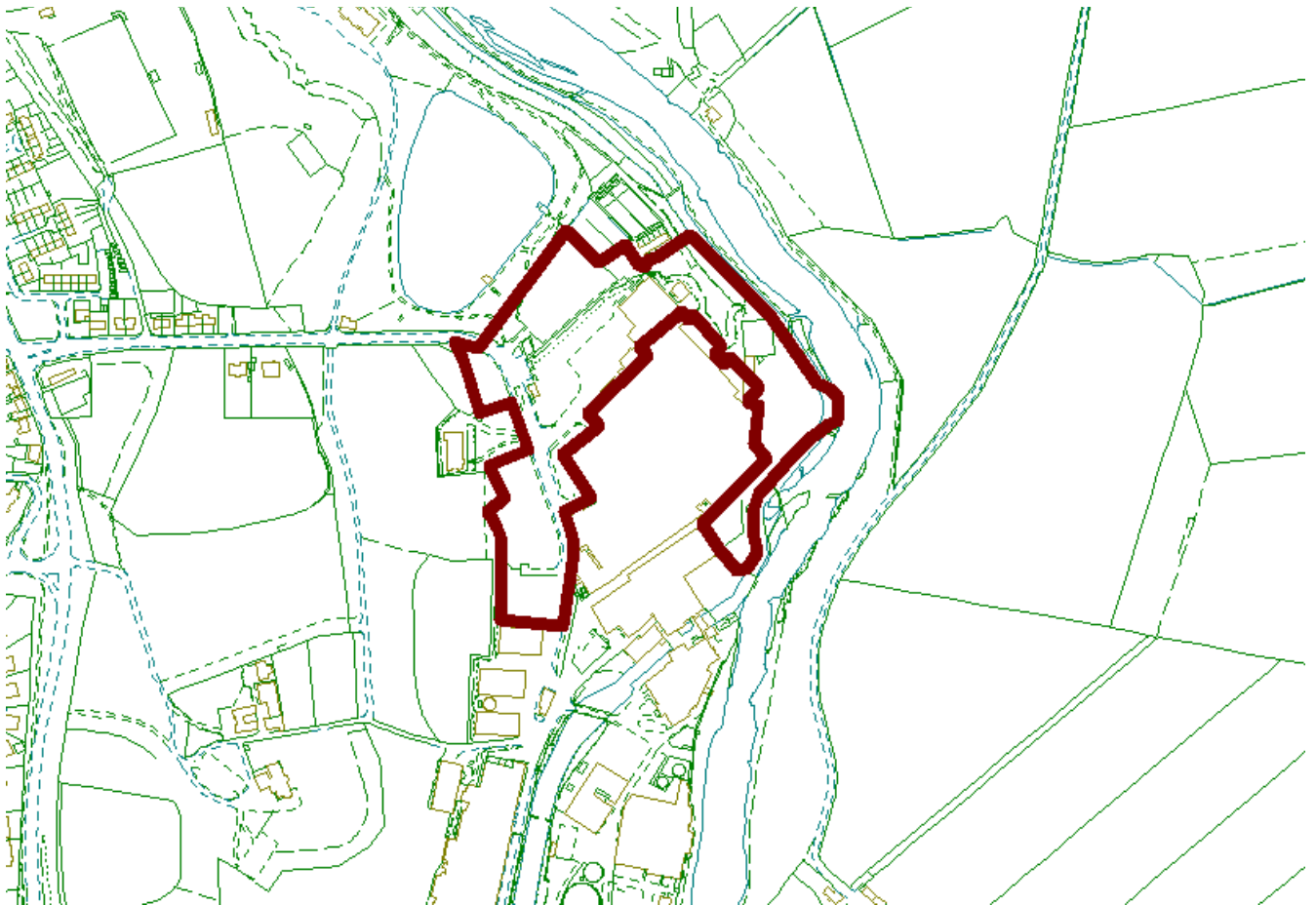


LAND AT, STONEYWOOD PAPER MILL,
BUCKSBURN

ERECTION OF A BIOMASS COMBINED
HEAT AND POWER (CHP) PLANT AND
ASSOCIATED WORKS

For: Estover Energy Ltd

Application Ref.	: P121281	Advert	: Section 34 -Proj. Pub.
Application Date	: 12/09/2012	Concern	
Officer	: Lucy Greene	Advertised on	: 03/10/2012
Ward:	Dyce/Bucksburn/Danestone(B	Committee Date	: 17 January 2013
Crockett/G	Lawrence/N	MacGregor/G	Community Council : No comments
Samarai)			received



RECOMMENDATION: Approve with Legal Agreement, withhold permission subject to signing of a legal agreement relating to developer contributions towards: Strategic Transport Fund and core path and tree planting within the paper mill site.

DESCRIPTION

The application site lies within the existing Arjo Wiggins papermill site at Stoneywood and the area is approximately 2.9 hectares in size. The site is 'U' shaped in footprint and includes an area of open yard alongside the mill lade, which runs parallel and alongside the west bank of the River Don along this stretch. The open yard area is used for parking lorries and storage, but is largely surplus to requirements, previously mill buildings stood on this area of the site. Also included within the application site, is a raised area of woodland; this was originally a man-made mound where trees have self seeded. The 1950s photograph (see page 31 of the Supporting Planning and Design Statement) of this area shows only a very small number of trees on this area.

The application site includes an approximately 70m stretch of the mill lade, this is a man-made industrial landscape feature. The site includes the existing car park on the northern area of the site and areas of grass and open yard to the west side of the Arjo Wiggins site road. The existing mill buildings which occupy most of the land within the wider Arjo Wiggins site, consist of brickwork, blockwork and metal sheds and range in height; there are two existing chimneys, these lie to the south of the application site and are 41 metres and 53 metres in height. Paper making has a long history on this site, with a paper mill having been in operation on the site since 1770; it is currently operated by Arjo Wiggins.

To the east and north of the site is the River Don, with steep tree covered banks to the eastern side and open farm land beyond. To the north west is the mill pond associated with the mill, this is surrounded by trees and enclosed by a fence. To the west an area of woodland, within the ownership of Arjo Wiggins, slopes upwards steeply towards the west. Beyond this is an area allocated for housing covered by the adopted Stoneywood Masterplan. To the south, lies the remainder of the papermill site, the River Don and open farmland. The Davidsons paper mill site, now approved for housing development, lies approximately 900m metres to the south, with the River Don running adjacent to its northern boundary.

The site is accessed off Stoneywood Terrace, which joins Stoneywood Road (A947), providing easy access to the A96, or northward to where there will be a junction of the A947 with the northern leg of the Aberdeen Western Peripheral Route (AWPR). The entire area of the River Don corridor is designated as a Local Nature Conservation Site, which includes the actual river and the river banks. The application site does not include any of the River Don embankment.

PRE-APPLICATION CONSULTATION

A Proposal of Application Notice was validated on 27th April 2012. The following were carried out:

- Copies were served on Dyce and Stoneywood Community Council and Bridge of Don Community Council;
- Two public events were held on 7th and 12th June in the form of drop-in exhibitions at Stoneywood House. These were advertised in the Citizen, Press and Journal and the Evening Express.

- The applicant was interviewed on Original FM on 7th June 2012 and details of the event were provided;
- Over 200 letters of invitation were sent to surrounding neighbours and other stakeholders, including to local Councillors and the local MSP.

The attendance of 31 people was recorded in the register at the event, although a number did not sign and the total was estimated to be 45 attendees.

Feedback forms were available, the report states that 20 forms were completed and copies of these are included in the Pre-Application Consultation Report (PAC Report) submitted with the application. In addition, comments were made verbally and all comments are summarised in the PAC Report.

Following pre-application feedback, the PAC Report explains that design continued to evolve and various options were considered in order to best fit the buildings into the landscape and options for elevational treatments. Discussions took place with agencies regarding transportation issues and ecological survey work. On-going discussions have been undertaken with local woodland owners regarding the production and supply of wood fuel for the proposed development.

HISTORY

No recent planning history on the paper mill site.

The Stoneywood Masterplan has been adopted by the Council as supplementary guidance and planning permission in principle approved for approximately 425 houses, including in the area to the west of the papermill site at least 380m to the west at the closest point.

PROPOSAL

The application proposal is for a 22 – 25 MW combined heat and power biomass plant . This would burn wood fibre and would provide heat (in the form of hot water and steam) and electricity to the adjacent mill Arjowiggins Fine Paper Limited and electricity to the national grid. The plant would provide 90% of the heat (hot water and steam) requirements of the paper mill (due to the need for maintenance).The biomass plant would save 54,00 tonnes per year of CO2 equivalent, principally by the heat and also by the electricity that it supplies to the mill and also 27,900 tonnes CO2 equivalent by the electricity it supplies to the grid. Approximately 245,000 tonnes of green wood would be required per annum. The proposal would also include a revised internal road access layout within the paper mill site, this would provide segregated access to the proposed plant.

The plant would ordinarily burn low-grade wood, including recoverable forest residue – this includes small diameter stemwood and brash (the tops of trees not otherwise used), Small Roundwood and sawmill co-products. These would be sourced predominantly from within a 60 mile radius of the plant and discussions between forestry owners and the applicant have been on-going. The wood would be chipped before burning.

The technology and how the plant works is explained in Appendix 8 of the Pre-Application Consultation report, in an article entitled 'Biomass CHP: A proven and reliable energy source for industry' by Brian Bell of Fichtner Consulting Engineers.

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=121281&index=78702>

In simple terms: in a heat exchanger, the combustion of wood chips heats water, which is piped to a high pressure boiler; the steam drives a turbine which creates electricity via a generator. The residual heated water from the turbine is also used by the paper mill. The combustion gases from the heat exchanger are vented via a flue gas cleaning chamber and then out via the chimney. Ash is used by agriculture as a soil improver.

In colder weather the chimney plume can be visible due to its high moisture content, it should be emphasised that this is steam only. It would be visible to some extent below 7 degrees centigrade.

The proposed plant would comprise various elements:

The Fuels Office: proposed is a small (4.5 metres by 10.5 metres approximately) single storey building that would be located close to the entrance of the paper mill site and would act a reception, particularly for fuel deliveries. This would be elevated in timber linings with full height dark glazing.

Fuel Reception building: The building would be approximately 39 metres by 49 metres and 20 metres high to ridge level. This would be clad in profiled metal panels and would have roller shutter doors to the western elevation and a high level conveyor exiting from the east side at a height of approximately 6 metres above ground level. This building would be located within the northern area of the site. Internally, a log table would feed logs into the chipper and the wood chips would then be collected in a pit which would also be capable of receiving wood ship that has been chipped off-site. Chips would be mixed in the pit and then transferred to the main wood chip bunker via the conveyor system. A weighbridge would be located next to the building.

Main and secondary chip bunkers: These would be located in adjoining buildings together with the boiler hall, turbine hall, back up boilers and other associated accommodation and facilities in the eastern area of the site, to the west of the existing paper mill buildings. The chip bunkers building would be between approximately 27 metres to 30 metres in height (due to varying ground level) and approximately 63.5 metres by 25 metres in total footprint. The wood chip bunkers are the main biomass fuel storage area and have a storage capacity equivalent to 10 days fuel consumption. The main bunker would be filled with woodships via the transfer conveyor from the fuel reception building, or by crane from the secondary chip reception bunker (the crane being within the building). The secondary chip bunker is able to receive deliveries direct in the event that the conveyor is out of use.

Boiler House, Turbine Hall, Stack and associated accommodation and facilities: The main building is approximately some 40 metres above existing ground level and would have a footprint of approximately 2110 m² in total. Connected to these buildings, to the south, would be ash storage silos and the stack, which would be approximately 1.6m in diameter and would rise approximately 75m above ground level. Adjacent to the main stack would be 3 separate flues for the back-up boilers. These would rise to the same height and the combined width would be approximately 3.7metres.

The boiler house and turbine hall building would be elevated in profiled metal cladding, with the upper level of the boiler house element (the south east portion) featuring translucent polycarbonate panels and the upper level of the turbine hall being clad in flat metal panels – the drawings indicate that these would be in a darker colour.

Back up gas fired boilers would be located to the south of the turbine hall. These are required as emergency back-up boilers to provide steam to the paper mill. Flue gas from these boilers would be discharged via three separate flues located adjacent to the main stack.

Cooling towers would be located in the southern area of the site to the south of the main plant buildings. These would be 20m high and function to remove heat from the condenser cooling water and release it to the atmosphere. The design of these helps to prevent plume down to specific design ambient conditions.

The proposal would involve the removal of various buildings and trees:

Various industrial shed type buildings would be required to be removed to accommodate the biomass plant.

In the north east corner of the site, 45no. trees and a small dense thicket containing a number of trees on the man-made mound, together with the earth forming the mound itself, would be removed. The eastern edge of the mound runs alongside the mill lade. The trees to be removed include a small thicket of mainly sycamore trees, these are growing on a steep slope, very close together. The remainder of the individual trees are also sycamore trees of poor form and of various sizes. The notable exception to this is a large, mature Beech tree (no. 21 in the survey), two other mature wych elm trees are also required to be removed. The soil that the thicket of sycamores is growing on is very poor made up soil consisting of old waste laterial from the mill. The trees currently act to screen some of the existing mill buildings from the river.

The ground level would be lowered to allow the use of the area by HGVs accessing the chip store. The remaining ground to the north would be retained by gabions and the Landscape and Visual Impact Assessment report indicates that there could be whip planting at the edge of the retained mound to ensure that trees continue to grow at this point.

Lorry parking and car parking would be located to the west of the main access road through the mill and adjacent to the canteen building. These areas would provide a replacement for the car parking spaces to be lost for the fuel reception building, in addition, 12 car parking spaces would be provided for staff for the proposed biomass plant, with total number of spaces being 87. The lorry park would extend to 2247m².

As part of the development, extraction and discharge of water would be required. Stoneywood Mill currently extracts 10,000m³ per day from the River Don and discharges 9,000m³. The cooling towers would abstract an additional 2000m³ per day (ie 12,000 m³ per day) and would discharge an additional 829m³ per day (ie 9829 m³ per day). Approximately 750 litres of water per hour would be discharged to the sewer. There may be an additional outfall required into the river, however, the discharge rate from the application proposal would be 0.01m³ per second, as compared to the mean flow rate of the River at 21m³ per second. The abstraction and discharge would be subject to permission from SEPA.

The Ecological Assessment of the site found the following:

- that the wych elms are notable as fine landscape trees and that these are species included in the North East Scotland biodiversity action plan;
- the wood makes a small contribution to the overall wooded character of the valley of the River Don, however, is considered to be of ecological value at the site level only;
- that the loss of woodland be mitigated by enhancement and management of the woodlands to the west of the site which are in the ownership of the paper mill;
- the wood provides foraging habitat for bats, principally around the edges. The assessment indicates that its removal is likely to cause a reduction in the number of bats foraging on the site, but unlikely to affect bat populations in the locality;
- that no cavities appear to be present that would provide a roosting site for breeding or hibernating bats;
- there would be potential for breeding birds to use the woods and the removal of trees should be timed for winter months;
- mitigation measures are recommended in the form of bat boxes and the type of lighting to be used;
- that the artificial channel of the mill lade is probably of local ecological value for its still-water habitats, but due its nature is not expected to provide suitable habitat for salmonoid fish. Should works require the draining of the lade, then a fish rescue should be implemented and the draining would require the permission of SEPA;
- that the precise location of an outflow into the River Don should be informed by a detailed survey for pearl mussels. Given the selectio of the site, the very small volume of the outflow is not considered to represent a risk to the species;
- that there was no evidence of other species such as otter, water vole or badgers; and,
- the impact of the proposal on air quality at sensitive sites was considered and there would be no significant change to conditions, no changes to sensitive vegetation is anticipated as a result of the development.

The Air Quality Assessment concludes that pollutant concentrations are predicted to be well below the relevant objectives, set at a national level for the protection of human health, at the identified sensitive residential receptors, including those within the Air Quality Management Areas (the nearest being Anderson Drive 1.5km south of the site). Changes in pollutant concentrations associated with the operation of the proposed biomass CHP at existing receptors are not expected to be significant. The professional judgement is that the overall significance of effects is considered to be 'negligible'. Therefore, there is no requirement for further mitigation measures in addition to the treatment of exhaust gases in the flue gas treatment system of the CHP.

The Noise Assessment finds that the proposed biomass would be broadly acceptable, with the potential for a small number of adverse noise impacts. Noise will need further consideration, but is not necessarily a constraint. Operational noise would require consent from SEPA under the PPC Regulations. Approximately 5dB attenuation to the predicted noise levels would result in noise levels rated as of marginal significance or less at all surrounding noise sensitive properties. This might reasonably be achieved by appropriate design and insulation of the facility buildings and choice of equipment.

The noise model and Receptor locations map in the Noise Assessment report shows the building containing the chipper, to the north of the site, to be the element of the proposal generating the highest level of noise.

The Transportation Statement describes the development as having 12 additional car parking spaces for the biomass plant and space for 30 HGV / trailers, (in addition to the 30 spaces for HGV/trailers for the paper mill). Within the paper mill site, the existing junction into the current car park (close to the entrance into the site) would be widened.

In terms of trip generation there would be likely to be a maximum of 14 vehicle trips per day by car. The predominant vehicle movements would be HGVs. There would be likely to be an average of 40 HGVs daily, but could be 70 HGVs per day under conditions that might arise out of unforeseen circumstances (such as before or after periods of heavy snow that might prevent deliveries). The existing paper mill generates up to 65 HGVs daily, however, it is worth noting that the paper works, during its peak output 10 years ago, handles 140 HGVs daily. The number of HGVs at peak travel time is quoted as being a maximum of 5. It is therefore considered that the trip generation is not likely to have an impact on the adjacent road network.

The Landscape and Visual Impact Assessment describes the relative levels within the site, stating that although a section of the biomass plant building will be 40m in height, its impact will be diminished because the site is lower than the rest of the paper mill site. It would be sited close to the River Don and the lade at approximately the current yard level. The assessment concludes that there would be no major receptor of the proposed landscape change because the development would be within the already industrialised paper mill.

The visual appraisal considered views from various view points in the area, including from Stoneywood Road, the un-named road within Grandhome to the east of the river, from Persley Bridge and from the Newhills road. A visual impact exercise was carried using red balloons held at different heights. The most significant impact is that there would be a moderate visual impact as a result of the development from views south west and north west along Grandhome Road. Mitigation measures recommended are that trees be planted to the east of the biomass plant if there is any space available; that trees be planted along the edge of the retained mound and that this and tree management take place on the retained mound and the woodland to the west. It is concluded that the very large industrial paper mill site is well set within the landscape edged by woodland on

three sides and on one wide by the river. The proposed biomass plant would not alter this and would have little recognisable landscape impact; that the loss of the trees on the mound would have little impact because of the many surrounding trees; that there would be only one public view from which almost the entire development would be seen and this is a middle distance view from the unclassified Grandhome Road, it is a passing view and would have little impact on passengers or drivers.

It is considered that the boiler hall (40m in height) would have a slight impact on a few far distant views. It is considered that with careful colour selection, the biomass plant would be accepted as part of the existing industrial development before long.

Close distance view would cause the impact to be more dominant, however, there are judged to be no close distance public views of the development.

The planning application includes the following supporting documents:

Pre-application Consultation Report – Halliday Fraser Munro

Supporting Planning and Design Statement – Halliday Fraser Munro

Transportation Statement- Fairhursts

Drainage Assessment - Fairhursts

Ecological Appraisal – Northern Ecological Services

Tree Survey – the Ross Partnership

Air Quality Assessment - RPS

Noise Assessment - RPS

Landscape and Visual Impact Assessment – the Ross Partnership

Method Statement for Construction over Lade by Fairhursts

Wood Supply Statement by Estover Energy

REASON FOR REFERRAL TO SUB-COMMITTEE

The application proposal, due to its height, falls within Schedule 3 of the Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008 and therefore falls outwith the scheme of delegation to Officers.

CONSULTATIONS

ROADS SECTION – Parking provision is acceptable; cycle storage should be provided; pedestrian accessibility could be taken along the south side of Stoneywood Terrace; that legal agreement would be required to secure payment of a contribution to the Strategic Transport Fund.

ENVIRONMENTAL HEALTH – Request the attachment of a condition relating to contaminated land. No objection to CHP plant in principle in this location. Request the attachment of a condition relating to air quality.

COMMUNITY COUNCIL – no comments received

SCOTTISH ENVIRONMENTAL PROTECTION AGENCY – provides comments covering various factors:

Surface Water: Satisfied with the numbers of levels of treatment.

Flood risk: the main site is adjacent to the flood zone and the 1-in-200 year flood envelope appears to include the eastern edge of the site. However, the Drainage Assessment indicates that the development should not be at risk of flooding.

Abstraction and discharges: the levels and temperature appear to be acceptable and would be regulated by SEPA.

Foul sewage and trade effluent: these would require permission from SEPA;

River Don and Mill Lade: due to space restrictions it would be necessary to culvert part of the lade. It is recognised that this is an artificial inland water body and has been heavily modified and is therefore not prohibited as it is not regarded as an inland water body. It is essential to consider that no pollution of the River Don occurs from the ash and residue extraction system.

It is assumed that no work would be required within the River Don to strengthen the lade walls. It is suggested that measures be incorporated to provide a wildlife corridor along this stretch of the mill lade wall that forms the side of the River Don along the stretch that would be culverted.

Air Quality and Noise Assessment: SEPA is satisfied that, in principle, the proposed development is potentially consentable.

Environmental Management and pollution prevention: Request attachment of condition requiring a construction environmental management plan (CEMP).

Waste minimisation and management: Request condition requiring submission of a site waste management plan in order to minimise waste at source on the construction site.

SCOTTISH NATURAL HERITAGE – content for the Council to identify natural heritage impacts and address these without further reference to SNH.

NESBReC (North East Scotland Biological records Centre) – Provided records of species and habitats within a 500m radius of the site.

SCOTTISH WATER – No objection

ABERDEEN AIRPORT – Based on a maximum height of 104.3m AOD (the maximum height of the chimney) the proposal does not conflict with safeguarding criteria, providing conditions are attached relating to: the lighting of temporary and permanent obstacles on the site, use of cranes and bird hazard management.

NATIONAL AIR TRAFFIC CONTROL SERVICES (EN ROUTE) LIMITED – proposal does not conflict with safeguarding criteria.

MINISTRY OF DEFENCE – No safeguarding objections. Conditions are requested regarding lighting of the highest structures and the provision of information required for the updating of aeronautical charts and mapping records.

ARCHAEOLOGY – Request the attachment of a condition requiring an archaeological dig prior to development.

REPRESENTATIONS

Five letters, including a letter of support from Arjowiggins, have been submitted all of which were generally supportive.

Arjowiggins state that:

Stoneywood Mill employs 410 people, has existed for 240 years and is one of the last of five paper mills in the region. It is committed to reducing its carbon footprint and improving the sustainability of its products. Fuel for the Combined Heat and Power plant would be low grade wood, sourced from the local area from a consortium of local forestry owners.

Significant amounts of steam are required in the paper making process, this is currently generated by gas which is carbon intensive and subject to volatile markets. The CHP plant would provide low carbon, sustainable heat which will reduce reliance on foreign imports and increase energy supply security.

A number of other comments were made:

- As a significant employer it is important that Arjowiggins remains competitive. The plant will also decarbonise their output, reducing pressure from Carbon taxes and increasing marketability. Also, maintaining a diversified economy in the region.
- That businesses should be encouraged to invest in renewables and the proposed development reflects the Climate Change Act duties and national and regional economic and environmental policy, including the Scottish Government's Strategic Objective to be Greener – the target being that 100% of the country's gross electricity consumption and 11% of heat demand should be met by renewables by 2020;
- The application is in line with the vision in the 2009 Structure Plan to reduce release of CO₂ and limits the amount of non-renewable resources;
- Aberdeen Renewable Energy Group (AREG) state that the facility would mark a major step forward in greening the energy usage in the city. AREG are in discussion with the applicant to help ensure that their considerable renewable heat output is applied effectively to various potential users in the city.
- provided appropriate planning requirements are met, CHP schemes in general should be supported where possible;
- given the industrial nature of the site, this proposal is a good fit with its surroundings and will greatly improve the CO₂ impact of the paper mill operations;
- its vital, given the Scottish Government carbon reduction targets, that such schemes are visibly supported and positively promoted in the Community;
- the latest Forestry Commission National Forest Inventory show there is a large oversupply of wood in the region and the result is that a lot of woodland remains unmanaged. A new market for the lower grades of wood would encourage management and stimulate more activity along the supply chain. The project would be a tremendous boost for the area's important forestry industry.

PLANNING POLICY

It should be noted that the policies are summarised here and the most relevant parts generally drawn out, although the wording of policies in their entirety, where relevant, will be considered in the Evaluation section below.

Scottish Planning Policy

The principles of sustainable development are embedded in national planning policy, including reducing greenhouse gas emissions, developing renewable energy generation opportunities, protecting the natural environment.

Paragraph 45 promotes taking into account economic benefits of proposed development; supporting development that will enhance local competitiveness; and states that the planning system should be responsive and sufficiently flexible to accommodate the requirements of inward investment and growing indigenous firms.

Paragraph 48 seeks to ensure that new development safeguards and enhances environmental quality; it also promotes development of brownfield sites.

The Landscape and Natural Heritage section of the SPP emphasises the importance of Scotland's landscape and that the approach should be broader than just conserving designated site and species. Paragraph 127 states that landscape is constantly changing and that different landscapes will have a different capacity to accommodate new development.

Paragraphs 142 - 145 on protected species state that the presence of protected species must be established and the implications for development of any presence, considered.

The paragraphs on Trees and Woodland described the value of trees in terms of biodiversity and landscape character.

Paragraphs 182 - 186 and 193 - 195 emphasise that renewable energy generation will contribute to more secure and diverse energy supplies and supporting economic growth and their contribution towards the Scottish Government's renewable energy targets.

Paragraph 183 specifically mentions small businesses developing their own such projects and that planning authorities should support initiatives developed in an environmentally acceptable way.

Paragraph 186 deals with decommissioning and states that this needs to be considered in terms of planning conditions or legal agreements, with consideration being given to sums being set aside as a financial guarantee.

The paragraphs on Flooding mention culverts (paragraph 211) stating that if culverts are unavoidable they should be designed to maintain or improve existing flows and aquatic life.

The final paragraphs of the SPP deal with outcomes, which should be the focus of the planning system. Paragraph 255 states that where conflict exists between objectives, decisions should be made in line with local priorities and needs as identified in the development plan.

Forestry Commission's Control of Woodland Removal Policy

This presumes in favour of protecting woodland resources.

Aberdeen City and Shire Structure Plan 2009

Sustainability and dealing with climate change sit at the heart of the plan's Vision.

Sustainable development and climate change – Objective: to take a lead in reducing CO2 release and limit use of non-renewable resources.

Paragraph 4.7 – state the need to tackle supply of energy and increase supply from renewable sources, CHP is specifically mentioned.

One of the targets is for the region's electricity to be met from renewable sources by 2020.

Quality of the environment – Objective: to ensure that new development maintains important natural assets. 'How to meet the targets' includes taking into account biodiversity, wildlife habitats, landscape and other sensitive areas in development management.

Aberdeen Local Development Plan 2012

Policy BI1 – Business and Industrial Land: The site is zoned under this policy, expansion of existing concerns and development of new business and industrial uses will be permitted in principle within areas zoned for this use. Ancillary facilities that support business and industrial uses may be permitted where they enhance the attraction and sustainability of the city's business and industrial land. Bad neighbour uses should either be located together in single industrial areas or within one part of a larger estate.

Policy NE1 – Green Space Network (GSN): The mill lade and tree covered man-made mound are zoned as GSN (as well as under BI1). The Council will protect the wildlife, recreational, landscape and access value of the GSN. Proposals adversely affecting its character or function will not be permitted. Where there is an impact on habitats, this must be mitigated through enhancement of the GSN.

Policy NE5 – Trees and Woodland: presumption against loss or damage to trees and woodland that contribute significantly to nature conservation, landscape character or local amenity.

Policy NE6 – Flooding and Drainage: Development will not be permitted if it would increase risk of flooding or be at risk of flooding. Drainage Impact Assessment will be required and wastewater considered.

Policy NE8 – Natural Heritage: development that, taking into account mitigation measures, has an adverse impact on protected species or designated area will only be permitted where it complies with Scottish Planning Policy.

Where development may have an adverse impact on protected species, supporting information should show that alternatives have been considered and need for the development demonstrated.

Ecological assessment is required where development may affect a designated site, habitat or species of importance.

No development will be permitted unless mitigation measures are proposed.

This policy also covers impacts outwith the site. Further fragmentation of habitats should be avoided and restoration of links sought, enhancement to biodiversity sought and there is a presumption against excessive engineering or culverting.

Policy NE9 – Access and informal Recreation: development should not compromise potential recreational opportunities including for core paths.

Policy NE10 – Air Quality: Potential impacts on air quality, of a development, should be mitigated.

Policy R2 – Degraded and Contaminated Land: contaminated land should be restored and consideration given to risks of pollution to watercourses.

Policy R7 – Low and Zero Carbon Buildings: new buildings must install low and zero carbon generating technology

Policy R8 – Renewable and Low Carbon Energy Developments: these developments are supported and applications supported in principle if proposals: do not cause significant harm to the local environment, including landscape character; do not impact negatively on air quality, or tourism or have a significant adverse impact on residential amenity.

Policy I1 – Infrastructure Delivery and Developer Contributions: where development would place additional demand on infrastructure the developer will be required to contribute to the cost of providing or improving such infrastructure or facilities.

Policy D1 – Architecture and Placemaking: new development must be designed with due consideration for its context and make a positive contribution to its setting. Siting, scale, massing, colour, materials, orientation, details and spaces around buildings are amongst the factors that will be considered in assessing the contribution.

High buildings should respect the height and scale of their surroundings, urban topography, the skyline and important views.

Policy D6 – Landscape: Development will not be acceptable unless it avoids: (the following is a summary) significantly adversely affecting landscape character; obstructing important views; loss and damage to important wildlife and woodland resources; or sprawl.

Development should avoid significant adverse impact on landscape elements.

The Additional City Wide Proposals Map part of the ALDP indicates an aspirational core path through the woodland within the ownership of Arjowiggins to the west of the application site.

The Scottish Government's Woody Biomass advice note: describes the benefits of biomass, including economic benefits and possible better management of woodlands. It states the combined heat and power (CHP) can offer a reliable low cost heat source for industrial use together with electricity that can be sold to the grid.

In terms of potential negative effects it is advised that consideration is given to the sustainability of imported raw materials; plantations potentially resulting in changes to landscape character / way of life, where a single large plant uses up the raw materials for smaller scale operations locally; where large wood chip piles are not contained properly or resultant liquids leach into watercourses.

The advise is that any development should be scaled appropriately to make efficient use of the available heat and local supply.

Supplementary Guidance on Bats and Development: This has been approved by the Council and provides information about bats, their protected status. It states that when it is suspected that a bat roost is present the planning authority should request a bat survey to establish the impacts on bats before the planning application is determined. With regard to trees the SG states that a survey may be required where development affects old and veteran trees older than 100 years; or trees with obvious holes, cracks or cavities, or trees with a girth greater than 1m at chest height.

Supplementary Guidance on the Energetica Corridor: this has been adopted and as aspirations in relation to innovation in the pursuit of economic, social and environmental sustainability.

Stoneywood Masterplan Supplementary Guidance: This has been adopted by the Council and indicates housing within the area to the west of the application site and an aspirational core path as described above. The nearest houses would be approximately 380m to the west and at a higher level with woodland in between.

Grandhome Masterplan Area: Supplementary Guidance has not yet been adopted for the housing allocation at Grandhome. Masterplans at this stage indicate that an area of green space would be located within the area of the site closest to the River Don, with lower density housing to the east of that.

EVALUATION

Tesco Stores Ltd has submitted an appeal to the Supreme Court against the decision of the Inner House of the Court of Session to refuse its application to quash the Aberdeen Local Development Plan. Tesco has been unsuccessful regarding both an interim suspension and a full appeal in front of three judges in the Inner House and the Council has received robust advice from Counsel that the reasoning of the Inner House is sound and there are strong grounds to resist the appeal.

Planning applications continue to be determined in line with the Aberdeen Local Development Plan but the appeal is a material consideration and the Council has to take into account the basis for the legal challenge when determining applications. It should also be pointed out that the Court indicated that, even if Tesco's arguments had found favour, it would have been inclined to quash the plan only in so far as it related to Issue 64 (Allocated Sites) and that it would be disproportionate to quash the whole plan.

This evaluation has had regard to and taken into account the legal challenge. None of the policies or material considerations which apply to this application would be affected by the terms of Tesco's challenge. The recommendation would be the same if the application were to be considered in terms of the 2008

Aberdeen Local Plan. The wording of the policy BI68 in the 2008 local plan was effectively the same as that in the 2012 local plan. The only difference in the zoning of the site, is that none of it was included within the Green Space Network in the 2008 plan.

Rationale for the proposal and Local Competitiveness

The biomass plant is proposed in order to supply energy to the Stonewood Paper Mill operated by Arjowiggins, as well as electricity to the national grid. Discussions are also on-going to relating to energy being supplied in the form of hot water to other users within the city, possibly for district heating. The plant would replace the current gas fired boilers and would have benefits for the Mill in terms of both reducing carbon emissions and in terms of reducing energy costs. The proximity of the plant to the Mill is very important for efficiency and pre-application discussions involved considerations of other locations within the Stonewood Mill site. This location was chosen due to the topography of the site, in order to minimise the impact of the plant and the relationship to surrounding uses outside the site. The Mill is a significant employer in the City and also one of few remaining paper mills, members will be aware that 3 other paper mills within the city and one in Inverurie no longer exist. The proposal would clearly have economic benefits for the paper mill operators and would enhance their competitiveness. Both these factors are mentioned in SPP as factors that should be taken into account in considering planning applications.

Renewable Energy

The applicants state that the plant would use wood that is locally sourced and for which there is currently no market. It is a renewable energy source and as such is supported, in principle, by Scottish Government Policy (SPP) and structure plan and LDP policies, subject to considerations of the impact on the local environment.

The Woody Biomass advice mentions the wood fuel supply as an issue for consideration. The applicant has provided information (see Supporting Planning Statement and additional statement regarding Fuel Supply) that indicates that the supply within the local area (defined as 60 mile radius) is more than sufficient. Due to commercial sensitivity details of contracts with suppliers cannot be provided, however, it should be noted that receiving bank funding for the development would be dependent on these contracts being in place.

Furthermore, the applicant has stated that it is not commercially viable to use either whole trees (unless in particular circumstances, such a they are diseased), or to import material.

Business and Industrial Land Zoning

LDP zoning policy supports the principle of both new industrial uses in these areas and expanding existing concerns and ancillary facilities that support businesses, the plant therefore complies with Policy BI1. The policy also advocates co-locating 'bad neighbour' businesses and in this respect the location of the biomass plant next to the paper mill which has similar potential for impacts on the amenity of the occupiers and users of nearby buildings, is compliant with policy.

Green Space Network Zoning

The proposal would result in the removal of the tree covered mound and the covering of part of the mill lade. The trees to be lost include 45 trees, plus a thicket of densely planted sycamore. The trees of significance are a mature beech and two wych elms. The mill lade and tree covered mound that are covered by GSN zoning are not available for public access at present and so there would be no impact in that respect, nor in terms of recreation. The woodland itself does not link up with similar areas to the south and so the proposal would not result in a fragmentation of a wildlife habitat, although it would clearly result in the loss of the area in question.

The mill lade as a route for aquatic wildlife would remain, just to the south of the application site the mill lade is also covered, so that any wildlife currently using it already encounters these conditions. Although it is not ideal that a further stretch of the lade is covered over, it is a man made structure, was constructed for industrial purposes and has been altered over time, included covering over the water in places. The lade is approximately 1.1km long and a stretch of approximately 90 metres is currently covered or under buildings. The proposal is for a approximately a further 70 metres to be covered.

Currently there is only a tenuous wildlife link along the riverside to the east of the open yard area of the site, this is because along part of the stretch the riverside is formed by the wall of the mill lade, there are some small plants growing on the river side of the wall these provide very little in the way of a link. It is recommended that a condition be attached to any permission granted, requiring details of enhanced wildlife links through the site, which would help ensure that routes for wildlife remain.

The proposal would have an impact on the landscape, this is due to the massing of the buildings and the loss of trees that would open up views of the paper mill site from the east side of the River Don, however, in terms of the GSN, links between other areas of GSN would remain and although there are some tensions with this policy, the proposals would not significantly adversely affect its character or function.

Landscape, trees and woodland

The application site does not fall within any designated areas although adjacent to River Don LNCS. The proposed development, due to its nature, requires built elements of some height, including the chimney of 75m and the boiler and turbine halls of 40m as well as buildings of very large footprint of slightly lesser height and the cooling towers from which would there may be a plume of steam at lower air temperatures. The Landscape and Visual Assessment indicates that the most significant views of the proposed plant would be from the east from the Grandhome Road. Views from the proposed housing at Stoneywood, to the west of the application site, would be screened by the large number of mature trees within the woodland to the west of the paper mill buildings. There would be more distant views including from the Newhills road and Persley Brige of the chimney and the roof of the chip store and chipper building, however, these would be seen in conjunction with the two existing chimneys (of 53m and 42m in height) and

although the proposed chimney would be higher and the plant roof a new element, it is considered that views of the proposed chimney would not be unduly obtrusive and the dark colour of the roofs would help it to blend in with the surrounding trees which would be either in the foreground or the background.

Although the most significant visual and landscape impacts, the loss the trees on the mound and the view of the proposed plant, would be seen from the Grandhome road, there would be changes to views from elsewhere in the city. The topography of the land and the location of the site help to minimise this, given the significant size of the buildings proposed. Taking There is therefore, Landscape is dealt with in a number of policies: Policy D6 cites loss of important wildlife or woodland resources as a reason for development being deemed unacceptable; Policy NE1 mentioned above;and, Policy NE5 presumes against the loss of trees that contribute significantly to landscape character. The SPP and structure plan also emphasise the value of a high quality environment and careful consideration of landscape impacts.

The proposal would have a significant impact at the local level, although much less so at a wider level, however, there is therefore some tension with policies on tree loss and landscape. The issue is the importance that should be attached to the landscape and visual impact. Also, mitigation measures should be taken into account, these include better management of the woodlands on the paper mill site and tree planting within those areas. Tree planting alongside the chip store building would not be possible due to space limitations, however, there may be very limited potential for some planting to the east of the yard associated with this building, taking into account the need for turning trucks and the nature of the ground in this location.

Conditions are recommended to require details of tree planting and woodland management to be submitted.

Design and built heritage

The application proposal is large, high and bulky by the nature of its function. The applicant considered various options for reducing the visual impact of the building by the nature and colour of cladding material. The proposal is for a simple industrial type approach with metal cladding in a relatively dark colour. The upper levels of the higher elements of the buildings would be in a darker colour, which helps to reduce the apparent scale of the building. The existing buildings on the paper mill site are unmistakably industrial in nature and in this respect the proposal has consideration for its surroundings.

The proposal has also been sited so that the higher buildings are located within the lowest part of the paper mill site, so that as far as possible minimum disruption is caused to views. Given the nature of the proposal, it is considered to comply with Policy D1.

The brick built paper mill building to the north of the site of the proposed cooling towers is a building of architectural merit and possibly worthy of listing. It is considered, however, that it lies within an industrial setting and is indeed in use

for the purpose for which it was built. The cooling towers would not physically affect the building and are set back from the frontage so that views of the building would remain.

Wildlife

The Ecological Assessment describes surveys that were carried out on the site and considers the impact on air quality at various sensitive sites.

The most significant wildlife impact is that the woodland area is used by bats for foraging. The assessment reports that there are no tree cavities present that would provide a roosting site for breeding or hibernating bats.

With the attachment of conditions requiring a range of mitigation measures, it is considered that the application is acceptable in terms of its impact on wildlife. The conditioned mitigation measures include: provision of bat boxes, provision lighting that would create less disturbance to wildlife than that existing close to the woodland at present, timing of works to trees in winter months to avoid disruption to breeding birds, further details of works to the lade and including a plan for preserving aquatic life, taking into account possible presence of pearl mussels when locating any proposed outfall into the river, management of remaining woodland, improvements to wildlife routes and pre-construction wildlife surveys being required.

A Construction Environmental Management Plan would also be required by condition which would cover a broad range of measures to protect the environment during the construction period.

It is considered that the proposal therefore complies with SPP on protected species, the structure objective relating to the environment and Policy NE8 in the local plan that deals with this issue, as well as SG on bats and development. The SNH response indicates a contentment for the planning authority to assess the proposal itself, SEPA does not object, nor does the River Don Salmon Fisheries Board.

Air Quality

The air quality assessment does not indicate that the proposal would have a significant effect on residents or other sensitive receptors. It is recommended that following detailed design work the submission of further details of the emission abatement techniques be required by condition. There is also no objection from Environmental Health or SEPA. With the attachment of the condition, the proposal is considered to comply with Policy NE10.

Noise

The noise assessment finds that there is potential for some adverse noise impact. For the daytime period, all properties assessed, the noise levels are equal or below background noise levels. At night background levels are much lower than during the day and at the majority of properties noise at night would still be below the background level. However, at properties around Stonewood manor House and houses on Stonewood Terrace predicted levels are slightly higher. This is considered to be of less than marginal significance, although still

not desirable. At an isolated farmhouse immediately south of the proposal, the change in noise levels at night would be significant with the margin indicating that complaints would be likely. (It should be noted that the noise levels are less than would be considered acceptable in terms of LDP policy in relation to the airport for a new house).

At a farmhouse and two houses approximately 800m to the northeast of the site, the predicted change in noise levels is approaching significant, however, this is because the background noise level is low. The predicted noise level is not one considered to result in any sleep disturbance and is below the level assess under BS4142 (which provides guidance on the levels at which changes in noise levels can be significant and cause complaint).

The noise assessment finds that a reduction in noise levels could be achieved by appropriate design and insulation. Operational noise is a matter regulated by SEPA in this instance as it would require permission under PPC Regulations, it is not therefore recommended that conditions be attached in this regard. It is, however, recommended that conditions be attached relating to hours of construction and to the timing of HGV deliveries to the plant, in order to protect the amenity of those residents living nearby.

Flooding

Although a small area at the eastern edge of the site falls within the area indicated on SEPA maps as 1 in 200 year flood risk, SEPA do not object to the application. Details of any historic information about floods in this area were requested from Arjowiggins and there is no evidence of the area having flooded. The SPP mentions culverts: in this instance due to space requirements, there is no alternative to building over the mill lade over this stretch. There is considered to be no flood risk implication to doing this; the existing lade has built in run off into the river.

The proposal complies with SPP and Policy NE6 relating to flooding.

Infrastructure

The recommendation is that any planning permission granted be withheld pending the signing of a legal agreement relating to infrastructure contributions relating to the Strategic Transport Fund and core paths. The proposal complies with Policy I1 in the LDP.

With regard to low and zero carbon equipment, the proposal is for a plant to generate energy from a renewable source for the entire paper mill site as well as user of the grid. The proposal therefore complies with Policy R7 and greatly furthers the aims behind the policy.

A condition is recommended to be attached relating to contaminated land and any restoration to the level required for the proposed use would be required. A method statement would also be required by condition, to prevent pollution of the nearby watercourses during construction. The proposal therefore complies with Policy R8.

In respect of Policy NE9, relating to access and core paths, the proposal would not compromise potential recreational routes. There is an aspirational core path to the west of the application site, through the woodland which would be managed as part of the mitigation measures proposed. In tandem with the application, discussions have been on-going with the paper mill to allow access along this route, dependent on the ensuring that the paper mill site is adequately secured to prevent public access for health and safety reasons.

Conclusion

There are many issues to be taken into consideration in the determination of the application, these include:

The proposed plant would be located on industrial land together with another industrial use, which also has the potential for residential amenity. It makes sense and accords with policy to locate the two together. A biomass plant such as that proposed, would require to be located near to a major user of hot water and steam, however, it would also supply electricity to the grid and potentially hot water to other users.

In terms of renewable energy policy, the proposal would make a significant contribution towards the targets set by the government, and reiterated with the development plan. The proposal also accords with and furthers the aims of the SG on the Energetica Corridor in terms of innovation in economic and environmental sustainability. This is a major factor in favour of the application.

The plant would help ensure the future of the paper mill by reliably supplying energy at a less volatile price and also, importantly, helping the mill reduce its carbon emissions.

In addition, the plant would help provide a new market within the forestry industry in the region by using wood for which there is currently no market. One effect of this would be that woodlands would be better managed.

Economic development of the paper mill and within the forestry industry, both of which would contribute towards providing a diversity to the economic base of the city and region, is an important and significant factor in favour of the application proposal.

The application site is not protected by any designation, although it bounded the River Don LNCS. However, disadvantages of the proposal are the impact of the proposal in terms of the loss of the wooded area on the man-made mound, to a lesser extent, the building over of the lade and the erection of very large buildings of up to 40m in height and a chimney of 75m in height. The landscape and visual impact of the loss of the wooded area and erection of the proposed plant is significant with the local area, but largely unseen from public vantage points, other than the Grandhome road. The trees themselves, with the exception of the beech and wych elms, are not of great value. However, the loss of the wood would have an impact on wildlife, in particular bats that forage particularly along the edges of the wood and the lade. Mitigation measures can compensate to some extent for this loss of habitat.

The proposed plant would not be highly visible within the wider surrounding area, other than the chimney. The chimney would be seen in conjunction with the two existing chimneys and by the nature of its shape would not be unduly intrusive. The upper part of the roofs of the various buildings would be seen in some longer range views, however, the surrounding area contains a lot of tree cover and the plant would be seen with trees in the foreground and or as a back drop. Similarly, the building over of the lade is less than ideal, however, it is a man-made structure, built for industrial purposes and is covered elsewhere along its length. The visual and landscape impact and loss of habitat are the main disadvantages of the proposal.

It is considered that any noise impact of the proposed could be adequately mitigated by measures required by SEPA under regulations and by the attachment of conditions

SPP states that the planning system should be outcome focused and that where conflict between objectives exists decisions should be made in line with local priorities and needs. As described above, it is considered that the disadvantages of the proposal are of significance within the immediate area only.

The structure plan sustainable development and climate change objective is that the Councils take the lead in reducing CO2 release and limit use of non-renewables. Part of this is by tackling energy supply and increasing the supply from renewable sources. The biomass plant would save 54,00 tonnes per year of CO2 equivalent principally by the heat and also by the electricity that it supplies to the mill and also 27,900 tonnes CO2 equivalent by the electricity it supplies to the grid. In terms of its contribution to sustainable economic development, with the attachment of the conditions recommended and the legal agreement, the proposed plant is therefore considered acceptable.

RECOMMENDATION: Approve with Legal Agreement, withhold permission subject to signing of a legal agreement relating to developer contributions towards: Strategic Transport Fund and core path and tree planting within the paper mill site.

REASONS FOR RECOMMENDATION

The proposed plant would be located on industrial land together with another industrial use, it accords with policy BI1 in the LDP.

In terms of renewable energy policy, the proposal would make a significant contribution towards the targets set by the government, and reiterated within the development plan. The proposal therefore complies with Scottish Planning Policy (SPP), objectives in the structure plan and Policy R8.

The plant would help ensure the future of the paper mill by reliably supplying energy at a less volatile price and also, importantly, helping the mill reduce its carbon emissions.

In addition, the plant would help provide a new market within the forestry industry in the region by using wood for which there is currently no market. One effect of this would be that woodlands would be better managed.

Economic development of the paper mill and within the forestry industry, both of which would contribute towards providing a diversity to the economic base of the city and region, is an important and significant factor in favour of the application proposal. This accords with SPP.

The application site is not protected by any designation, although it bounded the River Don LNCS. The landscape and visual impact of the loss of the wooded area and erection of the proposed plant is significant within the local area, but largely unseen from public vantage points, other than the Grandhome road. The trees themselves, with the exception of the beech and wych elms, are not of great value. However, the loss of the wood would have an impact on wildlife, in particular bats that forage particularly along the edges of the wood and the lade. Mitigation measures can compensate to some extent for this loss of habitat.

The proposed plant would not be highly visible within the wider surrounding area, other than the chimney and steam on some occasions. The chimney would be seen in conjunction with the two existing chimneys and by the nature of its shape would not be unduly intrusive. The upper part of the roofs of the various buildings would be seen in some longer range views, however, the surrounding area contains a lot of tree cover and the plant would be seen with trees in the foreground and or as a back drop. There are some tensions with Policy NE1, NE5 and D6.

It is considered that any noise impact of the proposed could be adequately mitigated by measures required by SEPA under PPC Regulations and by the attachment of conditions.

SPP states that the planning system should be outcome focused and that where conflict between objectives exists decisions should be made in line with local priorities and needs. As described above, it is considered that the disadvantages of the proposal are of significance within the immediate area only.

The structure plan sustainable development and climate change objective is that the Councils take the lead in reducing CO₂ release and limit use of non-renewables. Part of this is by tackling energy supply and increasing the supply from renewable sources. In terms of its contribution to sustainable economic development, with the attachment of the conditions recommended and the legal agreement, the proposed plant is therefore considered acceptable. The proposal also complies with policies NE6, NE8, NE10, R2, R7, I1, D1 and the Scottish Government advice on Woody Biomass.

it is recommended that approval is granted with the following condition(s):

(1) that no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site (including in areas to the west of the paper mill access road) during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development.

(2) 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: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied - in order to preserve the character and visual amenity of the area.

(3) 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.

(4) That no development shall take place unless there has been submitted to and approved in writing by the planning authority a plan showing tree planting within the paper mill site, including on the retained mound, including details of species and size, together with a management plan for the area of the woodland to the west of the paper mill access road and the wooded area on the remaining mound. The planting within the woodland to the west shall be completed by the end of the first planting season following commencement of the development, and that to other areas shall take place within the first planting season following completion of the development, both unless otherwise agreed in writing with the planning authority. Any trees becoming diseased or dying within 5 years of completion of the development shall be replaced with trees of similar species and size. The management plan shall be implemented and regularly updated - in the interests of providing mitigation for the loss of trees on the application site.

(4) Obstacle lights shall be placed on cranes or other construction equipment to be used in the development of the site. The obstacle lighting scheme shall be implemented for the duration of the construction period. These obstacle lights must be steady red lights with a minimum intensity of 200 candelas. Periods of illumination of obstacle lights, obstacle light locations and obstacle light photometric performance must all be in accordance with the requirements of 'CAP168 Licensing of Aerodromes' (available on the CAA website). – Permanent illuminated lighting is required for the duration of construction and on construction

equipment to avoid endangering the safe movement of aircraft and operation of Aberdeen Airport. For further information please refer to Advice Note 4 'Cranes and Other Construction Issues' (available at www.aoa.org.uk/publications/safeguarding.asp)

(5) Permanent obstacle lighting shall be placed on the chimney stack, at 104.3m AOD. The obstacle lights must be steady red with a minimum intensity of 200 candelas, and mounted as close to the top of the structure as possible. Such lighting shall be displayed during the hours of darkness, and visible from all directions. Whilst the structure is below 150m, and not officially considered an en-route obstacle, as set out in Article 219 of the UK Air Navigation Order 2009, after discussions with the Civil Aviation Authority (CAA) and due to the chimney's proximity to helicopter flights paths, we require the display of permanent obstacle lights on the tallest structure. Should you wish to discuss this further, please contact Mark Smailes at the CAA at Baggy.Smailes@caa.co.uk – Permanent illuminated obstacle lights are required at the highest point of the overall development to avoid endangering the safe movement of aircraft and the operation of Aberdeen Airport.

(6) Due to the nature of this development, it is likely that cranes will be used during construction. In the event that this is required, Aberdeen Airport Ltd requires advance notification of such activities one month prior to the works taking place. Details, including maximum working height of crane, radius of operation and dates and times of operation, should be submitted to the Airport's Safeguarding Manager at ABZ safeguarding@baa.com – to ensure that construction equipment on the application site does not breach the Obstacle Limitation Surface (OLS) surrounding Aberdeen Airport, or interfere with communication, navigational aids and surveillance equipment, therefore endangering the movement of aircraft and safe operation of the aerodrome.

(7) Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the planning authority, in consultation with BAA. The submitted plan shall include details of:

- monitoring of any standing water within the site, temporary or permanent;
- sustainable urban drainage schemes (SUDS) – such schemes shall comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage schemes (SUDS) (available at www.aoa.org.uk/publications/safeguarding.asp)
- management of any flat / shallow pitched green roofs on buildings within the site which may be attractive to nesting, roosting and 'loafing' birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design' available at <http://www.aoa.org.uk/documents/AN08%20-%20Birds%20-%20Building%20Design.pdf>)

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority – it is necessary to manage the site in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Aberdeen Airport.

(8) That no development shall take place unless there has been submitted to and approved in writing by, the planning authority, details of the location and design of cycle storage – in order to encourage cycling and reduce car dependence.

(9) that no development shall take place unless it is carried out in full accordance with a scheme to deal with contamination on the site that has been approved in writing by the planning authority.

The scheme shall follow the procedures outlined in Planning Advice Note 33 Development of Contaminated Land and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 Investigation of Potentially Contaminated Sites - Code of Practice and other best practice guidance and shall include:

1. an investigation to determine the nature and extent of contamination,
2. a site-specific risk assessment,
3. a remediation plan to address any significant risks and ensure the site is fit for the use proposed.

No building(s) on the development site shall be occupied unless

1. any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken and
2. a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation.

The final building on the application site shall not be occupied unless a report has been submitted and approved in writing by the planning that verifies that completion of the remedial works for the entire application site, unless the planning authority has given written consent for a variation.

- reason: in order to ensure that the site is fit for human occupation

(10) That trees shall not be removed other than during the winter months, in accordance with details to be submitted to, and approved in writing by the planning authority – in order to protect breeding birds.

(11) That no development shall take place unless there has been submitted to and approved in writing by, the planning authority, details of external lighting be provided taking into account the mitigation measures described in the ecological assessment dated January 2012 by Northern Ecological Services – in the interests reducing disturbance to wildlife.

(12) That no development shall take place unless there has been submitted to and approved in writing by, the planning authority, details of the design and location of bat boxes to be installed on trees within the paper mill site, taking into account the measures described in the ecological assessment dated January 2012 by Northern Ecological Services – in the interests of bats.

(13) that, except as the Planning Authority may otherwise agree in writing, no construction or demolition work shall take place:

(a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;

(b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or

(c) at any time on Sundays, except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery] - in the interests of residential amenity.

(14) that except as the Planning Authority may otherwise agree in writing, no deliveries by HGV of wood to the biomass plant shall take place:

(a) outwith the hours of 7.00 am to 5.30 pm Mondays to Fridays;

(b) outwith the hours of 9.00 am to 12.30 pm Saturdays; or

(c) at any time on Sundays, in the interests of residential amenity.

(15) That no development takes place unless details have been submitted and approved in writing by the planning authority to prevent the contamination of the River Don from the residue and ash extraction systems from the silos and that the plant shall not operate unless all measures as so agreed are in place and fully operational – in order to prevent pollution of the water environment.

(16) That no development takes place unless details have been submitted to and agreed in writing with planning authority of measures to provide a wildlife corridor along the edge of the River Don in particular where the bank is formed by the wall of the mill lade. That the plant shall not operate unless these measures as so agreed are fully in place on site, unless otherwise agreed in writing with the planning authority – for the benefit of wildlife.

(17) That no development takes place unless details have been submitted to and agreed in writing with planning authority of a construction phase SUDS Strategy – in order to prevent pollution of the water environment.

(18) That no development takes place unless details have been submitted to and agreed in writing with planning authority of details of works to lade including elevational and cross sectional drawings, a construction method statement, including in relation to aquatic life and any measures necessary to maintain conditions for aquatic life – in the interests of aquatic life and visual amenity.

(19)) That no development takes place unless details have been submitted to and agreed in writing with planning authority of the area where the tree covered mound is to be removed, these must inc treatment to the edge of the mill lade and cross sectional drawings together with retention of the remaining mound – in the interests of visual amenity, wildlife habitat and maintaining the character of the river valley.

(20) At least two (2) months prior to the commencement of any works, a site specific construction environmental management plan (CEMP) must be submitted for the written approval of the planning authority in consultation with SEPA (and other agencies such as SNH as appropriate) and all work shall be carried out in accordance with the approved plan – to control pollution of air, land and water.

(21) Prior to the commencement of any works, a site waste management plan shall be submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved plan. – to ensure that waste on the site is managed in a sustainable manner.

(22) No construction works commence until the specific plant design, including mission abatement techniques to control emissions to the atmosphere, fuel type and plant maintenance systems are agreed in writing by the Council's Environmental Protection Section. Contact: Aileen Brodie 52(2216), abrodie@aberdeencity.gov.uk

(23) that unless agreed otherwise with the planning authority, within 12 months of ceasing operation, the biomass plant, including all buildings and plant shall be removed from the site and the site restored to a condition the details of which shall be submitted to and agreed in writing with the planning authority – in the interests of landscape character and visual amenity.

Dr Margaret Bochel

Head of Planning and Sustainable Development.