

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

LAND AT BAY OF NIGG, COAST ROAD / GREYHOPE ROAD, TORRY

PROPOSED NATIONAL DEVELOPMENT COMPRISING
CONSTRUCTION A NEW DEEP WATER HARBOUR AND
ASSOCIATED INFRASTRUCTURE

For: Aberdeen Harbour Board

Report Type: Statutory Consultation
Harbour Revision Order & Marine Licence

Receipt Date: 04 November 2015

Committee Date: 10 December 2015

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Ward: Torry/Ferryhill (Y Allan/A Donnelly/J Kiddie/G Dickson)



Harbour Revision Order Boundary



Marine Licence Boundary

RECOMMENDATION

Members are requested to remit the Head of Planning & Sustainable Development to:

1. Submit a detailed response to Scottish Ministers on the Harbour Revision Order and Marine Licence, confirming support for the proposals subject to the resolution of outstanding issues as detailed in this report in relation to:
 - *Draft Harbour Revision Order*
 - *Economic Development*
 - *Roads & Transportation*
 - *Historic Environment*
 - *Environmental & Landscape Impact*

2. Engage directly in subsequent negotiation with the Scottish Ministers, the applicant and any other relevant party to achieve such resolution, and in consultation with the Convenors of the Communities Housing and Infrastructure (CHI), Planning Development Management Committees and the Director of CHI, to object if resolution cannot be reached.
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1. PURPOSE OF REPORT

To notify Members that Aberdeen Harbour Board (AHB) has applied to the Scottish Ministers for a Harbour Revision Order (HRO) under section 14 of the Harbours Act 1964, and Marine Licences (ML) under the Marine (Scotland) Act 2010, Part 4, on 4th November 2015. An Environmental Statement has also been submitted for both the HRO and the ML under the Environmental Impact Assessment (Scotland) Regulations 1999 and the Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) respectively. As a formal consultee on this process, Aberdeen City Council must respond to the HRO and ML within a 42 day statutory consultation period, otherwise an opportunity would be missed to ensure agreement with AHB on the issues noted above. This requires a response by Friday 18th December 2015.

This report seeks Members' endorsement of both the HRO and ML, subject to the resolution of the specific concerns above; including a remit to the Head of Planning & Sustainable Development to engage directly with relevant parties to achieve such resolution and, in consultation with the Convenors of the CHI, Planning Development Management Committees and the Director of CHI, to object if resolution cannot be reached.

2. RELEVANT HISTORY & BACKGROUND

2.1 Nigg Bay Development Framework

The Nigg Bay Development Framework (NBDF) sits within the context of the presently adopted and future Local Development Plans, and will be considered as interim planning advice under the Aberdeen Local Development Plan 2012 until it is adopted as Supplementary Guidance under the Aberdeen Local Development Plan 2016. It takes account of relevant planning policies and other proposals, including the adopted Aberdeen Harbour Development Framework, the Old Torry Masterplan Study (2003) and the emerging City Centre Development Framework.

The NBDF aims to facilitate cohesive and properly planned growth, and in particular the establishment of essential infrastructure and parameters within which the harbour development can take place. Its' objectives were refined through:

- 1) A thorough and inclusive programme of community and stakeholder engagement, including Scottish Enterprise, Aberdeen City Council and AHB, with feedback from local communities and groups; and
- 2) Environmental, economic and technical studies.

The NBDF will be reported to the Communities, Housing and Infrastructure Committee on 20 January 2016, with a recommendation to approve as Interim Planning Advice subject to necessary revisions. It will then be taken forward in spring 2016 to progress alongside the new Local Development Plan.

2.3 Scoping Opinion

An Environmental Impact Assessment (EIA) Scoping Opinion was issued to AHB on 10 January 2014 by Scottish Ministers' Ports and Harbours Branch. This document informed the current submission alongside responses received from other consultees and stakeholders. Owing to the nature of the proposed development, AHB was required to submit an EIA under the Environmental Impact Assessment (Scotland) Regulations 1999. In addition, a Habitats Regulation Assessment (HRA) was also required.

2.4 The Harbour Revision Order & Marine Licences

Construction of the new harbour would be consented under legislation made by the Scottish Parliament. This is achieved via approval of a HRO and ML, administered by Transport Scotland and Marine Scotland respectively, on behalf of Scottish Ministers. As a result, Aberdeen City Council is not the decision maker in the application process. Rather, it is a statutory consultee, and in this instance it is a joint consultation on both the HRO and ML. Where concerns are raised by consultees, Scottish Ministers can sanction that further discussions take place to ensure that these can be satisfactorily addressed and resolved between the applicant and the affected consultee. If for any reason these cannot then be satisfactorily resolved, the Council would be minded to object to the proposal.

2.5 Planning Applications

An application is currently pending with Aberdeen City Council for planning in permission (PPIP) (reference P151742) for: '*National Development comprising construction of new infrastructure to facilitate the creation of a new deep water harbour, including new roads, parking and means of access, temporary construction and fabrication areas and other associated development which may include public realm areas, paths, lighting and signage*'. Essentially this application focuses only on the on-shore; inland and infrastructure works that are required to support the harbour. All elements of the physical harbour works are subject to the HRO and ML consents, not the PPIP. It is anticipated that the application will be presented to Committee Members circa March 2016. Future applications for Matters Specified in Conditions (MSC) will then be required to secure all details that may be agreed through the PPIP.

3. PLANNING POLICY CONTEXT

3.1 National Planning Framework 3, 2014

The Scottish Government published National Planning Framework 3 (NPF3) on the 23 June 2014. NPF3 responds directly to capacity constraints at the existing harbour, and the need to expand into new markets for the benefit of the city region and Scotland as a whole, by identifying the expansion of Aberdeen Harbour as a National Development, and Nigg Bay as the preferred development option. With the expansion established at

the top tier of the planning hierarchy, it follows that the strategic and local development plan tiers should seek to facilitate and deliver this development.

3.2 Aberdeen City and Shire Strategic Development Plan, 2014

The Aberdeen City and Shire Strategic Development Plan (SDP) identifies the harbour as a key port in the National Renewables Infrastructure Plan, clarifying that its growth should be accommodated to inform the next local development plan. A key objective of the Plan is to grow and diversify the regional economy.

3.3 Aberdeen Local Development Plan, 2012

In addition to the NBDL, the Aberdeen Local Development Plan 2012 (ALDP) promotes a general presumption in favour of major and essential infrastructure projects where they can be suitably accommodated.

3.4 Proposed Aberdeen Local Development Plan, 2016

The Proposed Aberdeen Local Development Plan (PALDP) was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015. It constitutes the Council's settled view as to what should be the content of the final plan and will be a material consideration in the determination of planning applications, along with the adopted ALDP. The PALDP specifically recognises the significant pressures for expansion which cannot be met within the existing site. Drawing from NPF3, the site is identified in the PALDP as an Opportunity Site (OP62) for a new harbour development.

Members should note that the Reporter appointed to examine the proposed plan will be aware the harbour has been identified as a national project within NPF3. Further details on this aspect are adhered to in Section 5: Assessment & Comments.

4. PROPOSAL

4.1 Description of Development

The purpose of the proposed development is to expand and diversify the capabilities of the existing harbour at Aberdeen; increasing capacity for larger vessels from a more diverse market than is currently possible; whilst maintaining its current operations.

This will involve the construction of a new harbour facility at Bay of Nigg as an extension to the existing harbour. Located directly south-east of Aberdeen Harbour, the new facility would extend to approximately 89 hectares. Works would include deepening of the seabed by way of excavation; the construction of two breakwaters, quays and a pier; the creation of working areas for harbour operations; and the provision of infrastructure and facilities to support the new harbour.

4.2 The Harbour Revision Order & Marine Licences Consultation

Aberdeen City Council has been formally consulted on the HRO and ML. The joint submission comprises the following:

- *Draft HRO;*
- *Copy of the formal notice of the making of the HRO application;*
- *ML Application;*
- *Environmental Statement (ES);*
- *Non-technical summary;*
- *Habitat's Regulation Appraisal; and*
- *A series of technical appendices and drawings.*

4.3 Supporting Documents

The Environmental Statement and all supporting documents can be viewed on the Harbour Board's website at: www.aberdeen-harbour.co.uk

5. ASSESSMENT & COMMENTS

Any assessment of the HRO and ML must be undertaken in the context of both the Bay of Nigg area and Aberdeen City as a whole. The preparation of the PALDP, the NBDF, and feedback from third parties are also important in the consideration of the proposal. In this regard, whilst Members will see that the principle of the development is supported in terms of national and strategic policy context; a number of issues have arisen to date. Notwithstanding this, such issues are capable of being adequately resolved if addressed through appropriate measures. Aberdeen City Council would therefore invite Scottish Ministers to give full consideration to each point of concern and the subsequent recommendations for resolution; each of which are addressed in full in the following paragraphs.

5.1 Policy Context

The principle of the development is well established through the various levels of the planning hierarchy. NPF3 acknowledges the clear need to expand Aberdeen Harbour, with Bay of Nigg identified as the preferred location. Feeding directly from this; both the Aberdeen City and Shire SDP and the ALDP support the principle of facilitation and delivery of the expansion. Further to these documents, the NBDF and the PALDP amplify the aspirations the Council has for Bay of Nigg through the recognition that the existing site cannot meet the significant pressures for expansion.

5.2 Proposed Aberdeen Local Development Plan Representations

Representations to the PALDP were received through the public consultation process, relating specifically to the site's allocation as an Opportunity Site for the purpose of harbour expansion. These representations were considered; and were presented along with a summary of the unresolved issues and responses for consideration by Members at Communities, Housing & Infrastructure Committee on 27 October 2015, via the standard Schedule 4 process. Members agreed to approve the Schedule 4 Summaries and authorise submission of the proposed plan and supporting documentation to the Scottish Ministers' Planning & Environmental Appeals Division for examination. Notwithstanding this, the PALDP considers the proposed site wholly suitable through its allocation as a national development within local, national and strategic planning policy.

5.3 Draft Aberdeen Harbour Revision Order

Aberdeen City Council has strong reservations with the content of Article 4, paragraph (b) 'Power to Deviate' of the draft HRO (Appendix 2) as it is considered that a vertical deviation of up to 10 metres from the levels and heights set out in Article 3, paragraphs (2) and (3) is excessive in its extent, as it could, for example, permit the erection of a fence of up to 13 metres in height; a building up to 15 metres in height; and a fuel depot of up to 25 metres in height. Likewise the breakwaters, quays and piers could be constructed 10 metres higher than that specified in the Order. Such scenarios would clearly be to the substantial detriment of the character, landscape setting and visual amenity of the area. In particular, the visual impact of such a potential increase for these types of structure has not been assessed in any way in the ES. The Scottish Ministers are therefore invited to delete this paragraph from the HRO, or to limit the extent of any such deviation to a more acceptable parameter, through a re-assessment of the environmental effects via direct engagement with Aberdeen City Council.

5.4 Socio Economic Impact

The proposed development conforms to a number of strategic economic principles, most notably:

- *Scottish Government Economic Strategy*
- *Scottish Oil and Gas Industry Strategy*
- *Tourism Scotland 2020*
- *Regional Economic Strategy (North East of Scotland) 2015 (emerging)*
- *Building on Our Strengths 2013 – 2020 Aberdeen City and Sire Tourism Partnership*
- *National Renewables Infrastructure Plan*

In addition to the above, there are various levels of positive economic effects identified in the ES. Foremost, it must be acknowledged that the existing site is operating at or near full capacity. If additional capacity is not developed there is a risk that new and existing demand will be lost to other ports, regions or countries. Capacity constraints are also likely to reduce the ability of existing and potential harbour users to develop business in new areas such as renewable energy, oil and gas decommissioning, passenger ferries and cruise liners. The construction phase and delivery of the expansion, whilst requiring a capital spend of £298 million on the harbour and £2 million on road and access works, promotes a local economy value of £11 million gross value added (GVA) and 175 years of construction employment. Although the ES does not assess the economic effect of this employment at a local level; it does identify that this area has higher levels of unemployment, thus it may be potentially easier for contractors to recruit local labour, although it is noted that harbour construction is highly skilled and specialised work, which may not be easy to source locally. The expansion will also enable Aberdeen to attract more and larger ships, such as those in the cruise industry which the current harbour cannot accommodate; worth an estimated £0.7 million GVA and additional employment for both Aberdeen City and Shire. An enhanced development scenario is also identified, that could provide a further £1 million GVA and 10 years of construction employment and further development opportunities.

Whilst the ES provides a good account of economic methodologies and projections, it does not fully define or acknowledge the potential for adverse social impacts of the proposal; in particular on the character of the area in terms of leisure, tourism, recreation

or as a gateway to the City; the social and health values of green space; or the impact on amenity, well-being and quality of life from the resultant noise and disturbance, and the loss of a local beach and open/green space. The importance of tourist sensitivity as both an environmental and economic impact is largely discounted. No dedicated leisure or recreation surveys were carried out to inform the ES, which underestimates the impact on wildlife observations and recreational wildlife watching, suggesting that people should go elsewhere to undertake these activities. The Council therefore believes that a fuller understanding of the tourism and leisure values and potential of the site is required to fully address the impacts.

There are strong concerns that the assessment of impact is, geographically, focussed too closely on the bay, when in reality the actual impacts are likely to be much wider. The Council would recommend more consideration be given to community benefits, with a clear focus on opportunities for regeneration on nearby areas, and to work with the local communities to realise their objectives. Environmental enhancement of the remaining undeveloped coastline around the site could also improve facilities and the visitor experience. Greater clarity is also required about what specific infrastructure would be required for the various development scenarios, including which public bodies would have to invest. It is understood that this work could form part of the current development of the City Region Deal discussions with the Scottish and UK Governments, and should be explored further. Collaboration with the new and emerging Destination Management Organisation for the region, Aberdeen City Council, and / or Scottish Enterprise should take place regarding the potential cruise industry. Lastly it is considered vital that local employment initiatives are promoted through local recruitment agencies, support training, and subsequent on-site employment for the local unemployed, with job opportunities matched with local supply and training provision.

In summary, the expansion proposes clear economic benefit for Aberdeen City and the surrounding region, with the potential to offer significant social value. However, in terms of the latter, the ES currently fails to provide any clear commitment to either address this potential, or to clarify suitable mechanisms or measures which may bring about such benefit. The Council recommends that appropriate measures and mechanisms are identified and secured through the consenting process, whilst there is additional potential to fund or contribute to various initiatives to benefit local people; attract tourists to the area; and provide additional social and economic benefits. A full list of these recommendations is detailed in Appendix 1, and these should be read in conjunction with the above narrative.

5.6 Roads & Transportation

The Transport Assessment (TA) within the ES largely underestimates the overall impact, from both the construction and the operation of the development, on the public road network, disruption and driver delay. It is disputed that such impacts could have a negligible effect or significance as noted in the ES. There is no clear hierarchy, schedule or detail for how the traffic impact will be managed to ensure no net detriment to the surrounding road network, and the Council is concerned that insufficient attention is being paid to the traffic and transport impacts further afield than the road alterations proposed in and around the actual harbour.

Whilst the TA proposes varying mitigation measures, a number of which are broadly acceptable subject to suitable engagement with the Council; these measures are considered insufficient to address the substantial impact that this proposal is realistically

likely to have on the existing network and surrounding areas. In particular, the Council firmly believes that the current road infrastructure requires upgrading to service the proposed development for both the construction and operational stages.

The increase in HGV use on the haul route will be significant. There are serious concerns that the current access route is unfit for purpose, and furthermore if the proposed routing is not managed correctly, there is considerable risk of increased HGV trips through both the Torry and Cove residential areas and of potential increased delay to road users on Hareness Road and Wellington Road. Furthermore it is considered that the methodology used to assess if Coast Road is fit for purpose is flawed. More robust mitigation measures than the proposed resurfacing of Coast Road and provision of signage are required to discourage or prohibit HGV's from using alternative or shorter routes through residential areas. The development will also result in significant additional weight loading and increased risk of parapet collisions on the Coast Road Rail Bridge and increased delays to other road users, especially during peak periods. Initial suggestions for a replacement crossing to facilitate permanent two-way traffic flow have not been explored, and no additional mitigation measures have been proposed.

The fact that the new harbour may increase pedestrian and cyclist numbers is almost completely overlooked in the TA. The increased number and type of vehicles, and the effects that this can have on safety is significantly under-estimated, when in reality there is a clear risk of conflict between road users and potential for accidents. There is also a distinct lack of contingency planning in the event of Coast Road being closed to traffic, whilst road safety hazards for cyclists will increase where off-road sections of the cycle route are not available or provided. In terms of general mitigation, an off-road cycle path is proposed to the east side of the railway; however no details have been provided to show either the existing section being upgraded to acceptable standards, or how cyclists would leave or re-join the Coast Road safely. It is noted that the Council has identified various design solutions to upgrade the proposed access route to required standards, and is prepared to engage directly with the Harbour Board and Network Rail to upgrade. Whilst consideration is given to the Green Space Network (GSN), the impacts are considered from a few specific viewpoints rather than the journey along the affected routes. No mitigation is proposed in terms of reducing the adverse impacts on user experience or reducing the effects of fragmentation of the GSN. It should also be noted that NCN1 (National Cycle Network) is a national cycle route of high importance and should be safe and easy to cycle for all users.

The TA contains a distinct and concerning lack of analysis of public transport or connections to the harbour, other than to suggest that it is for third parties and operators to implement. Firstly, adequate public transport connections should be given significant consideration for a proposal of this nature. Secondly, the use of rail transport for both servicing and supporting the harbour operations would be in keeping with the Scottish Government's Developing Freight Policy. While it is accepted that delivery of a rail transport option requires the co-operation of adjacent land owners and Network Rail, this should not be viewed as an insurmountable obstacle to the delivery of such an option. Furthermore, not enough consideration of alternative modes of haulage to HGVs has been given in the TA, which indicates that it is for third parties to bring about the required infrastructure to serve the harbour.

In summary, there is a need to ensure the structural adequacy condition of both the road network and the rail bridge; and to provide the required width and safety measures that would make them operationally effective; as with the existing cycle and pedestrian path

networks in the area. Alternative modes of haulage and public transportation connections need to be adequately addressed. Appendix 1 provides a full list of the mitigation levels that the Council believe are required, which are to be considered directly in conjunction with all of the above.

5.7 Historic Environment

There is clear potential for negative effects on designated and un-designated sites, including the high sensitivity of the scheduled monument St Fittick's Church. With the adjacency of important historic sites, it is essential to adequately consider the effects on the historic environment in detail. Where it is not possible to avoid or reduce adverse impacts, the ES should propose mitigation measures. Such measures can, by definition, include compensatory and offsetting measures such as enhancement of setting and connections out-with the site. The ES is considered to fall short of the Council's expectations in this regard, and further work is required to address the various areas of concern, including the minimum levels of suitable mitigation. These recommendations are listed in Appendix 1, in line with the above comments.

5.8 Environmental & Landscape Impact

Members should be aware that the nature of the design and build approach of the harbour expansion will result in unknowns in the construction process, and thus a degree of uncertainty in terms of impact. Notwithstanding this, the ES identifies and describes a number of impacts, which are assessed as follows.

A development of this nature will inevitably result in a significant loss of valued green/open space, with a subsequently unavoidable negative impact on the local community. Such a fact can neither be disputed nor ignored, and whilst the ES acknowledges this, the weight attributed to the degree and extent of such an impact is again significantly undervalued and understated. Furthermore, insufficient information has been provided in relation to a significant number of concerning areas, including nature conservation; marine ornithology and physical environment; water and sediment quality; flood risk and surface water; ground conditions and contamination; benthic ecology; fish and shellfish ecology; terrestrial ecology, noise and vibration; the visual impact, and the impact on both seascape and landscape character. Again, there is strong concern that the assessment is focussed too closely on the bay itself, and fails to acknowledge or address the wider impacts that the development is likely to have.

The adverse impact on local wildlife and habitat loss, both marine and onshore, is of concern, including the potential to affect newly created wetlands; the temporary impact on dolphins as well as uncertain long term effects; the negative impact on bird species; the loss of rare plant species; and the loss of landscapes and habitats which are unique in the city and important to nationally protected species, such as the beach, rocky shore line and the sheltered waters of the bay. As well as sheltering nationally important species, these habitats are of great value to local people and visitors. The ES does not adequately consider this social value of wildlife or compensate for the impacts on it. The combined effects on habitat disturbance or loss, and subsequent impacts on local biodiversity, including prey species for marine mammals, birds and otter needs to be properly assessed, whilst permitted hours for piling need to be reduced further to avoid disturbance to fish migration. More emphasis must be given to the need for compensatory habitat creation and management outwith the site, particularly in relation to the loss of almost all marine and onshore habitats within the site, and the

fragmentation of a linear coastal nature conservation site. Greater mitigation measures over and above what has already been suggested should be identified to help deal with such loss, including protection and enhancement measures for areas out-with the site. Post-construction monitoring and mitigation is also essential to make sure that impacts on both habitat and species are understood and effectively managed.

Steps should be taken to address air quality on and out-with the site, ensuring that dust nuisance and emissions can be suitably controlled and suppressed during the construction and operational phases of the development. Noise management should be agreed with the Council prior to works commencing, as should out-of-hours working. Further noise assessment and mitigation details will be required when details of proposed fixed plant and building services become known, with a requirement to assess and mitigate all noise impacts such as construction, operation, crane operations and vessel movement.

In terms of water quality, flooding and contamination, SUDS proposals will be expected to deal with run off from roads, paths and cycleways, and to protect recreational areas and wetlands around East Tullos Burn from contaminated run off and flooding. Detailed design and capabilities of existing culverts should be provided for assessment and analysis to determine the extent of any impact. Any mitigation should include continued environmental improvements and monitoring of the East Tullos Burn area.

Turning to visual impact, the current imagery and 3D visualisations within the ES do not give a realistic representation of the likely built form and scale of the proposed harbour or of the continual presence of ships, and are potentially misleading. Further visual analysis of the coastline and adjoining GSN, extending to Torry and Balnagask and the existing harbours, should be carried out to inform any mitigation measures, whilst a competent landscape mitigation scheme should be provided with appropriate mechanisms for delivery. Light pollution and the impact on the night sky and night-time coastal environment have not been considered. All lighting should be of appropriate form, design and technology to alleviate any impact. The opportunity to design out detracting features of the harbour by way of screening and boundary treatment needs to be assessed further, as should be the potential to capitalise on views into the harbour. These aspects can be designed and developed in consultation with the Council to ensure appropriate edges to the development are delivered. Prior to and during the construction phase, advanced planting should also be considered for areas not affected by the works.

In summary, the Council believes that the ES should give significantly more regard and recognition to both the value and use of such space and infrastructure, and the appropriate level of mitigation and compensatory measures that would realistically be required to adequately respond to the local and national impact. As such, Appendix 1 details a list of recommended mitigation measures and additional information that would be required to address the above concerns, which as before should be read in conjunction with all the comments above.

6. CONCLUSION

The submission of a Harbour Revision Order and Marine Licence by Aberdeen Harbour Board will attempt to secure consent for the delivery of a national development for

Aberdeen City, the principle of which is supported by a suite of strategic documents at both national and local policy level. However, and notwithstanding acceptability of the scheme in principle and the economic benefit that the expansion would bring to the city and region, strong recommendations are made inviting the Scottish Ministers to address the outstanding issues; consistent with the Council's comments on the ES; and in particular the inadequate scale and level of mitigation that is currently being proposed. The Council has consistently asked that impacts to the road network and environment are offset through compensatory mitigation measures by Aberdeen Harbour Board as part of any application for the harbour expansion. Thus, in addition to seeking further information that was not contained within the submission, Aberdeen City Council also seeks to ensure that acceptable levels of mitigation and compensation can be guaranteed for both the local area and the City in the event of the Order being made.

The Council is confident that such matters are capable of being resolved, and so Officers therefore request Members' approval to use the delegated powers conferred to the Head of Planning & Sustainable Development to provide a full response to the Scottish Ministers, confirming support of the proposal subject to suitable resolution of the specific issues mentioned in this report.

RECOMMENDATION

Members are requested to remit the Head of Planning & Sustainable Development to:

1. Submit a detailed response to Scottish Ministers on the Harbour Revision Order and Marine Licence, confirming support for the proposals subject to the resolution of outstanding issues as detailed in this report in relation to:
 - *Draft Harbour Revision Order*
 - *Economic Development*
 - *Roads & Transportation*
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2. Engage directly in subsequent negotiation with the Scottish Ministers, the applicant and any other relevant party to achieve such resolution, and in consultation with the Convenors of the Communities Housing and Infrastructure (CHI), Planning Development Management Committees and the Director of CHI, to object if resolution cannot be reached.

APPENDICES

1. Aberdeen City Council Recommendations
2. Draft Aberdeen Harbour Revision Order
3. Marine Licence Applications

Daniel Lewis
Development Management Manager

APPENDIX 1:**ABERDEEN CITY COUNCIL RECOMMENDATIONS**

A. MITIGATION REQUIREMENTS

The following list represents the mitigation measures the Council believes are necessary to successfully offset and compensate for the impact of the overall development:

A.1 SOCIO ECONOMIC IMPACT

Social and Economic Assessment(s): *to show the effects of the proposal on the local community and adequate compensatory measures, including employment and training initiatives to benefit the local community and help alleviate the negative social impact of the development.*

Environment Assessment: *to show the values affected by the proposal along with adequate compensatory measures, particularly for local communities, as established in Scottish Planning Policy and with reference to the NBDF objectives.*

A.2 ROADS, CYCELWAYS & PATHS

Structural Condition Survey: *to ascertain whether the route between Wellington Road and the harbour entrance can withstand the loading during both construction and operation of the harbour expansion. This should include a deflectograph survey, plus core samples. Adequate consideration should also be given to alternative modes of haulage.*

Rail Bridge Assessment: *to adequately show the additional loading that will be placed upon the Coast Road rail bridge. This should include a revised swept path assessment to show the re-positioned traffic signal stop lines, through consultation with both Network Rail and the Council.*

Infrastructure Programme: *to show a sufficient, total width of Coast Road, including road and verges, to include adequate surface water drainage and public utilities required to serve the harbour. Two-way HGV traffic should be safely accommodated on the haul route and, where possible, separate facilities provided for pedestrians and cyclists. Cycleways/paths to be designed and built to accommodate future increased use and to Sustrans standards. An appropriate speed limit should be applied and provision for a 'Clearway' considered. Pedestrian crossing points, including potential safety measures, should be identified, assessed and implemented. Appropriate width restrictions should be required on Victoria Road and St Fitticks Road, and the distinct lack of Public Transport provision should be addressed.*

Traffic Management Plan(s): *to include an Operational Site Environment Plan to control vehicle emissions during construction; to ensure that site vehicles and HGVs from year of opening to be at least EURO VI compliant or other approved low emission; and to ensure provision of on-shore electricity provision and electric recharge facilities.*

Travel Plan(s): to encourage more sustainable modes of travel and to reduce and mitigate the impact of trips generated by the site during operation.

Freight Delivery Plan: to control freight deliveries number / timing.

Feasibility Studies: to address the provision of suitable public transport connections, rail transport delivery, and alternative modes of haulage.

Construction Environmental Management Plan: to control dust nuisance and to keep the construction haul route free from dirt and debris, and should include reference to haulage of infill, if done by road and sourcing of infill material, with a view to minimising carbon foot print.

A.3 ENVIRONMENT & LANDSCAPE

Environmental Mitigation Plan(s): an integrated plan to mitigate adverse effects on landscape; habitats and species; the functions and value of the greenspace network; existing infrastructure and connectivity, and the setting and condition of historic assets. The Plan should extend outwith the site and include environmental enhancements for the benefit of the both the local community and the people of Aberdeen. This will consist of a comprehensive programme of mitigation measures for all environmental and related social impacts within and adjacent to the site; and will cover both construction and post-construction phases. The plan should include all proposed landscaping, enhancement of the area as a tourism gateway, enhancement of heritage trails, cycle routes and paths; proposed measures to reduce the significant effects on the settings of St Fittick's church, Torry Battery and Girdleness Lighthouse, including improvements to their immediate setting and surroundings; any necessary repairs and enhancements to listed structures; and careful siting / design of the proposed security fencing, lighting columns and other structures.

The Environmental Mitigation Plan will also include the following:

Habitat Creation & Management Measures: compensatory measures, including the adjoining areas of greenspace and coastline, and potentially in other parts of Aberdeen, particularly in relation to the loss of coastal habitats and fragmentation of a linear coastal nature conservation site.

Pollution Protection Plan for East Tullos Burn: to address potential release of pollutants from East Tullos Burn into the marine environment; to measure, monitor and mitigate against water pollution and manage up-stream sources.

Mitigation Management Plan(s) for Impacts on East Tullos Burn: in terms of water flow, water levels, biodiversity, and landscape.

Terrestrial Noise Management Plan(s): in relation to terrestrial ecology.

Written Scheme of Investigation: for archaeological and cultural heritage, to be secured and implemented through suitable mechanisms.

Post-Construction Monitoring Programme(s): to inform any amendments to mitigation measures, to be of adequate timescale, and to include measuring the success of mitigation measures and impacts on environment, habitat and species.

Piling Management Plan: to show reduced permitted hours for piling during sensitive periods, to avoid disturbance to salmon migration and marine mammals.

Flood Management Plan(s): including SUDS for hard surfaces and other associated infrastructure, to include measures to address potential fluvial and pluvial flooding.

Noise Management Plan(s): to agree noise assessment and mitigation details, including noise limits during construction and operation, timing management and vessel movement and output levels

The mitigation plans will be informed by the following assessments/studies and additional information to be provided by the developer:

Design Details: to include the southern part of the beach, south of the outlet of East Tullos Burn, and to clarify the design of the breakwaters and how these will act as a substitute for existing on-shore feeding and roosting areas.

Programme of Site Investigation: to investigate potential presence of contamination and ground gas at the site, including an assessment of groundwater quality.

Ecological surveys: to fill in gaps in information in the ES, including an otter survey to clarify the otter population in and around the site and opportunities to mitigate impacts and enhance habitat and prey.

Landscape & Visual Analysis: to inform the landscape and visual aspects of the landscape mitigation plan, siting and design of planting, enhancement of views and viewpoints; integrated with the habitat management plan to compensate for loss of local biodiversity.

Visualisation Scheme: Suitable 3D modelling and cross-sectional analysis to adequately assess impact on landscape and due to the inherent 'design and build' aspect to this proposal.

Light Assessment: to show the visual impact outwith daylight hours.

Breeding Birds Survey: including pre-demolition survey for all buildings in addition to vegetation clearance.

Noise & Disturbance Assessment: to show the effects on terrestrial ecology.

Leisure, Recreation & Tourism Study: to identify the current use of the site and surroundings, and the potential for enhancing these areas for local people and wildlife tourism.

Community Engagement Studies: to determine local preferences for compensatory measures.

B. ADDITIONAL CONSIDERATIONS

The following list represents areas that the Council suggests consideration should be given to, by means of additional compensatory measures, to offset the impact of the overall development:

Further Compensation Measures: *such as creation of alternative habitats to mitigate for lost habitat.*

Fish Population Monitoring: *by River Dee Fisheries Trust, during and post construction, to measure any construction impacts and monitor population health.*

Contributions towards:

- *Species breeding and nesting habitat;*
- *National census;*
- *Continuation of the European Project "Pearls in Pearl" to offset the impact on salmon and the River Dee SAC;*
- *The RSPB Dolphin Watch;*
- *The Sea Mammals Research Unit and Marine Conservation Society*