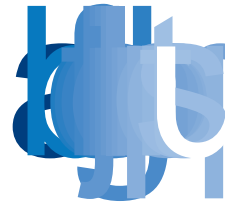


Directorate for Local Government and Communities

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D: 10 November 2015

Rebecca Kerr
Planner - Masterplanning, Design and Conservation
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AB10 1AB

01101 Environmental Report - Aberdeen City Council - Nigg Bay Development Framework

Dear Rebecca,

With reference to the Environmental Report you submitted to the SEA Gateway on 25 September 2015.

In accordance with Section 16 of the Environmental Assessment (Scotland) Act 2005, the Consultation Authorities have now considered the Environmental report you submitted. The individual responses from the Consultation Authorities are attached to this letter.

As the Consultation Authorities have now expressed their opinions, you should refer to the 2005 Act to consider your next step, while taking into account the opinions of the Consultation Authorities.

If you have any queries or would like me to clarify any points, please call me on 0131 244 7650.

Yours sincerely

Johnathan Whittlestone
SEA Gateway Officer

Buidheann-stiùiridh Cultair, an Roinn Eòrpa agus Cùisean an Taoibh a-Muigh
Culture, Europe and External Affairs Directorate
Roinn a' Chultair agus Àrainneachd Eachdraidheil
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SCOTLAND

Ms Rebecca Kerr
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Aberdeen City Council
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ABERDEEN
AB10 1AB

Ur faidhle/Your ref :01101 ENVIRONMENTAL REPORT
Ar faidhle/Our ref :AMN/23/673
Our Case ID: 201503961
10 November 2015

Dear Ms Kerr

Environmental Assessment (Scotland) Act 2005 Aberdeen City Council - Nigg Bay Development Framework

Thank you for your consultation on the environmental report for Aberdeen City Council – Nigg Bay Development Framework, which was received by the Scottish Government's SEA Gateway on 25 September 2015.

On 1 October 2015, Historic Scotland and The Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) ceased to operate and have been replaced by a new organisation, Historic Environment Scotland (HES). This new organisation (which is a Non Departmental Public Body) was established by the Historic Environment Scotland Act 2014.

Consultations received by Historic Scotland before 1 October require a response direct from Scottish Ministers. This letter contains Scottish Ministers' comments for our historic environment interests.

Ministers have sought the advice of Historic Environment Scotland on the strategy and on the adequacy of the environmental report, and that advice is set out in the Annex below. If you wish to discuss this advice in further detail, please contact Andrew.stevenson2@gov.scot ; 0131 668 8960 of Historic Environment Scotland.

Yours sincerely

Culture and Historic Environment Division

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Annex:

Historic Environment Scotland's Advice;

Part 1: Nigg Bay Development Framework

HES welcomes the preparation of this framework and in particular the on-going engagement with ourselves as the proposals for the new harbour and surrounding area are developed. HES understands that the framework sets the context for further detailed masterplans for the new harbour, Altens and East Tullos. It is therefore welcomed that the challenges represented for the historic environment have been identified at this level, as has the importance of developing the area with these sensitivities in mind. In light of this the framework makes clear reference for the need of the lower-level masterplans to address these issues in detail and to consider how best to mitigate any identified impacts on either historic environment assets or their setting. HES advises Ministers that they are content to continuing to work with Aberdeen Council as the proposals progress.

Part 2: Environmental Report

HES welcomes that their comments at the scoping stage (dated 31 August 2015) have been taken into account in the assessment process. The environmental report is concise and clearly presented and, subject to the following comments, HES advises Ministers that they are content to agree with the findings of the assessment presented.

Framework for Assessing Environmental Effects

This section clearly sets out the methodology utilised within the assessment. The use of SEA objectives and assessment questions in order to test the options and themes for each masterplan area is welcomed. As a point of detail, HES notes that the assessment question aimed at testing the framework for effects on the setting of historic environment considers the "impact on the landscape setting of Aberdeen or any historic features or sites". It is important to note that landscape context constitutes only one element of the definition of setting in the context of the historic environment. While it is HES opinion that this has not unduly influenced the assessment findings it will be important that the more detailed masterplan assessments ensure that setting impacts are considered more fully. Further details on what constitutes setting can be found in the Managing Change in the Historic Environment: Setting document which can be found at <http://www.historic-scotland.gov.uk/setting-2.pdf>.

Assessment of the Content of the Framework

Nigg Bay

HES advises Ministers that they are generally content to agree with the findings of the assessment in relation to the Nigg Bay area. The potential for negative effects on designated and un-designated sites is noted against themes such as land-use, economy and infrastructure. Of particular sensitivity here is the scheduled monument St Fittick's Church. Therefore, the discourse relating to this specific issue is welcomed. Further work at the detailed stage will require to address this and offer suitable detailed mitigation. It should also be noted that the last paragraph summarising the overall effect of the Economy and Business theme (page 101) appears to relate to biodiversity and is therefore missing the reasoning on why this identified effect is not considered significant for the historic environment.

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Altens

HES welcome the recognition of the potential effect development in this area could have on the scheduled cairns of Tullos Hill. HES are content to agree with this assessment of this issue at this level and note the mitigation discussed relating to green network identification for the Tullos Hill area and the protective use this could have for the site and setting of these monuments.

East Tullos

HES are content to agree with the findings of the assessment for this area, particularly in reference to the identification of potential negative effects on St Fittick's Church from the suggested new link road. Again, this issue will require to be considered in further detail at the masterplan level.

Proposed Mitigation Measures

It is noted that the mitigation stated for the predicted effects on the historic environment is generic in nature, relying on the delivery of other objectives of the framework. Given the balancing of the objectives in delivery it will be important the area-specific masterplans consider in further detail these effects and tailor mitigation for these.

Monitoring

The monitoring framework does not have specific reference to the historic environment. While it is accepted that no significant effects have been identified it should be noted that the significance of these effects are heavily dependent on the successful identification and delivery of mitigation, particularly in reference to the St Fittick's Church and its setting. This is recognised within the proposed mitigation measures table (under landscape) and HES would therefore recommend to Ministers that this is brought through to the monitoring framework.

HES hope this is helpful. None of the comments contained in this advice should be construed as constituting a legal interpretation of the requirements of the SEA Act. They are intended rather as helpful advice, as part of Historic Environment Scotland's commitment to capacity-building in SEA.

Please contact Andrew Stevenson on 0131 668 8960 or Andrew.Stevenson2@gov.scot should you wish to discuss this advice.



Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Sent via Scottish Government SEA Gateway – sea.gateway@scotland.gsi.gov.uk

Rebecca Kerr
Planner (Masterplanning, Design and Conservation Team)
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Business Hub 4, Marischal College
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AB10 1AB

Our ref: 01101-SEA

9 November 2015

Dear Rebecca

Environmental Assessment (Scotland) Act 2005: 01101 Environmental Report – Aberdeen Nigg Bay Development Framework

Thank you for consulting Scottish Natural Heritage on the above Environmental Report (ER). We have reviewed the report in our role as a consultation authority and in the context of comments made at the scoping stage.

In our view, the ER has:

- correctly identified the key environmental issues / constraints and trends;
- satisfactorily carried out an assessment of likely significant effects on the environment;
- identified measures that could prevent, reduce or offset any significant adverse effects on the environment when implementing the Plan, and
- proposed acceptable monitoring measures.

Please note, this response is with regard to the ER. We will provide comments on the Nigg Bay Development Framework in a separate letter. Should you wish to discuss this response please do not hesitate to contact Sheena Lamont via Sheena.Lamont@snh.gov.uk .

Yours sincerely

Ewen Cameron
Operations Manager
Tayside and Grampian
Ewen.cameron@snh.gov.uk



INVESTOR IN PEOPLE

Scottish Natural Heritage, Inverdee House, Baxter Street, Aberdeen, AB11 9QA
Tel 01224 266500 Fax 01224 895958 www.snh.gov.uk

Our ref: PCS/142823
SG ref: SEA01101/ER

Rebecca Kerr
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Business Hub 4
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If telephoning ask for:
Alison Wilson

5 November 2015

By email only to: sea.gateway@scotland.gsi.gov.uk

Dear Ms Kerr

**Environmental Assessment (Scotland) Act 2005
Aberdeen City Council Nigg Bay Development Framework - Environmental Report**

Thank you for your Environmental Report (ER) consultation submitted under the above Act in respect of the Nigg Bay Development Framework . This was received by SEPA via the Scottish Government SEA Gateway on 25 September 2015.

We have used our scoping consultation response to consider the adequacy of the ER and this is used as the framework for detailed comments which can be found in Appendix 1. For convenience, these comments have been structured to reflect that of the ER. Please note, this response is in regard only to the adequacy and accuracy of the ER and any comments we may have on the Nigg Bay Development Framework itself will be provided separately.

As the Nigg Bay Development Framework is finalised, Aberdeen City Council as Responsible Authority, will be required to take account of the findings of the Environmental Report and of views expressed upon it during this consultation period. As soon as reasonably practical after the adoption of the plan, the Responsible Authority should publish a statement setting out how this has occurred. We normally expect this to be in the form of an "SEA Statement" similar to that advocated in the [Scottish Government SEA Guidance](#). A copy of the SEA statement should be sent to the Consultation Authorities via the Scottish Government SEA Gateway on publication.

Should you wish to discuss this environmental report consultation, please do not hesitate to contact me on 01224 266656 or via our SEA Gateway at sea.gateway@sepa.org.uk

Yours sincerely

Alison Wilson
Senior Planning Officer

Ecopy: hssea.gateway@scotland.gsi.gov.uk ; sea_gateway@snh.gov.uk



Chairman
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Appendix 1: Comments on the Environmental Report (ER)

General comments

We welcome the inclusion of Table 10.1 which demonstrates how the comments that were made at the scoping stage were taken into consideration in the preparation of the ER and are pleased that the issues we outlined at that stage have been addressed.

We are generally content with the assessment results but provide below some comments to take into consideration prior to finalising the environmental report.

Detailed comments

1. Framework for assessing environmental effects

- 1.1 We find the Comments column in Table 6.2 very useful. However under material assets we would query the scoring for Option 1 and 2 as + as the comment section describes both these options as “likely to have some negative impacts on material assets.”
- 1.2 Within the Water section of Table 6.3 reference is made to impacts on the water environment for example “The construction of new roads and infrastructure is likely to have negative impacts on water, where the construction of new roads leads to increased surface water run-off. Roads construction may lead to the release of pollutants into watercourses or groundwater.” This statement is repeated elsewhere in the document, for example on page 129.
- 1.3 While runoff rates is outwith our remit we highlight that the treatment of surface water runoff by sustainable drainage systems (SUDS) is a [legal requirement](#) for most forms of development and Rule a of the Controlled Activities (CAR) General Binding Rule (GBR) 10 requires that “If the surface water run-off is from areas constructed after 1 April 2007, the site must be drained by a Sustainable Urban Drainage System (SUDS). If the surface water run-off is from a construction site operated after 1 April 2007, the site must be drained by a SUD system or equivalent.” and Rule b requires that “All reasonable steps must be taken to ensure that the discharge will not result in pollution of the water environment.” Therefore construction works should, in accordance with the legal requirement, not lead to the release of pollutants into the water environment.

2. Cumulative Effect Assessment

- 2.1 Within Table 7.1 we note the reference under the water section to “scope for protecting and where possible delivering improvements to water bodies.” and reference in Appendix 12.1 to “The framework should not conflict with River Basin Management Plans for the area (River Dee)” We would advise that we are in the final stages of producing the second river basin management plans for the Scotland and Solway Tweed districts and, subject to approval by the Scottish Government, they will be published on 22 December 2015.

3. Mitigation, Monitoring and Appendices

- 3.1 We are generally satisfied with the mitigation measures proposed in Table 8.1 and monitoring proposals in Table 9.1.
- 3.2 In Appendix 12.10 reference is made to SEPA (2006) Indicative River & Coastal Flood Map (Scotland). These maps have been replaced by the SEPA Flood Maps published in 2014.