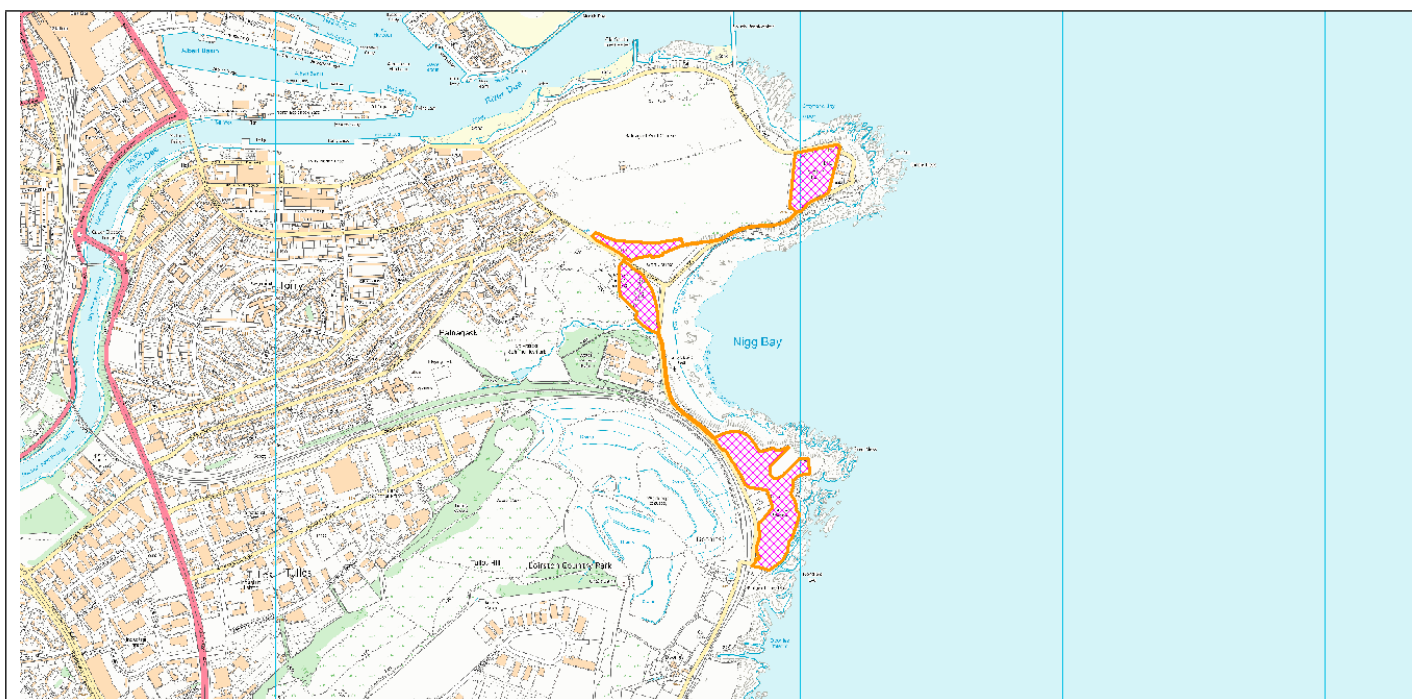


Planning Development Management Committee

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 3 (Reinstatement and Restoration of temporary construction areas) of PPIp Ref No: P151742 (Aberdeen Harbour Expansion Project) |
| Application Reference: | 170417/MSC |
| Application Type | Approval of Matters Specified in Cond. |
| Application Date: | 24 April 2017 |
| Applicant: | Aberdeen Harbour Board |
| Ward: | Torry/Ferryhill |
| Community Council | Torry |
| Case Officer: | Andrew Miller |



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The site comprises four areas, Walker Park on the Girdleness headland; an area of land to the south of Balnagask Golf Course; an area of immature tree planting to the west of the junction of Greyhope Road with Coast Road/St Fittick's Road and coastal land to the south of the Bay of Nigg at Gregness.

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. |
| 170156/MSC | Approval of Matters Specified in Condition 2 (temporary construction areas) of PPiP P151742 (above) granted 20 April 2017 by Planning Development Management Committee. |

APPLICATION DESCRIPTION

Description of Proposal

Approval of matters specified in condition 3 of Planning Permission in Principle (PPiP) ref. P151742 (Aberdeen Harbour Expansion Project) is sought.

Condition 3 states:

That, no development associated with the reinstatement of the temporary construction and fabrication areas as referred to in condition 2 above, 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; these matters being a proposed scheme of restoration and reinstatement of the temporary construction and fabrication areas as referred to in Condition 2 of this consent. Thereafter all reinstatement works shall be implemented in accordance with the details therein, and completed within 6 months of the cessation of such use - in order to minimise the level of visual intrusion and ensure the reinstatement of the site to a satisfactory condition.

A scheme for the reinstatement of the temporary construction compounds has been submitted as part of this application.

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=OOCSD4BZK5S00>.

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

- Scheme of Restoration and Reinstatement

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 - Environmental Health – No objections.

ACC - Roads Development Management Team – No objections – advisory note on RCC requirements for reinstatement recommended.

Scottish Environment Protection Agency – No objection subject to condition requiring commitment in scheme for provision of detailed method statement to be submitted to SEPA for approval.

Scottish Natural Heritage – No objection subject to condition requiring a detailed method statement for the reinstatement of the southern compound with reference to the SSSI at least 6 months prior to its removal.

Network Rail Infrastructure Ltd. – No objections.

Historic Environment Scotland – No objections.

Archaeology Service (Aberdeenshire Council) – No objections.

ACC - Flooding and Coastal Protection – No objections.

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 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.

Scottish Planning Policy

Development should not result in an adverse impact on the setting of a listed building or a scheduled monument.

Aberdeen Local Development Plan 2017

OP62: Nigg Bay
B5: Aberdeen Harbour
D2: Landscape
D4: Historic Environment
NE1: Green Space Network
NE2: Green Belt
NE7: Coastal Planning
NE6: Flooding, Drainage & Water Quality

Supplementary Guidance/Masterplans

Bay of Nigg Development Framework

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 AHEP has been established under Planning Permission in Principle (PPIp) ref. P151742.

The areas in which the compounds are sited are also designated as Green Belt and Green Space Network in the ALDP. Their associated policies, NE2 and NE1 respectively, create a presumption against development in general but there are exceptions. The compounds were granted on a temporary basis in order to enable AHEP, following which there would be an expectation the compound areas would return to their original function. This application seeks approval of the scheme for this to happen and thus it is considered the scheme would accord with the requirements of policies NE1 and NE2 of the ALDP.

Scheme of Reinstatement

The proposed scheme of reinstatement provided with the application details the baseline/pre-construction standards of the land. It then provides details of the reinstatement of the land to be used as construction compounds as follows:

- Northern Compound (Walker Park) – to be reinstated to mown grass/amenity grassland.
- Central Compound – northern section to be returned to amenity grassland, southern section to be reinstated to native woodland planting and sown meadow. A hedgerow would also be planted along the western boundary of
- Southern Compound – to be sown with natural grassland.

Each of the mixes of planting proposed has been formed as part of a detailed assessment of the species of planting present on the compounds. This is to ensure any replacement planting is suitable for the exposed coastal location.

The removal of buildings, drainage and other works on site is acceptable. At this stage, it is unknown whether the construction of AHEP will be delivered on time, due to the nature of the engineering and dredging works that are heavily dependent on good weather. To this end, a condition is recommended requiring a detailed timetable of the reinstatement works to be submitted at later date.

A condition is also recommended in line with SEPA's comments, to ensure the statement made on agreeing detailed construction method statement with the regulatory body is adhered with, as well as SNH's concerns regarding the integrity of the Nigg Bay SSSI.

The compounds are situated adjacent sites of historic importance – St Fittick's Church (scheduled monument) and Greyhope Lighthouse (category A listed building). Scottish Planning Policy (SPP) states development should have a neutral or positive impact on the character of the historic environment. Policy D4 of the ALDP echoes these requirements. The removal of the compounds, and subsequent reinstatement to their original state would bring the setting of the historic assets back to their previous state and is considered to accord with the requirements of policy D4 and SPP.

In light of these considerations, the proposed scheme is considered to be acceptable in terms of the requirements of condition 3.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The scheme for the restoration of the temporary compound areas is considered to be sufficient to reinstate those areas to a suitable standard, and would accord with the requirements of National Planning Framework 3, Scottish Planning Policy and the Aberdeen Local Development Plan 2017.

CONDITIONS

1. Within 2 years of the date of this decision, a timetable for the removal of the compounds and the reinstatement of works detailed in the scheme hereby approval shall be submitted to and approved in writing by the Planning Authority.

Reason – in order to ensure the removal of the temporary compounds is timeous.

2. Detailed method statements as described in section 4 of the "Scheme of Restoration and Reinstatement of the Temporary Construction and Fabrication Areas" hereby approved shall be submitted to and approved in writing by the Planning Authority (in consultation with SEPA and Scottish Natural Heritage) six months prior to the removal of the compounds and thereafter the removal shall be in accordance with those detailed agreed.

Reason – in order to ensure adequate protection of the water environment and Nigg Bay SSSI during the reinstatement and restoration works.