

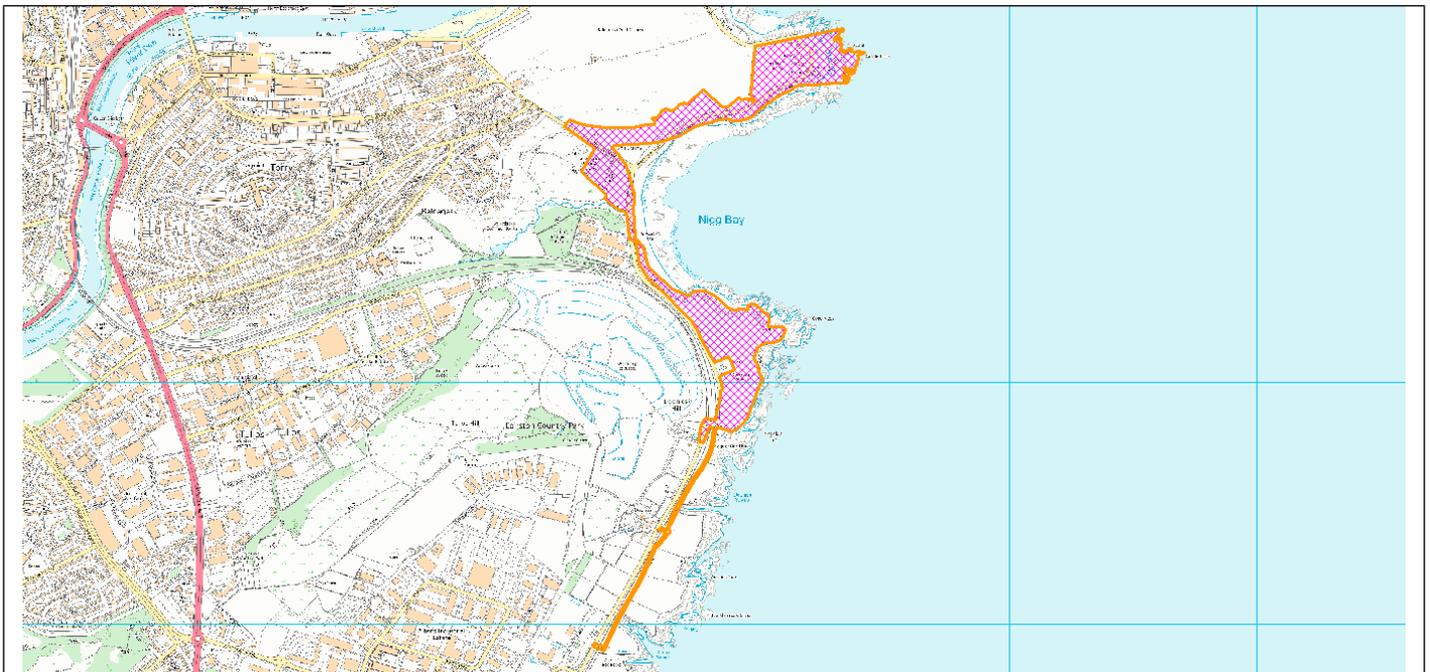


Planning Development Management Committee

Report by Development Management Manager

25 May 2017

Site Address:	Land At Bay Of Nigg, Coast Road / Greyhope Road, Torry, Aberdeen,
Application Description:	Approval of matters specified in Conditions 7 (Construction Environmental Management Plan) and 9 (SSSI Engineering Assessment) of PPIP Ref No: 151742 (Aberdeen Harbour Expansion Project)
Application Reference:	170216/MSC
Application Type	Approval of Matters Specified in Conditions
Application Date:	8 March 2017
Applicant:	Aberdeen Harbour Board
Ward:	Torry/Ferryhill
Community Council	Torry
Case Officer:	Andrew Miller



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RECOMMENDATION

Approve Unconditionally

APPLICATION BACKGROUND

Site Description

The site comprises a 30ha linear stretch of inland coastline at Bay of Nigg, running from the Girdleness to Gregness headlands, and to the east of the railway line heading southwards.

Relevant Planning History

Application Number	Proposal
P151742	Planning Permission in Principle for infrastructure to facilitate construction of new deep water harbour granted consent 26 May 2016 by Council. Application was subject to a pre-determination hearing on 15 March 2016.

APPLICATION DESCRIPTION

Description of Proposal

Approval of matters specified in conditions 7 and 9 of Planning Permission in Principle ref. P151742 is sought.

Condition 7 states:

That, no development pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application has been made to the Planning Authority for approval of the matters specified in this condition and such approval has been granted in direct consultation with SEPA; these matters being a Construction Environmental Management Plan relating specifically to the works proposed within this application. Thereafter all approved works shall be implemented and carried out in accordance with the details therein - in order to minimise the impacts of necessary construction works on the environment.

A Construction Environment Management Plan (CEMP) submitted with the application contains the following documents:

- Construction Method Statement
- Noise and Vibration Plan
- Archaeology Plan
- Construction Lighting Management Plan
- Construction Traffic Management Plan
- Pollution Prevention Plan
- Waste Management Plan
- Habitat Management and Otter Protection Plan

The CEMP relates specifically to the onshore enabling works for the Aberdeen Harbour Expansion Project (AHEP), and contains actions and measures that will be undertaken to manage the environmental impacts associated during its construction phase. The document is a “live” document and thus will be subject to review during its implementation.

Condition 9 states:

That, no development associated with infrastructure works on the land above Nigg Bay SSSI pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application has been made to the Planning Authority, within 2 years from the date of the planning permission in principle hereby approved, for approval of the matters specified in this condition and such approval has been granted in direct consultation with SNH; these matters being an Engineering Assessment. The assessment shall demonstrate that there would be no adverse impact on the Nigg Bay SSSI as a direct result of the construction and operation of any infrastructure works, whether temporary or permanent, proposed within this application. Thereafter all approved works shall only be implemented where the assessment has demonstrated no adverse effect, and shall be carried out in accordance with the details therein – in order to protect the interests of Nigg Bay SSSI.

Nigg Bay SSSI (Site of Special Scientific Interest) is situated to the south of the bay and is designated for its geological features, which illustrate several of the characteristics of glacial deposits typical of North East Scotland.

The SSSI Management Plan outlines risks to the SSSI associated with the construction and operation of AHEP, as was detailed in the Environmental Statement accompanied with the Planning Permission in Principle (P151742), and seeks to avoid, mitigate and manage the risks.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OME6OXBZJBP00>.

The following documents submitted in support of the application are described above.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee for determination because the application falls within the category of a national development (as defined in the Town and Country Planning (Scotland) 1997 (as amended by the [Planning etc. \(Scotland\) Act 2006](#))), and thus falls out with the Council's Scheme of Delegation. A national development is development designated in the Scottish Government's [National Planning Framework 3](#).

CONSULTATIONS

Scottish Natural Heritage – No objection.

Scottish Environment Protection Agency – No objection.

ACC - Environmental Health – No objection.

ACC - Roads Development Management Team – No objection – advisory notes provided in respect of CTMP and CMS.

Archaeology Service (Aberdeenshire Council) – Input provided via separate consenting regimes.

Torry Community Council – No comments received.

Cove and Altens Community Council – No comments received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 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, so far as material to the application unless material considerations indicate otherwise.

National Planning Policy and Guidance

National Planning Framework 3

Identifies Aberdeen Harbour as being a “nationally-important” facility which:

- supports the oil and gas sector;
- provides passenger and freight links to Orkney and Shetland; and
- provides international freight links,

all of which make a significant contribution to the economy of the North East. It states that expansion is required in order to address current capacity constraints at the harbour.

Aberdeen Local Development Plan (2017)

OP62 – Nigg Bay - Aberdeen Harbour

T1 – Land for Transport

B5 – Aberdeen Harbour

NE1 – Open Space Network

NE2 – Green Belt

Other Material Considerations

None

EVALUATION

Principle of Development

National Planning Framework 3 (NPF) identifies an area of land surrounding the Bay of Nigg for the expansion of Aberdeen Harbour and associated infrastructure. OP62 – Nigg Bay is an opportunity site identified in the Aberdeen Local Development Plan 2017 (ALDP) for the provision of a harbour expansion project. The principle of the onshore infrastructure to support the harbour expansion has been established under Planning Permission in Principle (PPiP) ref. P151742.

Condition 7 - Construction Environment Management Document

Construction Method Statement

The Construction Method Statement (CMS) details the procedures and phasing of the construction works of AHEP. Not all sections of the document are relevant to the planning consents, many of these relate to seaward works for dredging and construction of breakwaters. Those matters which impact on the regulatory functions of Aberdeen City Council have been considered and are acceptable to the Council. Surface water issues have been addressed in the relevant applications for the construction of roads and temporary compounds. A number of issues overlap with those identified in other plans and are addressed in greater detail via these specific plans (e.g. noise) and are considered below.

Noise and Vibration Plan

The Noise and Vibration Plan provided considers all activities which generate noise and vibration. The plan identifies predicted noise levels from activities associated with the proposed AHEP construction works – onshore and offshore. Where predicted noise levels at a noise sensitive receptor exceed an agreed threshold, the plan suggests mitigation measures to bring these down to an acceptable level within the threshold. Where this cannot be met, a “plan B” of suitable compensatory measures is outlined (e.g. noise insulation or temporary rehoming). Following updates to the plan and clarification on matters, Environmental Health have raised no objections to the application.

Archaeology Plan

The aim of the Archaeology Plan is to minimise impacts on the historic environment and if required record any archaeology/cultural heritage that will be lost during the development of AHEP. The plan details measures to record a historic slipway on the north side of the Bay of Nigg that will be buried as a result of the development, as well as a Written Scheme of Investigation (WSI) and Protocol for Archaeological Discovery (PAD). The overall scheme is acceptable for the project, initial investigations have taken place at the site with no notable discoveries. Aberdeenshire Council Archaeology Service (who provide services to the Council) is content with the plan.

Construction Lighting Management Plan

A Construction Lighting Management Plan provided with the application seeks to reduce overspill of lighting out with construction areas and outline mitigation measures to be implemented and managed. The plan provided is acceptable, ensuring that all lighting installed is sufficient screened and aligned to ensure no direct illumination of neighbouring land and light spillage beyond the site boundaries is minimised. Environment Health raised no objections to the scheme.

Construction Traffic Management Plan

The Construction Traffic Management Plan establishes a set of procedures designed to reduce the potential impact of construction activities on the surrounding traffic and transportation networks. Overall, the content of the plan is acceptable, noting that the document is a constantly evolving document which will be updated as the project progresses. Advisory notes to ensure other consents associated with traffic management, street occupation/road closures and Roads Construction Consent are recommended.

Pollution Prevention Plan

In order to manage air and water pollution during the construction phase of the development, the Pollution Prevention Plan has been developed. As with all the CMS, not all sections of the plan are regulated by the Council and consideration will be focused on those areas the Council regulate. Those matters which the Council are responsible for are considered to be adequately addressed as part of the plan.

Waste Management Plan

The Waste Management Plan considers the resources required and waste generated during the design stage of the project and the ways in which effective and sustainable waste management will be delivered during the construction phase of the development. Overall, the plan is considered to be acceptable – consideration has been given to previous comments raised by the Council to prevent waste being blown out/away from skips in the wind at the exposed coastal site.

Habitat Management Plan and Otter Protection Plan

This plan has been prepared to manage and protect the surrounding terrestrial habitats, ecological features and otter during the construction phase of AHEP. The plan details potential risks to flora and fauna as a result of the works and outlines mitigation measures to offset the risk. Overall, the content of this plan is considered to be acceptable, though it is noted that the legislative matters that relate to this fall to other bodies (such as Scottish Natural Heritage (SNH)).

Condition 9 - SSSI Management Plan

The SSSI Management Plan provided with the application outlines the proposed construction/ground works around in the vicinity of the SSSI. Construction works will involve the creation of a temporary haul road to enable access for drilling and blasting works within the southern area of the inner basin and entrance basin, those works themselves and a temporary compound on the headland at Greg Ness (forming part of 170156/MSC – Condition 2).

The plan assesses the risks associated with the proposed works from various elements of the proposed works and identifies where any mitigation measures are necessary. SNH raised no objections to the content of the plan.

RECOMMENDATION

Approve Unconditionally

REASON FOR RECOMMENDATION

The methodologies contained within the supporting information are considered suitable to ensure the proposed enabling works for Aberdeen Harbour Expansion Project would avoid and mitigate against impacts on the environment associated with the works and would accord with the aims of policies B5 – Aberdeen Harbour and T1 – Land for Transport of the Aberdeen Local Development Plan 2017.

ADVISORY NOTES FOR APPLICANT

Construction traffic routes for both LGVs and HGVs shown in the Construction Traffic Management Plan need to be agreed with the street works co-ordination section of Aberdeen City Council.

Aberdeen City Council shall be party to any revisions of the Construction Traffic Management Plan.