

Pre-Determination Hearing

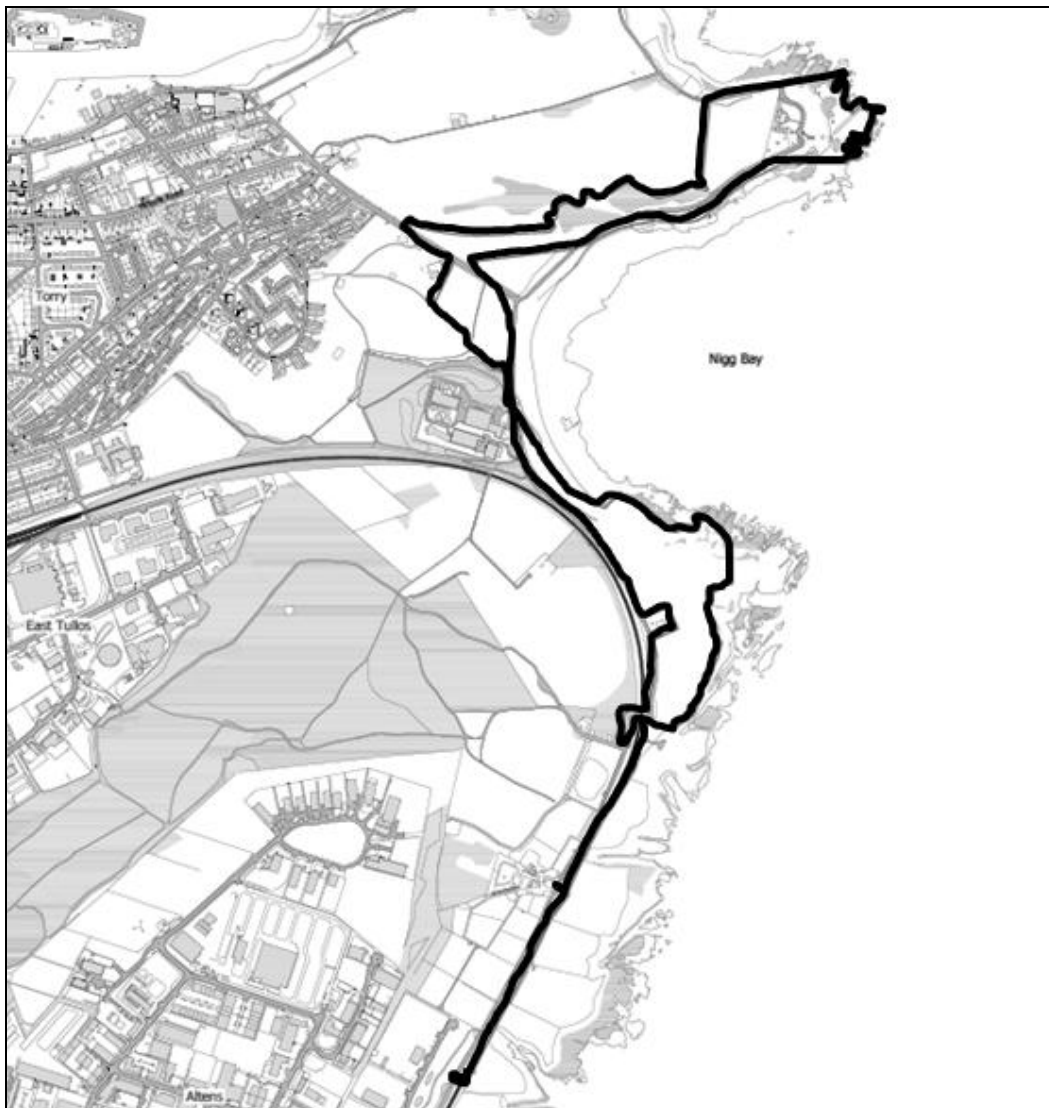
LAND AT BAY OF NIGG, COAST ROAD / GREYHOPE ROAD, TORRY

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.

For: Aberdeen Harbour Board

Application Type:
Planning Permission in Principle
Application Ref.: P151742
Application Date: 04/11/2015
Officer : Gareth Allison
Ward: Torry/Ferryhill (Y Allan/A Donnelly/J
Kiddie/G Dickson)

Advert : Section 34 -Proj. Pub. Concern
Advertised on: 04/11/2015
Hearing Date: 16/03/2016
Full Council Date: 11/05/2016
Community Council : No response



PURPOSE OF REPORT

This report provides information for the Pre-Determination Hearing required to be held for a proposal falling within the category of ‘national development’.

The purpose of the hearing is for elected members to hear the views of the applicant, and if requested those who have made representations on the application, prior to the application being determined at a future meeting of the Full Council. There is, therefore, no evaluation of the proposal and no recommendation.

This report will be augmented by presentations made at the hearing.

DESCRIPTION

Summary

The Aberdeen Harbour Expansion Project (AHEP) is subject to three separate consenting processes:

- Harbour Revision Order (HRO)
- Marine Licences (ML)
- Planning Permission in Principle (PPiP)

The Role of Aberdeen City Council

ACC is the consenting Planning Authority for this PPiP application, which has been submitted by Aberdeen Harbour Board (AHB).

Members should however be aware that the physical construction of the harbour and the impacts on the marine environment are considered under the HRO and ML by Scottish Ministers, via Transport Scotland and Marine Scotland respectively, and are not subject to the determination of this application. Aberdeen City Council (ACC) is a statutory consultee for both of these processes.

Application Description

This application for PPiP relates specifically to all inland non-harbour related development components that are located outwith the HRO boundary and are not subject to permitted development rights. This includes the construction of new infrastructure to facilitate the creation of the harbour itself, including new/realigned roads, temporary construction areas and off-road cycle track improvements.

The application site comprises a 30ha linear stretch of inland coastline at Nigg Bay that includes:

- Land to the north of the Greyhope Road/Coast Road/St Fitticks Road junction (beyond the informal golf practice area);
- Land to the north of Greyhope road, until it meets Balnagask Golf Course;
- Land directly to the east of St Fitticks Church and St Fitticks Community Park;
- The northern Girdleness headland, including Walker Park;

- The southern Gregness headland, including parts of Loirston Country Park (excluding the Gregness coastguard station and communications masts);
 - Land directly to the east of the Coast Road (south of the Nigg Wastewater Treatment Plant to the Coast Road Bridge); and
 - Land to the east side of the railway, travelling south until near the junction of the Coast Road and Hareness Road.
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RELEVANT HISTORY

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 was 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. Members upheld this recommendation, allowing the framework to be taken forward in spring 2016 alongside the new Local Development Plan once the necessary revisions have been completed.

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.

The Harbour Revision Order & Marine Licences

As noted above, construction of the new harbour would be consented under legislation made by the Scottish Parliament via both the HRO and ML processes, administered by Transport Scotland and Marine Scotland respectively, on behalf of Scottish Ministers. As a statutory consultee on both, ACC is currently undertaking a period of negotiation with AHB in an attempt to resolve a number of outstanding issues and concerns that were raised during the formal consultation of the HRO and ML.

Planning Applications

This application for PPIp is currently pending, and is scheduled for presentation to Full Council Committee on 11 May 2016.

PROPOSAL

For the avoidance of doubt, this application for PPP seeks consent only for the following development components:

Roads Realignment

The application proposes the realignment of the Coast Road, Greyhope Road and St Fittick's junction located to the north-west of the proposed harbour. The Coast Road to St Fittick's Road corridor would be realigned over a distance of approximately 280m to enlarge the inside radius to a minimum of 175m. The corridor would also be widened in order to enable safe access to the new harbour. Where there is potential for resurfacing and verge works of existing road(s) to facilitate road improvements, this would be discussed with ACC's Roads Development Management Service and, if applicable, would likely be the subject to further applications for Approval of Matters Specified in Conditions (MSC).

Greyhope Road would be realigned over a distance of approximately 310m to enable a repositioning further north from its current alignment. The road realignments would lead to the Coast Road/St Fittick's Road/Greyhope Road junction being repositioned approximately 150m north-west from its current location, which again would be subject to detailed design approval at MSC stage.

Potential Temporary Construction/Site Establishment Areas:

Three potential temporary construction and site establishment areas have been identified:

1. St Fitticks: north of the new Greyhope Road junction with St Fitticks Road and directly west of the new Coast Road realignment and the northern section of the proposed West Quay
2. Girdleness: land at Walker Park, parts of Greyhope Road and to the south of Greyhope Road
3. Gregness: directly north and south of the proposed southern breakwater access road on the southern headland, east of Coast Road

The purpose of these temporary areas is to enable the preparation/production of materials used in the formation of the breakwaters, quays and piers etc. associated with the construction of the wider AHEP. Final details would be identified and agreed with ACC through the MSC process, and could include offices, welfare facilities, storage and/or concrete batching facilities (or similar). Upon completion of construction works, the areas used would be reinstated as agreed with ACC.

Off-road Cycle Path Improvements:

As part of this application the applicant also proposes the provision of a new off-road section of cycle path to the east of the railway line, parallel to Coast Road between Hareness Road and the railway bridge. Full details would be submitted and assessed by way of MSC application.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151742>

On accepting the disclaimer, enter the application reference quoted on the first page of this report.

PRE-APPLICATION CONSULTATION

The proposed development was the subject to pre-application consultation between the applicant and the local community, as required for applications falling within the category of national developments as defined in the 'Hierarchy of Development' Regulations. The various consultation measures involved the following:

Submission of Proposal of Application Notice (PAN): July 2015

- Informed ACC of AHB's intention to submit PPIp;
- Set out proposed engagement strategy to be undertaken prior to PPIp submission

ACC Pre-Application Forum: October 2015

- Provided Members of the Planning Committee with an opportunity to view pre-application details;
- AHB presented the proposed development to Members, and afforded opportunities for Councillors to ask questions.

Public Notices (Local Newspapers): July 2015 and September 2015

- Public notice in local newspapers informing public of forthcoming PPIp;
- Provided details of the proposed development components associated within each consenting regime (HRO, ML & PPP);
- Provided details relating to the consultation due to take place in September 2015 and outlined how public feedback could be delivered

Public Consultation Exhibitions: September 2015

- Wednesday 16 September 2015 - Tesco, Wellington Road, Aberdeen
- Thursday 17 September 2015 - Union Square Shopping Centre, Aberdeen
- Wednesday 23 September 2015 - Tesco, Wellington Road, Aberdeen
- Thursday 24 September 2015 - Union Square Shopping Centre, Aberdeen

Community Councils Presentations: August – October 2015

- Torry Community Council: 20 August 2015 & 15 October 2015
- Cove & Altens Community Council: 17 August & 26 October 2015

Radio Adverts – September 2015

- Informative public adverts broadcast on local radio station: 12 September – 24 September

CONSULTATIONS

ACC Roads Development Management

Further details to enable a full evaluation are required in relation to:

- Existing and proposed drainage
- Further road specification details

- Cycle route details
- Traffic Regulation Order requirements

No objection in principle to other matters subject to details being agreed at MSC stage.

ACC Environmental Health

No objections in principle subject to conditions

ACC Communities, Housing and Infrastructure (Flooding)

No observations received

Scottish Environment Protection Agency

No objections in principle subject to conditions

Scottish Natural Heritage

No objections in principle subject to conditions

Historic Scotland

No objections

Network Rail

No objections in principle subject to conditions

Scottish Water

No objections in principle subject to conditions

Community Council

No observations received

NB: ACC would formally consult with all statutory bodies on any final details submitted through MSC applications.

REPRESENTATIONS

A total of 26 no. letters of representation have been received: 18 no. relating specifically to this PPIp; and 8 no. referring specifically to the HRO and ML process (thus they not relevant to this PPIp). Of the 18 no. which are relevant to this application; 1 no. was a letter of support, whilst 17 no. raised objections to the proposed development. The main areas of concern are:

- Loss of land for road alterations
- Loss of land for temporary construction areas
- Direct and consequential impact on local business
- Impact on existing roads / access / transportation
- Road safety hazard / risk
- Visual Impact
- Light impact
- Noise impact deriving from construction work
- Air quality impact deriving from construction work
- General impact on local environment
- Loss of open space
- Fragmentation of natural habitat
- Incompatibility with existing uses

PLANNING POLICY CONTEXT

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.

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.

Aberdeen Local Development Plan, 2012

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

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. In particular, the following policies are of direct relevance:

Policy NE1 – Green Space Network: Where major infrastructure projects or other developments necessitate crossing the Green Space Network, such developments shall take into account the coherence of the network. In doing so measures shall be taken to allow access across roads for wildlife and for access and outdoor recreation purposes.

Policy NE2 – Green Belt: Exceptions to green belt development restrictions apply where the proposal relates to essential infrastructure which cannot be accommodated other than in the green belt.

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. The following policies are directly applicable to this site, and substantially reiterate the policy position of the current ADLP policies noted above:

- Policy NE1 – Green Space Network
 - Policy NE2 – Green Belt
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THE NEXT STEPS

Following the hearing the application will be assessed rigorously in terms of planning policy, the details of the proposal and the economic, environmental, amenity and traffic impacts. This will be reflected in a subsequent report which will be prepared for consideration by the Full Council in due course. The report will also take into account all written comments made by the consultation bodies and members of the public and all matters raised at the hearing.

It should be noted again for clarity that this application for PPIp and its evaluation are restricted to the impacts of the proposed development:

1. Roads realignment;
2. Temporary construction / site establishment areas; &
3. Off-road cycle path improvements

Whilst inter-related in terms of the AHEP, the remaining elements of the AHEP (i.e. physical harbour components and marine elements) will be assessed and consented through the HRO and ML processes to be determined by Transport Scotland and Marine Scotland respectively.

Daniel Lewis

Development Management Manager