

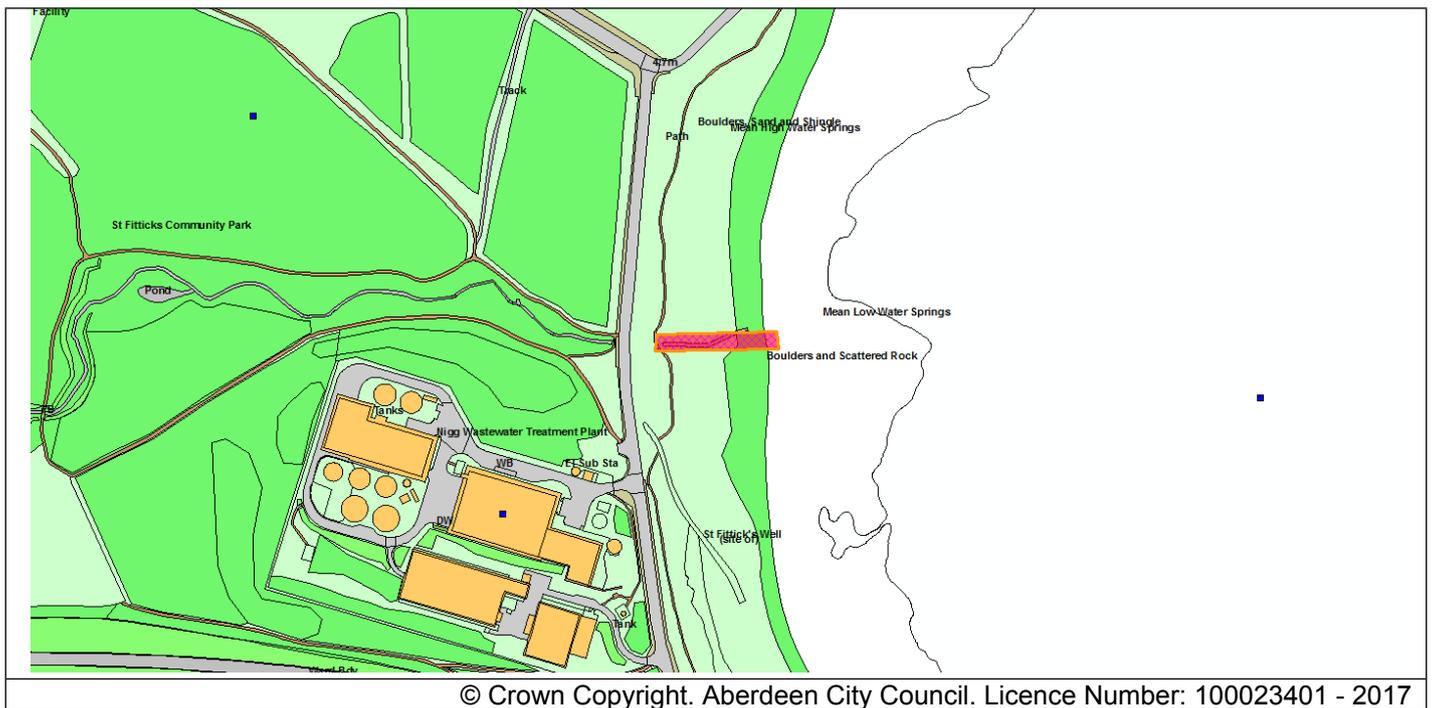


Planning Development Management Committee

Report by Development Management Manager

15 June 2017

Site Address:	Land At Bay Of Nigg, Coast Road / Greyhope Road, Torry, Aberdeen,
Application Description:	Approval of matters specified in Condition 8 (Culvert Capacity) of PPIP Ref No: P151742 (Aberdeen Harbour Expansion Project)
Application Reference:	170342/MSC
Application Type	Approval of Matters Specified in Cond.
Application Date:	13 April 2017
Applicant:	Aberdeen Harbour Board
Ward:	Torry/Ferryhill
Community Council	Torry
Case Officer:	Andrew Miller



RECOMMENDATION

Approve Unconditionally

APPLICATION BACKGROUND

Site Description

The 16.5 sq metre site forms an outfall of the East Tullos Burn within the shoreline of the Bay of Nigg. It is located within an area identified for the development of Aberdeen Harbour Expansion Project (AHEP).

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 condition 4 of Planning Permission in Principle ref 151742 is sought.

Condition 4 states:

That, no development associated with works that would impact the existing culvert capacity 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 1 year of 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 SEPA; these matters being a scheme demonstrating that the capacity of existing culverts will not be reduced as a result of the proposed development - in order to minimise the impacts of necessary construction works on the environment.

This condition seeks to ensure that the new outfall proposed as part of AHEP would not result in any changes in water level in the burn, which would potentially impact on the sensitive wetlands to the east in St Fittick's Park.

It should be noted that this consent is not for the outfall itself – this is covered under powers granted to the applicant (Aberdeen Harbour Board) by Scottish Ministers under the [Aberdeen Harbour Revision Order 2016](#).

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=ONL35CBZJU100>.

The following documents have been submitted in support of the application –

- East Tullos Burn Outfall Assessment

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

ACC - Flooding And Coastal Protection – No objections

Scottish Environment Protection Agency – No objection subject to condition being placed in respect of alternative works should there be a negative impact on wetlands.

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)

B5: Aberdeen Harbour

NE6: Flooding, Drainage & Water Quality

National Planning Framework 3

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. 151742.

Existing and Proposed Burn Levels

Policy NE6 states that all new culverts (where unavoidable) should be designed to maintain existing flow conditions and aquatic life. A scheme provided, entitled “East Tullos Burn Outfall Assessment” details the existing scenario of the water levels in the burn at various points, as well as its tributaries. The scheme then details the proposed scenario with the additional culverting, stating the predicted burn levels as a result of a new outfall within the proposed harbour. Modelling of different storm events details the predicted levels of the burn during these events, including periods of high tide and high flow, as well as an allowance of 30% increases due to climate change.

These results show there would be no difference in the water levels within the burn, both upstream and downstream as a result of the new culvert. It is considered the proposals accord with policy NE6.

Both SEPA and the Council’s Flooding Team raised no objections to the information contained in the assessment. In respect of the condition requested by SEPA, the scheme provided was updated to include a fail-safe/precautionary approach which outlines measures to ensure the impact on the burn are monitored and remedial works to be carried out where necessary.

In light of these considerations, the proposed scheme is considered to be acceptable in terms of the requirements of condition 4.

RECOMMENDATION

Approve Unconditionally

REASON FOR RECOMMENDATION

The scheme provided sufficiently demonstrates that the proposed culverts for the burn would not result in a change to water levels in the East Tullos Burn further upstream and would accord with the requirements of policy NE6 – Flooding, Drainage and Water Quality of the Aberdeen Local Development Plan 2017. In addition, the works would enable the construction of Aberdeen Harbour Expansion Project, thus according with the requirements of National Planning Framework 3 and policy B5 – Aberdeen Harbour of the Aberdeen Local Development Plan 2017.