

PLANNING PROGRESS

5.0



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The Beachfront Projects Feasibility Report was presented to the Aberdeen City Growth and Resources (CG&R) Committee on the 18th August 2021, which included advice in the relation to the Planning context of the proposals, and the anticipated planning consenting strategy and associated requirements. This Report to the City Growth and Resources (CG&R) Committee of 3rd November 2021 seeks to provide an update on progress with the relevant aspects of the Beachfront projects, including the planning activity, progress, and associated recommendations.

The instructions from the August Committee included the preparation of a range of business cases, options appraisals and detailed designs for different aspects of the Beachfront projects. The August Committee further instructed the initiation of a formal planning pre-application consultation for the Beachfront activities (Beach Ballroom, Sports/Leisure facilities, public realm/beach landscaping) and/or subsequent planning applications and for the implementation of measures along the promenade and surrounding areas.

Given that the outcome of the August Committee included Options Appraisals being brought forward for various aspects of the projects, it was agreed with Council officers that the formal Planning process should not commence until a Preferred Option was selected for each aspect of the Beachfront: Masterplan Concept including public realm and/or Pier; Beach Ballroom; and, Stadium/Leisure. In addition, an alternative Consenting Strategy is being recommended (see below) following discussions with officers.

Notwithstanding the above, significant progress has been made in relation to planning activities and associated discussions with Council officers and relevant statutory consultees. The following reports on progress of the following planning items, which are elaborated further below and cross-referenced within Section 7.0 of this Report where relevant:

- Queens Link Urban Park and Promenade/Immediate works as ‘permitted development’;
- Pre-Application Enquiry with ACC Planning officers in relation to all Beachfront Masterplan projects;
- Environmental Impact Assessment Screening;
- Engagement with Marine Scotland
- Consenting Process / Indicative Programme

QUEEN’S LINKS URBAN PARK / PROMENADE WORKS

We have engaged with Council Planning Officers to discuss the prospect of public realm, landscaping, playpark etc interventions at Queens Links, to either side of the Beach Boulevard, as well as expediting the implementation of any improvement measures along the Promenade (Esplanade) ranging from improved maintenance and cleanliness, through to a Clubhouse/changing facilities for recognised clubs and Beach users. Further information on the Queens Link Urban Park and the Promenade Works is outlined in Appendices D and E respectively of this Report.

As was alluded to in the Planning Overview of the August Feasibility Report, and similar to the agreement reached with Council Planning officers in relation to the City Centre Streetscape Interventions also being considered by the City Growth and Resources (CG&R) Committee, a planning strategy proposing that appropriate works be completed under Permitted Development rights was advanced. It was presented that such works would fall under *Part 12 ‘Development by a Local Authority’* of the Town and Country Planning (General Permitted Development) (Scotland) Order 2011 (as amended). Under these regulations, the maintenance, improvement and alteration of Council land for the existing purposes of function of that land do not require planning permission.

The ‘Urban Park/play park’ or similar interventions on Queen’s Links, would therefore be covered by Class 30 of the Order which permits:

The erection or construction and the maintenance, improvement or other alteration by a local authority of—
(a) any building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity on land belonging to or maintained by them, being building works or equipment required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;
(b) lamp standards, refuse bins, public shelters and similar structures or works required in connection with the operation of any public service administered by them.

In addition, Class 33 of the Order permits:

The carrying out, within their own district by a planning authority of—
(c) any development under any enactment the estimated cost of which does not exceed £250,000 other than—
(i) development of any of the classes specified in Schedule 2 (bad neighbour development); or
(ii) development which constitutes a material change in the use of any buildings or other land.

As such, the works proposed at the existing open and recreational space at Queen’s Links and the Promenade/Esplanade would fall into Class 30 ‘permitted development’, as they would be for the maintenance or improvement of the land, and would retain the existing function (namely open space for recreational activity) exercised by them on said land. Any works which would not clearly fall into the description of Class 30 works, could be undertaken in accordance with Class 33 of the Order which permits

planning authorities to undertake any development under any enactment provided that they do not exceed £250,000 each.

On this basis, any such works can commence as soon as they are ready to be taken on site, however the Indicative Planning Consent Programme below indicates the ‘Urban Park Permitted Development Works’ commencing in line with the approval of a draft Development Framework (further outlined below).

The principle of the above position was confirmed and agreed in writing by Council Officers as part of our ongoing Pre-Application discussions. We will continue to liaise with Council officers as the detailed design of any Urban Park proposals, and Promenade/Esplanade works progress to confirm the above position.

PRE-APPLICATION ENQUIRY

A request for formal Pre-Application advice was submitted to Council Officers on 15th September 2021. The request presented Appendices A-G of the Beachfront Projects Feasibility Report presented to the August CG&R Committee, detailing the various options for the development of the beachfront, Ballroom and Stadium/Leisure.

Given the early stage of many of the design options for the Masterplan and constituent workstreams, it was agreed with Officers that ongoing design meetings and workshops would form part of the pre-application process, and would continue beyond the selection of Preferred Options. Council Officers have therefore been involved in design workshops in September and October, as well as ongoing dedicated Planning reviews.

Feedback from Council Officers has been taken into account as part of the Options Appraisal process leading to the recommendations contained in this Report. It has been agreed that discussions with Planning officers will continue and focus on any Preferred Option that emerges from the November CG&R Committee.

ENVIRONMENTAL IMPACT ASSESSMENT SCREENING

A request for an EIA Screening Opinion was submitted to Council Officers on 15th September 2021. The submission covered the full extent of the Masterplan area and set out the maximum quantum of development suggested within the August CG&R Committee Feasibility Report.

This initial screening request related to the originally-envisaged consenting strategy which would see submission of a Planning Permission in Principle (PPiP) application for the full Masterplan proposals. It was presented that the proposals are not of a scale nor within a location that would result in their being considered EIA development, and therefore no requirement for an EIA. It was reiterated that, notwithstanding this position, a suite of individual site and environmental surveys and assessments would be submitted in support of any associated planning applications in the future.

As part of our ongoing discussions with the Council as both prospective applicant/client and planning authority, an alternative consenting strategy is being considered

which would see the initial stages of the Beachfront Projects being brought forward as a Development Framework document – to be approved by a future City Growth and Resources Committee – which will seek to establish the principle of the Beachfront Masterplan and its constituent developments in a more flexible and controllable manner. Thereafter, detailed applications for Planning Permission for these constituent developments can be submitted individually, allowing maximum flexibility and minimising risks across all the projects.

Given this proposed change in consenting strategy, the request for an EIA Screening Opinion has been withdrawn, and this will be revisited following the selection of Preferred Options and the associated Development Framework and consenting strategy.

The Consenting Process / Indicative Programme outlined below has allowed for the potential requirement for an EIA for the Stadium/Leisure and Pier works.

ENGAGEMENT WITH MARINE SCOTLAND

As was outlined in the Planning Context in the Beachfront Projects Feasibility Report presented in August 2021, any works within Scottish waters of over 50m in length or 1000m² are ‘Licensable’, which would include any Piers, marine construction works or coastal protection works. It is understood that any Licensable works require a pre-application consultation process similar to that required for Major planning applications, and that the Planning and Marine License processes should be aligned as much as possible as part of any future consenting strategy.

Since the August Committee, Options Appraisals have been advanced for the three Masterplan Concepts and the associated public realm works, which include the potential for a Pier/Boardwalk and slipway structures in the ‘intertidal zone’, which is the area between Mean High Water Springs (closest to the Esplanade) and Mean Low Water Springs (roughly in line with the end of the groynes).

To that end, we have commenced engagement with Marine Scotland on these potential developments and have requested a ‘Pre-Application Statement’ from the Marine Scotland Licensing Operations Team (MS-LOT), which will provide formal clarity on the requirements for Pre-Application Consultation as part of any Marine License process. MS-LOT will also confirm any requirements in relation to EIA Screening (as to whether they consider a Pier to constitute ‘Schedule 2 development’) for any Pier/Boardwalk and Slipway developments. While we are awaiting feedback from MS-LOT, it has been confirmed that:

- A Marine License is only required for any works within the ‘intertidal zone’;
- Any Pre-Application Consultation for a Marine License can be combined and run in tandem with any Planning-related Pre-Application Consultation process, including any (virtual) public events – albeit, advertisement lead in periods are 6-weeks as opposed to 1 week for Planning events;
- A Marine License is only required to be in place in advance of any construction works commencing. As such, it is not required to align with any Development

Framework or Planning Permission in Principle process, but it would be advisable to align with any applications for detailed Planning Permission.

CONSENTING PROCESS / INDICATIVE PROGRAMME

The Beachfront Projects Feasibility Report presented in August initially considered three Planning consenting routes, namely: Planning Permission in Principle followed by AMSC applications; Hybrid / Tandem applications; or individual Planning Permission applications for all developments.

As outlined above, further to ongoing discussions with the Council as both prospective applicant/client and planning authority, an alternative consenting strategy is being considered which would see the initial stages of the Beachfront Projects being brought forward as a Council-approved Development Framework document, with individual applications for Planning Permission being brought forward thereafter.

This is essentially an alternative, albeit similar, approach to Option 1 previously presented, and is explained further below. This alternative ‘Development Framework’ process has been discussed and agreed with Council officers, and is now the Recommendation to the City Growth and Resources Committee.

The ‘**Development Framework**’ approach will ensure hand-in-hand working with Council officers, and seek to establish the principle of the Beachfront Masterplan and its constituent developments in a more flexible and controllable manner, while reducing the risks to the constituent developments within the Masterplan, and the potential for one constituent part to hold up the another. It will allow these developments to come forward separately where required, as individual applications for Planning Permission, while still all remaining consistent with the overarching Council-approved Development Framework. This process also allows for relevant assessments to be undertaken, and the development of the Preferred Options to be advanced, before taking the draft Development Framework to public consultation without losing any time in the overall programme.

The Indicative Planning Consent Programme below outlines the indicative linear consenting process from the drafting of the Development Framework, through to separate applications for Planning Permission for the Stadium/Leisure and Pier, and the Beach Ballroom. As outlined above, it has been confirmed that the Urban Park (Queens Link) works are ‘permitted development’, and therefore these can commence as soon as they are ready to be taken on site, however the Indicative Planning Consent Programme below indicates the ‘Urban Park Permitted Development Works’ commencing in line with the approval of a draft Development Framework. This programme also allows for notable dovetailing of both Public Consultation for the Development Framework and the Pre-Application Consultation process for the (Major development) Stadium/Leisure & Pier, and also the preparation of any EIA in support of a Stadium/Leisure & Pier planning application should it be required. This is one of the notable benefits of the Development Framework approach.

As outlined above, discussions are ongoing with Marine Scotland, and it should be assumed that a Marine License will be required for any works within the ‘intertidal zone’. While the Marine License process and timescales are not illustrated on the Indicative Programme below, it has been confirmed with MS-LOT that these processes can align with the formal Planning Process for the Pier and any other associated works.

INDICATIVE PLANNING CONSENT PROGRAMME

	2021		2022												
	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	
	DEVELOPMENT FRAMEWORK (STAGE 1 - DRAFT)		DEVELOPMENT FRAMEWORK (STAGE 2 - PUBLIC CONSULTATION)												
STADIUM & PIER (PLANNING) (IF EIA REQUIRED)				PAC - STADIUM / LEISURE & PIER											
			EIA PREPARATION - STADIUM / LEISURE & PIER							STADIUM / LEISURE & PIER - PLANNING APP Inc EIA & Assessments					
PUBLIC REALM/ URBAN PARK			URBAN PARK PERMITTED DEVELOPMENT WORKS (DESIGN / CONSTRUCTION)												
BEACH BALLROOM						BALLROOM - PLANNING / LISTED BUILDING APP									

Note: Timescales and programming to be subject of ongoing consultation with ACC Planning Officers and associated statutory consultees.
The periods shown for detailed Planning / Listed Building Apps are based upon the anticipated timescale for Stage 3 Design being available.