



PLANNING & SUSTAINABLE DEVELOPMENT
Communities, Housing and Infrastructure
Business Hub 4, Marischal College, Broad Street,
ABERDEEN. AB10 1AB

The Town And Country Planning (Scotland) Act 1997

Planning Permission in Principle

Barton Willmore

68-70 George Street
Edinburgh

EH2 2LR

on behalf of **Aberdeen Harbour Board**

With reference to your application validly received on 4 November 2015 for Planning Permission in Principle under the above mentioned Act for the following development, viz:-

National Development comprising construction of new infrastructure to facilitate the creation of a new deep water harbour, including new roads, parking and means of access, temporary construction and fabrication areas and other associated development which may include public realm areas, foot-paths, cycle-paths and lighting.

at Land at Bay of Nigg, Coast Road / Greyhope Road, Torry

the Council in exercise of their powers under the above mentioned Act hereby GRANT Planning Permission for the said development in accordance with the particulars given in the application form and the plan(s) and documents docketed as relative thereto.

Permission is granted subject to the following condition(s), for which reasons(s) are stated viz:-

(1) That, no development associated with the road and drainage works 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 of the date of this planning permission in principle hereby approved, for approval of the matters specified in this condition and such approval has been granted; these

PETE LEONARD
DIRECTOR

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matters being details of:

i. All proposed road works; including location; alignment; and typical cross-section details; and

ii. All proposed drainage provision, including a Detailed Surface Water Drainage Plan; showing full details of drainage that is to be tied into the existing drainage system, or alternative arrangements to the satisfaction of the Planning Authority.

- in the interests of road safety, the free flow of traffic, sustainable drainage, and flood risk prevention and protection.

(2) That, no development associated with the temporary construction areas 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; these matters being details of all proposed works within the temporary construction and fabrication areas identified on drawing no 'Acad 01/4a'. Such details shall include location; layout; materials; siting, nature and specification of equipment; means of access; boundary treatments, parking and lighting - in order to safeguard local amenity.

(3) 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.

(4) That, no development connected with any individual works referred to in the description of the development pursuant to the planning permission in principle hereby approved, and not otherwise addressed through respective conditions, shall be carried out until such time as a further application has been made to the Planning Authority, within 4 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 full details of any additional, associated development that is required within and directly abutting the application site and as identified within the description of the development, including full details of any footpaths and cycle paths - in order to safeguard local amenity.

(5) That, no development associated with the road and drainage works pursuant to

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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; these matters being a pre-works Topographical Survey and a programme for submission of a post-works Topographical Survey. The surveys shall demonstrate that the works proposed under this application will not have any additional detrimental effect on the supporting coast line on Grey Hope Road and the Coast Road as a result of the proposed development, and thereafter all approved works shall be implemented in accordance with the details therein - in the interests of road safety.

(6) That, no development associated with the road and drainage works 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 Monitoring Plan. The plan shall demonstrate that the works proposed under this application will not have a detrimental effect on the existing coastal edge on Grey Hope Road and the Coast Road, and shall include relevant measures to ensure they are not put at risk as a result of the proposed development. Thereafter all approved works shall be implemented in accordance with the details therein - in the interests of road safety.

(7) 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.

(8) 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.

(9) 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

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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.

The reasons on which the Council has based this decision are as follows:-

The principle of the proposed development is fully recognised in planning policy at both national (National Planning Framework 3) and strategic level (the Aberdeen City & Shire Strategic Development Plan); insofar as it would provide essential infrastructure to facilitate an identified national development that has the potential to deliver economic and social regeneration, and long-term economic prosperity within the north east and the wider Scottish economy. Likewise it is supported at local level via policies of both the current Aberdeen Local Development Plan and the proposed Local Development Plan, with a clear acceptance of the need to expand the current harbour at this site and to enable provision of the essential infrastructure to do so; on the proviso that all works are designed to prevent and minimise adverse impact. The Council is satisfied that this can be achieved successfully through conditions and submission of Matters Specified in Conditions applications; and in doing so will substantially address the concerns raised in representations. On this basis, and with there being no material considerations that would outweigh the above policy position, the Council recommends that the application be approved subject to conditions.

The plans, drawings and documents that are the subject of this decision notice are numbered as follows:-

Document No: 165120;

Detail: Site-Location; Drawing No: Acad 01/2;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=151742&index=165120>

Document No: 165130;

Detail: General Location (Aerial); Drawing No: Acad 01/1;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=151742&index=165130>

Document No: 165132;

Detail: Consents Content Plan; Drawing No: Acad 01/3;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=151742&index=165132>

Document No: 165135;

Detail: Proposed Road Realignment Layout; Drawing No: Acad 01/5;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=151742&index=165135>

Document No: 165136;

Detail: Proposed Indicative Site Layout / 1 of 2; Drawing No: Acad 01/4a;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=151742&index=165136>

Document No: 165137;

Detail: Proposed Indicative Site Layout / 2 of 2; Drawing No: Acad01/4b;
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?i=151742&index=165137>

Informatives

Applicants and developers should note that (as specified by Section 59 of the Town and Country Planning [Scotland] Act 1997 {as amended by the Planning etc. (Scotland) Act 2006} all conditions of this planning permission in principle that require the submission of information of any sort for further approval, agreement or consent of the planning authority require to be subject a formal application for approval in terms of the condition on a planning permission in principle as laid down in the Town and Country Planning [Development Management Procedure] [Scotland] Regulations 2013).

INFORMATIVE (1) ACCESS RIGHTS TO RAILWAY BRIDGES

Additional servitude rights of access/bridge agreements in respect of the two southern bridges (133/385 and 133/386) would have to be secured from Network Rail for the creation of any proposed pedestrian links - in order to control impacts on railway and user safety.

INFORMATIVE (2) DRAINAGE ADJACENT TO RAILWAY LINE

All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. Any Sustainable Urban Drainage Scheme should not be sited within 10 metres of railway infrastructure and should be designed with long term maintenance plans which meet the needs of the development - in order to control drainage impact on the rail network

INFORMATIVE (3) ACCESS RESTRICTION

If not already in place, the applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Network Rail recommends a 1.8 metre high 'rivet-less palisade' or 'expanded mesh' fence. Network Rail's existing boundary measure must not be removed without prior permission - in order to prevent unauthorised and unsafe access to the railway.

INFORMATIVE (4) PROXIMITY TO RAILWAY LINE

Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks - in order to ensure that construction works are undertaken in a safe manner which does not disturb the operation of the neighbouring railway.

INFORMATIVE (5) NETWORK RAIL CONTACT

The developer must contact Network Rails' Asset Protection Engineers regarding

the above matters:

Network Rail Asset Protection Engineer
151 St. Vincent Street
Glasgow
G2 5NW
Tel: 0141 555 4087
E-mail: AssetProtectionScotland@networkrail.co.uk

Date of Signing 11 May 2016



Daniel Lewis
Development Management Manager

Enc.

**NB. EXTREMELY IMPORTANT INFORMATION RELATED TO THIS GRANT OF
PLANNING APPROVAL**

(1) DIRECTION UNDER SECTION 59 OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997:

That the subsection (2)(a)(i) of section 59 shall apply as respects the permission with the substitution for the period of 3 years referred to in that subsection of 5 years, as is considered appropriate by the planning authority in this instance on the basis of the scale of the allocation. The provisions of section 59(2) shall therefore be read as follows; that this planning permission in principle shall lapse unless a further application or applications for approval of the matters specified in all conditions attached to this grant of planning permission in principle across the entire site has been made before whichever is the latest of the following;

- i. The expiration of 5 years from the date of this grant of planning permission in principle;
- ii. The expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused;
- iii. The expiration of 6 months from the date on which an appeal against such refusal was dismissed;

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- pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

(2) DIRECTION UNDER SECTION 59 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997:

That the subsection (2)(b)(ii) of section 59 shall apply as respects the permission with the substitution for the period of 2 years referred to in that subsection of 4 years, as is considered appropriate by the planning authority in this instance on the basis of

the scale of the allocation. The provisions of section 59(2) shall therefore be read as follows; that, this planning permission in principle shall lapse on the expiration of 4 years from the approval of matters specified in conditions being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration - pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

If an application for approval of matters specified in conditions has not been made or the development has not begun within the specified dates this planning permission in principle shall lapse unless there is a specific condition attached to this permission which varies the stated timescales.

This permission does not carry with it any necessary approval under the Building Standards Regulations or of the owner or superior of the land or property including, where applicable, the City Council. Please ensure that this permission is compatible with any building warrant obtained. The Planning Service does not cross check approvals in detail.

Form 2

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permissions subject to conditions

1. If the applicant is aggrieved by the decision of the planning authority to –
 - refuse planning permission for the proposed development;
 - to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
 - to grant planning permission or approval, consent or agreement subject to conditions,

the applicant may appeal to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice.

Applicants may obtain information on how to submit an appeal by visiting <http://www.scotland.gov.uk/Topics/Built-Environment/planning/Appeals> or contacting –

Directorate for Planning & Environmental Appeals
Scottish Government
4 The Courtyard
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR

Telephone: 01324 696 400
E-mail: DPEA@scotland.gsi.gov.uk

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owners of the land may serve on

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the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.