

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 16 March 2016. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Cooney, Corall, Cormie, Crockett, Dickson, Greig, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Nicoll, Sandy Stuart and Thomson.

Also present:- Councillors Allan, Copland, Flynn, Hutchison, MacGregor and Samarai.

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=4170&Ver=4>

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

SITE VISIT – BAY OF NIGG

1. The Committee conducted a site visit prior to the Hearing. The Committee was addressed by Mr Allison, Senior Planner and Mr Garfield Prentice, Team Leader (Development Management South) and summarised the proposal for the overall site.

The Convener explained that the Committee would return to the Town House to commence the Hearing.

HEARING

PROPOSED NATIONAL DEVELOPMENT COMPRISING CONSTRUCTION OF NEW INFRASTRUCTURE TO FACILITATE THE CREATION OF A NEW DEEP WATER HARBOUR AT BAY OF NIGG - 151742

2. The Committee heard from the Convener who opened up the Hearing by welcoming those present. He explained that the first person to address the Hearing would be Mr Allison.

The Committee heard from **Gareth Allison, Senior Planner, Aberdeen City Council** who addressed the Committee in the following terms:-

Mr Allison explained that the Aberdeen Harbour Expansion Project was subject to three separate consenting processes, those being:-

- Harbour Revision Order (HRO);
- Marine Licenses (ML); and
- Planning Permission in Principle.

Mr Allison advised that Aberdeen City Council was the consenting Planning Authority for this Planning Permission in Principle application and that the physical construction of the harbour and the impacts on the marine environment were to be considered under the HRO and ML by Scottish Ministers.

Mr Allison outlined the proposals for the application and indicated that this application relates specifically to all inland non-harbour related development components that are located out with the HRO boundary.

Mr Allison advised that the application related 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.

He indicated that the application site comprises a 30ha linear stretch of inland coastline at Nigg Bay that included:-

- 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.

Mr Allison explained that pre-application consultation had been undertaken and advised that 18 letters of representation had been received, one of which was a letter of support and the others being letters of objection.

Mr Allison explained that in terms of representations the main areas of concern were as follows:-

- 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; and

- Incompatibility with existing uses.

Members then asked questions of Mr Allison and Mr Mark Wilkie (Senior Engineer), and the following information was noted:

- That work in the area may take 3 years to complete;
- That areas of land used for temporary construction sites would be reinstated through planning conditions upon completion of the works;
- That discussion with Doonies Farm was ongoing in terms of the loss of land during construction, although it was requested that these need to be concluded prior to the application being considered by the Council at their meeting in May;
- That the impact on the roads within the Torry area and Coastal Road (near Doonies Farm) would be considered as part of the HRO process.

With the aid of a powerpoint presentation, the Committee then heard from **Mr Colin Lavety and Stephen Tucker of Barton Wilmore, Planning and Design Consultants** who addressed members in the following terms:-

Mr Lavety advised that the Planning Permission in Principle would be one part of a series of linked consents which were required to facilitate construction of the Aberdeen Harbour Expansion Project (AHEP), with the others being the Harbour Revision Order and Marine Licence. He indicated that the Environmental Statement had been completed.

Mr Lavety made reference to the Scottish Governments published National Planning Framework 3, and indicated that the proposed expansion of Aberdeen Harbour was identified as a national development and planning decisions should support its delivery. He also made reference to Regional and Local Planning Policy, specifically:-

- The Aberdeen City and Shire Strategic Development Plan - supports investigation to ascertain how growth of the harbour could be accommodated;
- The Aberdeen Local Development Plan – presumption in favour of development associated with harbour; and
- Emerging Aberdeen Local Development Plan – land identified as the Aberdeen Harbour Expansion Plan.

Mr Lavety advised that there was a strategic need for the AHEP and proposed development and that approval of the required road infrastructure and temporary construction areas were essential to enable the expansion of the harbour.

Mr Lavety intimated that the construction and operation of harbour facilities would be considered under the HRO and that marine components such as dredging, breakwaters, quays and land reclamation would be considered under the ML, both of which required to be determined by the Scottish Government.

Mr Lavety advised that Planning Permission in Principle (PPiP) was required for roads realignment, temporary construction/fabrication areas and associated developments including cycle and path upgrades. He indicated that it was important to emphasise that discussion today needed to focus on matters relevant to the above development components and not the harbour itself.

Mr Lavety explained that the planning application was submitted in November 2015, which included roads realignment for the Coast Road, Grehope Road and St Fittick's

Junction; that Temporary Construction/Fabrication Areas would be located in St Fittick's, Girdleness and Gregness; and that associated development would include an off road cycle path to east of the railway line.

Mr Lavety referred to the community engagement programme which had been undertaken since August 2014 and explained that there had been numerous consultation meetings, presentations, workshops, four exhibitions with 760 attendees and various newspaper and radio adverts. Details of the application were also contained within the Aberdeen Harbour website.

In terms of consultation responses, Mr Lavety advised that no objections were received from any statutory or non-statutory consultees in relation to the PPIp which had reflected the positive engagement undertaken by Aberdeen Harbour Board over a long period and the fact that the proposal was embedded in planning policy at all levels.

Mr Lavety outlined the concerns and objections which had been received and responded to those in the following terms:-

Loss of Land for Road Alterations and for Temporary Construction Areas –

- Land 'lost' required to facilitate nationally important infrastructure project; and
- Remaining land used temporarily, then fully reinstated.

Direct and Consequential Impact on Local Business –

- Doonies Farm – discussions ongoing;
- Land is for temporary construction then fully reinstated;
- PPIp proposals will not impact significantly on any local business;
- Road improvements (i.e. Coast Road) are required by the Council's Road's Team; and
- Wider impacts on local businesses (due to harbour construction) will be assessed within HRO application.

Impact on Existing Roads/Access/Transportation/ Road Safety Hazard/Risk –

- PPIp proposals would improve the existing road network (key junction);
- Harbour access will physically restrict and prohibit access/egress to the north (i.e. Torry); and
- Main impacts of development will be assessed within the HRO application.

Visual Impact –

- Confined to works and plant located within temporary construction areas;
- Impacts would be temporary and conditions could be put in place to ensure appropriate placement of plant/machinery to minimise visual impact on historic assets; and
- These areas would then be fully reinstated.

Light Impacts –

- Would only arise via temporary construction areas – impacts would be temporary, and conditions could be put in place to control the placement of machinery/lighting to minimise impacts on surrounding residents; and
- This would include residential units around Girdleness Lighthouse.

Noise Impacts –

- Temporary measures (Noise Management Plan?) put in place to enforce noise controls;
- AHB will aim to positively influence site layout (noise generating equipment is sited away from sensitive receptors);
- Noise control methods (barriers, enclosures and silencers) can also be used.

Air Quality Impact (Construction) –

- Intrinsic to large scale infrastructure projects;
- Construction period – minor adverse effect during peak construction periods;
- Negligible effects at all other times; and
- Construction will not involve activities or processes that will generate significant odours.

General Impact on Local Environment –

- Many concerns relate to HRO, not PPiP;
- ES reports that there will be no unacceptable environmental impacts; and
- Temporary construction areas will be fully reinstated to minimise any overall impacts.

Loss of Open Space –

- Area of existing planting (St. Fittick's) and triangular area (south of Greyhope Road) required to accommodate new junction; and
- Other areas lost for a temporary period only and fully reinstated and AHB are committed to new planting/improvements to compensate for the loss of these areas.

Fragmentation of Natural Habitat –

- Negligible permanent loss of natural habitat (to accommodate the realigned road);
- Gregness construction area is within a Local Nature Conservation Site; and
- This would be fully reinstated to allow future habitat growth/enhancement.

Incompatibility with Existing Uses –

- Proposals maintain the current use of the site as public highway;
- Construction areas change the use of existing open space, but mostly temporary; and
- Uses are not incompatible – in accordance with planning policy and required to facilitate the harbour expansion.

In summary Mr Lavety advised that although the proposals were required to facilitate the harbour construction, a number of valid concerns had been raised by objectors, predominantly in relation to potential environmental impacts. He indicated that by its nature, the majority of impacts from the PPiP proposals relate to construction areas which will be temporary. Aberdeen City Council will control the future layout and operation of these areas through planning conditions and AHB were committed to a series of measures to manage any adverse impacts. He concluded by intimating that many of the concerns relate to the impacts of the wider project, which do not relate to this application for PPiP and would be assessed as part of the HRO process.

Members then asked questions of Mr Lavety and Mr Tucker, and the following information was noted:-

- That details of the 'peak construction periods' had still to be discussed with the contractor when they are appointed, however a Construction Plan but would need to be agreed by the Council;
- That Noise and Environmental Impact assessments would be undertaken and would be monitored by Environmental Health;
- A Traffic Management Plan would need to be undertaken in conjunction with the Roads Team;
- A preliminary construction timetable would be produced;
- That community engagement was key and it was important to ensure that the Community Councils in the area were kept informed;
- That although a work's timetable had not been produced yet, if the PPIP was approved by Council in May, works would commence immediately;
- That Aberdeen City Council would be a consultee in terms of the HRO;
- That there would be an 'Overlord' Engineer on site who would be in charge of the construction works and who would report direct to Aberdeen Harbour Board;
- That information on the language used e.g. "could/should be done" as opposed to "would/will be done" would be brought back to the applicant to address; and
- It was acknowledged that 15% of the local population in Torry does not have English as their first language, therefore it was suggested that the applicant look at ways to inform them of the proposed development/works.

The Committee then heard from **Ms Renee Slater, a resident of Torry** who addressed the Committee in the following terms:-

"I think 17 objections is quite a good number, as it is difficult to get information from 3 organisations. We have no money or lawyers."

"This development will put 170 new trucks on our roads."

"I would like to know how many Councillors understand why we are here."

"I would like to know how many Councillors had already made up their minds about the development of the Bay of Nigg before we got here."

"I would also like to know if what we say would make any difference to your decisions."

"Unlikely."

"My feeling is that it will make no difference and the people of Torry will be put upon again to give up vast parts of their community without any quid-pro-quo."

"I will try to help you understand how the community feels!"

"Apart from one of you (possibly a couple more), how many councillors are surrounded by industrial estates?"

"How many would fight against destruction of their natural environment to create even a small industrial area?"

"What you are asking us to do is accept, without question, that a new harbour in the Bay of Nigg will bring benefits to the community! If that is then the case, how come

Torry is still, after 40 years, with all the already massive environmental loss, still in the poorest 8% of wage earners in Scotland?"

"I am a resident of Torry and have real concerns about its future. Apart from this new harbour, probably earmarked not for liners, but decommissioning and all its possible pollutants, we are faced with a new incinerator!"

"How much do you want to impose on our community?"

"Torry's last piece, and possibly Aberdeen's final small acre of wilderness will be destroyed!"

"I have been trying to lobby Aberdeen Harbour Board Trust (AHBT) requesting that the people of Torry should be represented on their committee. Like any ordinary committee, AHBT I'm sure has the ability to co-opt people onto the organisation who have interest in the overall development. I have requested many times that they should have a community representative speaking for Torry. They have replied on many occasions that we cannot be represented"

"Any publicity about representation, either community or individually was never clear to us. Now we cannot be elected until October 2018. Too late for any input!"

"They have obviously conducted the minimal requirements for what is legally necessary. As far as I am aware, the Torry Community Council were never told about AHBT elections/appointments."

"We should also remind Aberdeen City Council that two Sites of Special Scientific Interest (SSSI) are at the Bay of Nigg, and that the SSSI designation should outweigh any industrialisation plans. (Mind you – The Menie Estate says different)."

"One of our very real concerns is that whole concept of the Scottish Government Community Empowerment Act seems to have bypassed us."

"What is Community Empowerment? I have written to Empowerment Minister, Marco Biagi at the Scottish Government about how we fit in and how it affects Torry, and I am not any clearer!"

"What does this mean to the community affected by the development? Does that include the local community? "Is Community Empowerment having a couple of meetings in the church or community centre enough? Is Community Empowerment about ignoring a major part of the community?"

"A massive third of the community in Torry is Polish, there are many other nationalities here too, yet there has been no attempt to ensure they are represented or have documents in their language to ensure they realise what is happening. Even this should halt the development for now until they have been contacted!"

"I know many of you don't spend much time there, but realise many of our new incomer friends do – AHBT has chosen to ignore them. There has been no publicity requesting their opinion, this is scandalous!"

"We have a natural environment that will eventually be inaccessible to the people of Torry and the majority of the citizens of Aberdeen."

“We know that the Bay of Nigg harbour image in the press has been completely discredited and won’t look like the Disneyesque Parody portrayed in AHBT publicity, yet they continue to use it, why? Is there something to hide? I would ask them to at least give a semblance of realism!”

“I have never seen any harbour in the world without cranes, sheds or people, if others are fooled, the people of Torry are not. We already have industrial infrastructure here that show how different things are!”

“We see platitudes but nothing about how AHBT will engage with the community.”

“We have already lost more than we have gained, historically you will know that. We have lost much more than any other community in Aberdeen and many in Scotland – it seems we will continue to do so!”

“How much more will you want?”

“The appointments to the harbour board are vague and the local community has no input. If you would like to see the documentation I have received, you will see how obtrusive they are when asked about our representation requests.”

“I have been on public committees all my life, AHBT is like a secret society.”

“How much of Torry do you want to disappear before it becomes a barren industrial estate, somehow, I’m not sure if some of you actually care!”

“You have a duty to protect local communities and their environments.”

“Aberdeen Harbour Board shouldn’t act, as it is a Feudal Landlord!”

“Aberdeen City Council shouldn’t protect them!”

The Committee then heard from **Betty Lyon, a resident of Torry**, who explained to Members that she was very much against the project and provided details on the various aspects that she felt would be affected as follows:-

Loss of much of the natural space in the area that is currently free to access – explained that residents would lose the Bay of Nigg and the access to it as well as the loss of Walker Park, St Fittick’s Park and much of the land at Greg Ness due to the temporary construction sites that were being proposed to construct the new Harbour.

Noise pollution – outlined the various methods which would cause noise pollution for the local residents, which would include drilling, blasting, piling and dredging for three years.

Air pollution – explained that during constructions large amounts of dust would be present in the air and the area of construction would be adjacent to multiple play areas in St Fittick’s Park, which would not be good for children’s health.

Light pollution – outlined that the proposed lights in the new Harbour would be over 80ft high which would have an affect on local residents.

Water pollution – highlighted any pollution from the Ness Tip and Tullos Burn is currently quickly diluted by waves however pollution would concentrate in the Bay of Nigg and its sediments when the breakwaters are built.

Loss of marine habitat – highlighted the importance of the area for a feeding ground for marine life and noted that dolphins would be absent throughout construction. There would be a risk to dolphin watching which attracted 5000 visitors last year.

Traffic issues – indicated that (1) the coast road was inadequate for all of the additional traffic, (2) the railway bridge was vulnerable to damage, (3) Doonies Farm was used by young families and there would be an increased risk of road accidents and (4) Hareness roundabout was already nearing capacity.

Closure of Greyhope Road – advised that having the south section closed during construction phase would have a negative affect on the residents of the lighthouse and noted that there were multiple landslips in January 2016.

Inaccuracies in Aberdeen Harbour Board Environmental Impact Assessment – Betty indicated that Greyhope Road was prone to flooding and had flooded at the Bay of Nigg, with multiple landslips this year alone. She also felt that there was incomplete data within their report.

Inaccurate illustrations of the new harbour – Betty highlighted that the images portrayed by Aberdeen Harbour Board were misleading and unrealistic, with no car parks, welfare blocks, security office visible, however cruise ships were the prominent feature of the illustrations, although they would make up only 1.4% of the vessel traffic.

Lack of engagement from Aberdeen Harbour Board – Betty indicated that she felt (1) there was no documents produced in other languages or formats and they had to pay £50 for a paper copy of reports, (2) no leaflet drop off to the local area, (3) there was not much engagement with the Torry Community Council even though they had agreed to hold an additional meeting or workshop to discuss issues and (3) there was no opportunity to engage with the Aberdeen Harbour Board since the detailed EIA was published in November 2015.

Finally Betty highlighted the Impact on the local heritage and archaeology. Betty advised that there would be a considerable impact on views from Old St Fittick's Church and from Girdleness Lighthouse. Also various sites of archaeological interest had been identified both on and offshore in the Bay.

The Committee then heard from **Lynn Thomson, a Torry resident** who explained to Members that she was against the project and addressed the Committee in the following terms:-

Lynn explained that there was a huge importance of greenspace in the local communities for health, wellbeing and social cohesion. She advised that 30 hectares of land which was equivalent to 48 football pitches would be removed from use for residents. Torry is already one of the most deprived areas of the city and life expectancy is lower than that in more affluent areas of the city. There is limited open

green space in Torry that is accessible to the public and the Bay of Nigg and its surrounding area provides a valuable free, accessible leisure resource for local people which cannot be replaced. This is one of the few areas in Torry where you can get away from the hustle and bustle and hear nothing but natural sounds, rather than the noises of industry, traffic and other people.

Lynn outlined that much of the area under consideration is deemed as “temporary construction areas”, however as the construction phase is estimated to last three years, these areas will be out of bounds to locals for a long time. The Harbour Board say these areas will be reinstated but there is little detail on how this will be achieved in their current paperwork.

Lynn advised that an extra 436 HGV’s would be using the area every day however the Harbour Board said this wouldn’t have an impact on the current roads. She did not feel this was accurate. Greyhope Road (southern section) was closed for around 18 months during construction. However northern section of Greyhope Road is already badly affected by landslips and had to be closed to traffic in early 2016. It is concerning that if the northern section of road is closed unexpectedly again, this would effectively cut off road access to the lighthouse and the residences around it, as there would be no alternative route.

Lynn also provided details on how she felt the development would affect animals, including dolphins. Lynn indicated that Steve Harris, chief executive of Visit Aberdeen recently stated that those who visit for something other than oil often do so to take in another treasure of the North Sea, and that was dolphin watching.

Finally Lynn highlighted the economic case for the development and indicated that much of the economic case for the development of the new harbour in the Bay of Nigg was set out in the document “Economic Impact of Aberdeen Harbour Development”. However due to the steep decline in the oil price since the publication, the situation in 2016 is very different. A barrel of oil has declined from \$110 to \$38.

- **RAMSAY MILNE, Convener**