

ABERDEEN CITY COUNCIL

COMMITTEE	Communities, Housing & Infrastructure
DATE	27 August 2015
DIRECTOR	Pete Leonard
TITLE OF REPORT	Draft Nigg Bay Development Framework
REPORT NUMBER:	CHI/15/188
CHECKLIST COMPLETED	Yes

1 PURPOSE OF REPORT

- 1.1 This report outlines how the delivery of the Draft Nigg Bay Development Framework (Draft Framework) seeks to maximise investment potential of existing industrial areas at Altens and East Tullos alongside the development of the proposed new harbour at Nigg Bay.
- 1.2 The report is to inform members of the content and implications of the Draft Framework, and, to seek approval for the Director of Communities, Housing and Infrastructure to proceed with a 6 week public consultation together with the finalised Environmental Report, as required under the Environmental Assessment (Scotland) Act, 2005.
- 1.3 The Draft Framework document (low resolution) is appended to this Report. A high resolution version can be viewed at:
www.aberdeencity.gov.uk/masterplanning
- 1.4 A hard copy is available in the Members' Library (Town House) and at the Planning and Sustainable Development Service at Ground Floor North, Marischal College.

2 RECOMMENDATIONS

- 2.1 It is recommended that the Committee:
 - (a) Approves the Draft Nigg Bay Development Framework for public consultation over a 6 week period, which will take place alongside the finalised Environmental Report, and;
 - (b) Instructs the Director of Communities, Housing and Infrastructure to report the results of the public consultation on the Draft Framework

and the Environmental Report, including any recommended amendments to a subsequent meeting of this Committee.

3 FINANCIAL IMPLICATIONS

- 3.1 The costs associated with the proposed 6 week statutory consultation exercise will be met within existing Planning and Sustainable Development service budgets.
- 3.2 There are no other financial implications as a result of approval to proceed to public consultation on the Draft Framework. However, it should be noted that the land covered by the Draft Framework is in multiple ownership. It is predominantly owned by Aberdeen City Council with the remainder owned by private organisations and Aberdeen Harbour Board. As such the Council has a financial interest in the planning designations, decisions and future development of the Draft Framework area.
- 3.3 The Draft Framework has been produced by planning and design consultants Barton Wilmore on behalf of Aberdeen Harbour Board, Scottish Enterprise and Aberdeen City Council. The Harbour Board have met the cost for the preparation of the Draft Framework including all consultation and engagement to date which has shaped its content.

4 OTHER IMPLICATIONS

- 4.1 The Draft Framework will reduce the risk of piecemeal development in the area and promote efficient use of land, ensuring development and design principles are agreed from the outset.
- 4.2 Approval for public consultation on the Draft Framework encourages further public participation and engagement.
- 4.3 The Draft Framework document is subject to Strategic Environmental Assessment and Habitats Regulations Appraisal, in accordance with Environmental Assessment (Scotland) Act 2005, and, Conservation (Natural Habitats, & c.) Regulations 1994 respectively. Please refer to Sections 5.17-5.22 of this Report for further information. The Draft Framework document will require revision to incorporate the outcomes of these assessments which can be accommodated within the 6 week public consultation period.

5 BACKGROUND / MAIN ISSUES

Site Description

- 5.1 The Draft Nigg Bay Development Framework covers the National Planning Framework 3 boundary for the new harbour at Nigg Bay (part of which is also allocated as OP62 in Proposed Aberdeen Local Development Plan 2015). The Draft Framework study area also

includes, the predominately industrial areas at Altens and East Tullos and the eastern edge of Torry, a proportion of the Coast Road, Ness and East Tullos landfill sites, and, areas of coastal/green space. The study area is illustrated on page 4 of the Draft Framework.

Planning Policy Context

- 5.2 Capacity constraints at the existing harbour prevent expansion to retain existing business as well as expansion into new markets. The principle of the new harbour facility is established in Scottish Planning Policy through the *National Planning Framework 3 (NPF3) A Plan for Scotland: Ambition, Opportunity, Place* – where the expansion of Aberdeen Harbour is identified as a National Development.
- 5.3 *Aberdeen City and Shire Strategic Development Plan: Main Issues Report* identifies Aberdeen as an area for expansion of deep-water berths. Alongside Peterhead Harbour, it is designated as the ‘subsea cluster’, recognising the importance of both harbours to serving the energy sector.
- 5.4 The Nigg Bay site is identified in the Proposed Aberdeen Local Development Plan 2015 as Opportunity Site (OP62), “capable of accommodating Aberdeen Harbour expansion”. To support any development proposals for the site, a Development Framework/Masterplan, Flood Risk Assessment and full Transport Assessment are required. The Draft Framework has been prepared following the Council’s adopted Aberdeen Masterplanning Process.

Purpose of Development Framework

- 5.5 The Draft Nigg Bay Development Framework will set the context for a series of more detailed masterplans to come forward in the future for each of 3 sub-areas:
 - Nigg Bay (Harbour)
 - East Tullos
 - Altens
- 5.6 The Draft Framework considers how to maximise the opportunities presented by investment in the proposed new harbour and associated facilities, in terms of economic development, regeneration and environmental improvements. The Draft Framework also seeks to facilitate cohesive and properly planned growth, in particular the co-ordination of essential infrastructure and establishing the parameters within which new development can take place.
- 5.7 The intention is for the Draft Framework to progress to form Supplementary Guidance under the next Aberdeen Local Development Plan 2016 (currently the Proposed ALDP 2015).

- 5.8 The series of projects and opportunities presented in the Draft Framework are being considered at a strategic level, their impact varies and there are a range of measures which could be explored to mitigate against a number of development constraints, including wider access to the area.
- 5.9 Running concurrently, and covered within the initial phase of the Draft Framework, is the proposal by Aberdeen Harbour to build a new harbour facility at Nigg Bay. Fairhurst engineers, have been appointed by the Harbour Board to undertake a Transport Assessment of the proposals, which is required to support their application(s) for consent to build (please see Sections 5.14-5.16 of this Committee Report for further information on the consenting regimes for the new harbour construction). The transport assessment will look at the impact of construction traffic as well as the different traffic patterns for vehicles entering and leaving the proposed new harbour at Nigg, taking statistical information from the existing harbour facility in the city centre. The scope and methodology for this assessment has been agreed with City Council officers and the initial findings are expected in the next few weeks from Fairhurst for discussion and agreement with Aberdeen City Council Roads Authority.
- 5.10 While there is clearly a link between the Draft Development Framework and the consenting regime for construction of the new harbour facility at Nigg Bay, it is important that the two are considered separately and that possible infrastructure identified for the wider Framework area is not seen as being essential for the new harbour facility proposal in isolation.
- 5.11 The Draft Framework takes a long term approach to placemaking, infrastructure provision and land use planning. It should be considered in the context of current planning policy and be suitably flexible and robust to be relevant and deliverable throughout numerous plan cycles.
- 5.12 The Draft Framework includes creation of a new harbour facility at Nigg Bay, brought about as a result of increased demand experienced by the buoyancy of the current Aberdeen Harbour facilities, and is not proposed as a replacement of the existing harbour. As such there is no anticipated decrease or change to activity within the existing harbour facility.
- 5.13 The Draft Framework is one part of a suite of documents which form part of the overall project development for expanded harbour facilities at Nigg Bay. Other reports in the suite include the Nigg Bay Development Framework Background Report, and, the Engagement Report.

Consenting regimes for the harbour construction

- 5.14 The harbour proposals will be subject to three separate but closely related consenting regimes.
- A Harbour Revision Order (HRO) to deliver and construct the harbour , under the Harbours Act 1964 which is submitted to Transport Scotland for approval by Scottish Parliament;
 - Planning Permission in Principle (PPiP) for ancillary and temporary works related to the construction of the harbour, and further applications for Matters Specified in Conditions and/or detailed planning permission under the Town and Country Planning (Scotland) Act 1997 as amended; and;
 - Marine Licences under the Marine (Scotland) Act 2010.
- 5.15 Different aspects of the harbour construction will require consideration under each of the relevant consent processes.
- 5.16 The harbour proposal will progress ahead of the Draft Framework, as its consenting processes are considered separately and the principle for development of a harbour at Nigg Bay is already established in national and local planning policy.
- ## **Environmental Assessments**
- 5.17 A Strategic Environmental Assessment (SEA) for the new harbour site (Opportunity Site OP62) has been undertaken as a part of the proposed Aberdeen Local Development Plan, which was agreed at Communities, Housing and Infrastructure Committee on 28 October 2014 (CHI/14/001: Appendix 6).
- 5.18 A Strategic Environmental Assessment (SEA) Screening Report was undertaken on the Draft Framework and sent to the three statutory consultation agencies, Scottish Natural Heritage, Scottish Environmental Protection Agency and Historic Scotland. This process concluded that the Nigg Bay Development Framework did have the likelihood of significant environmental effects and therefore an SEA Environmental Report on the Framework is required.
- 5.19 An SEA Scoping Report, which outlined the proposed content of the Environmental Report, was sent to the three agencies for consultation on 31 July 2015. The agencies have a statutory 35 day consultation period, with responses due on 4 September 2015. Following this, Scottish Ministers will be advised of the consultation timescale.
- 5.20 A copy of the completed Draft Environmental Report is contained in Appendix 2 of this Committee Report. An Environmental Report, which assesses the environmental effects of the Framework, will be

completed consistent with the outcome of the Scoping Report. The Draft Environmental Report will be updated in accordance with consultation responses received on the Scoping Report from the agencies. Then, the Draft Nigg Bay Development Framework and the finalised Environmental Report will be consulted on for a period of 6 weeks, as recommended in this Report.

- 5.21 The Draft Framework has also been subject to a Habitats Regulations Appraisal (HRA): Appropriate Assessment, which is currently with Scottish Natural Heritage for consultation. To summarise the findings of this appraisal to date; the Draft Framework is likely to have significant individual and in-combination effects on qualifying interests of River Dee Special Area of Conservation (SAC), Moray Firth SAC, Isle of May SAC and Berwickshire and North Northumberland Coast SAC. These qualifying interests include grey seals, dolphins, otters and Atlantic Salmon. We are however, able to address the adverse effects of the proposal on the integrity of the protected species when we apply mitigation measures in the National Planning Framework 3, Aberdeen City & Shire Strategic Development Plan, and Aberdeen Local Development Plan to the Draft Framework. The Draft Framework would therefore require modification to include these higher-tier mitigation measures as well as those to be proposed by SNH following the consultation.
- 5.22 A full Environmental Impact Assessment for the harbour construction proposals is currently underway and anticipated for completion by early autumn 2015. This is the only component of the Draft Framework which is currently being progressed towards applications for consents, as outlined in Sections 5.14-5.16 above.

Strategy

- 5.23 In embracing a long-term and strategic approach to placemaking, the Draft Framework identifies a series of key infrastructure interventions where investment is required to realise the potential of each of the masterplan sub-areas. These are set in the context of future development plan reviews and the Draft Framework has adopted a ‘timeline’ approach to phasing.
- 5.24 The strategy is focussed around 3 key components* of the framework and programme for delivery, as set out below. For detailed explanation, please refer to pages 32-34 of the Draft Framework document.
1. New Harbour at Nigg Bay & improvements to Coast Road
 2. Upgrading the road network in and around Altens
 3. Providing a direct link from Nigg Bay to East Tullos

*Please note that such proposals still require further work / assessment to be undertaken to inform any future proposals and detailed design.

Objectives

5.25 The Draft Nigg Bay Development Framework has identified the following overarching development objectives:

- Inform the process of clearly defining the extent and content of the forthcoming applications for the new harbour at Nigg Bay and its associated facilities;
- Inform the preparation of the proposed Local Development Plan;
- Consider the interaction with the Aberdeen City Centre Masterplan;
- Establish a clear brief for more detailed masterplans at the new harbour, Altens and East Tullos;
- Ensure consideration and identification of all opportunities to promote sustainable, low-carbon development;
- Consider how surrounding land uses can evolve to maximise opportunities to benefit from the arrival of this major piece of investment;
- Identify aspects of broader strategic infrastructure investment, including roads and rail, that will support this process and consider ways in which all stakeholders can work together to deliver this infrastructure;
- Involve local people at the heart of this process and identify mechanisms which ensure an ongoing benefit to those communities;
- Engage with local business and landowners on these matters.

Development and Design Principles

5.26 The Draft Framework sets out a number of key **development and design principles**, which are considered alongside the 3 sub-areas. These principles guide and set the parameters for any future development in the Draft Framework area. Details of these can be found and read in the following sections of the Draft Framework document; pages 38-40: Nigg Bay, pages 45-46: Altens and pages 52-54: East Tullos.

5.27 Each of the sub-areas have development and design principles focussed on the following key themes:

- Economy and Business
- Land Use
- Infrastructure and Access
- Public Space and Access
- Environment
- Community Benefits

Public Consultation and Stakeholder Involvement

- 5.28 Stakeholders, interested parties and the public have had the opportunity to get involved in and influence the proposed harbour development as part of site allocation processes as outlined in Sections 5.2-5.4 of this Committee Report.
- 5.29 The preparation of the Draft Framework has been informed by a programme of consultant-led community and stakeholder engagement. Details of the consultation events held to date and a summary of key issues raised during this process can be found on Pages 26-29 of the Draft Framework. A comprehensive Engagement Report has also been produced to inform the proposals as they develop.
- 5.30 The public and stakeholder consultation to date has helped to shape and inform the content of the Draft Framework. The key issues raised have also subsequently informed the basis of all development and design principles, as outlined in Section 5.27 of this Committee Report.
- 5.31 In addition to the consultations undertaken by the consultants, and subject to approval of the Recommendations contained in this Report, a further 6 week period of public consultation is proposed to be undertaken. The results of this consultation will be reported back to the Communities, Housing and Infrastructure Committee, including any recommended amendments to the Draft Framework.
- 5.32 The Draft Nigg Bay Development Framework has been made available to Cove and Altens; Nigg; and Torry Community Councils 2 weeks prior to this report being considered by Committee, in accordance with the Council's Aberdeen Masterplanning Process and the Aberdeen Masterplanning Process: Update Report EPI/12/231 (agenda item 1.1, article 4, Enterprise, Planning and Infrastructure Committee, 6/11/12).

6 IMPACT

- 6.1 The proposal is consistent with the Council's **Corporate Plan** in particular with regard to delivering high levels of design from all development and maintaining an up-to-date planning framework.
- 6.2 Nigg Bay and St Fitticks Park are valued amenity areas, and as such the development will result in the loss of a proportion of this asset and the impacts locally must be carefully planned for and implemented. In particular the fragmentation of the Balnagask to Cove Local Nature Conservation Site (LNCS), the impacts on current public access routes and the Nigg Bay Site of Special Scientific Interest.
- 6.3 The proposal contributes towards the Aberdeen City Council vision for Aberdeen: 2012 – 2017: **Aberdeen – the Smarter City**. In particular creating a City which is a great place to live, bring up a family, do business and visit. It specifically contributes to the follows objectives:

Governance – encouraging citizens to participate in design and development; **Environment** – promotes energy efficient design and construction; **Economy** – improve access to range of affordable housing; work with partners to promote the city as a place to invest, live, work and export from; **Mobility** – develop ferry links from the city to the UK and rest of the world.

- 6.4 The proposal contributes to the following **Single Outcome Agreement Priorities**: **1** – We live in a Scotland that is the most attractive place for doing business in Europe; **2** – we realise our full economic potential with more and better employment opportunities for our people; **10**. We live in well-designed, sustainable places where we are able to access the amenities and services we need.
- 6.5 The proposal contributes to the **5 Year Corporate Business Plan** in terms of objective – Communication and Community Engagement: sharing our plans and aspirations for the city, and ongoing dialogue with our partners and the city's business community; encouraging future economic and business development; delivering an up-to-date development plan, facilitating new development projects to improve Aberdeen's living environment and, supporting an integrated transport network.; regeneration of strategically important parts of the city; work with partners to promote the city region as a place to invest, live, work and export from; and, develop a harbour masterplan to promote ferry links with greater business and tourism opportunities.
- 6.6 The Draft Framework is consistent with the Planning and Sustainable Development **Service Plan**, in particular engaging the community in the planning process, and the delivery of masterplans/development frameworks in line with The Aberdeen Masterplanning Process.
- 6.7 The Draft Framework and forthcoming harbour proposals offer opportunities for continued partnership working with other organisations, specifically Scottish Enterprise and Aberdeen Harbour Board, to ensure successful implementation.
- 6.8 Due to the scale and significance of the proposals, including a proposed new harbour facility at Nigg Bay, the Draft Framework will be of interest to local communities, wider general public, the business community, environmental interest groups/organisations, and the press.
- 6.9 This Report has been reviewed for **Equalities and Human Rights Impact Assessment (EHRIA)** and it is considered that approval of the Draft Framework for public consultation does not negatively impact on Equality and Human Rights matters.
- 6.10 Upon completion of the 'screening questions' it is concluded that a **Privacy Impact Assessment (PIA)** is not required.

7 MANAGEMENT OF RISK

- 7.1 Should the Committee be minded to not approve this Report the decision to delay public consultation will affect the potential for public involvement in establishing wider opportunities for investment surrounding the new harbour facility at Nigg Bay.
- 7.2 Irrespective of whether the Draft Nigg Bay Development Framework is in place, the programme for implementing/constructing the harbour will not be affected. Subject to Scottish Parliament approval, the harbour could proceed without the Development Framework.
- 7.3 There is a risk that if development does go ahead in the absence of a co-ordinating framework, it will be piecemeal and resulting in potential opportunities to maximise the benefits of investment in the new harbour facility and any associated mitigatory environmental improvements could be missed.
- 7.4 Development proposals that follow the Draft Framework should significantly contribute to efficiencies in agent time to prepare associated applications as well as officer time in determining future planning applications.
- 7.5 If the Recommendations are accepted the Council will have to manage planning application(s) process for the area, in line with the Development Framework.

8 BACKGROUND PAPERS

- 8.1 Draft Nigg Bay Development Framework (**Appendix 1**)
www.aberdeencity.gov.uk/masterplanning
- 8.2 National Planning Framework 3: A Plan for Scotland: Ambition, Opportunity, Place
<http://www.gov.scot/Topics/Built-Environment/planning/NPF3-SPP-Review/NPF3>
- 8.3 Aberdeen City and Shire Strategic Development Plan: Main Issues Report
<http://www.aberdeencityandshire-sdpa.gov.uk/nmsruntime/saveasdialog.asp?IID=899&sID=38>
- 8.4 Proposed Aberdeen Local Development Plan 2015
http://www.aberdeencity.gov.uk/planning_environment/planning/local_development_plan/pla_2016_proposed_plan.asp
- 8.5 Proposed Aberdeen Local Development Plan: Environmental Report
<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=62558&sID=26040>

- 8.6 Aberdeen Local Development Plan 2012
<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=42278&sID=9484>
- 8.7 Draft Environmental Report: Strategic Environmental Assessment (SEA) of Nigg Bay Development Framework (**Appendix 2**)
- 8.8 Aberdeen Masterplanning Process 2008 (article 22, Planning Committee Minute, 6/11/08)
http://www.aberdeencity.gov.uk/planning_environment/planning/planning_sustainable_development/pla_masterplan_process.asp
- 8.9 Aberdeen Masterplanning Process: Update Report EPI/12/231 (agenda item 1.1, article 4, Enterprise, Planning and Infrastructure Committee, 6/11/12)
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=140&MId=2523&Ver=4>

9 REPORT AUTHOR DETAILS

Rebecca Kerr
Planner – Masterplanning, Design and Conservation Team
☎ 01224 (52) 2241
✉ rekerr@aberdeencity.gov.uk

10 APPENDICES

- Appendix 1 Draft Nigg Bay Development Framework
- Appendix 2 Draft Environmental Report: Strategic Environmental Assessment (SEA) of Nigg Bay Development Framework