

Our ref: PCS/138876
Your ref: Aberdeen City LDP

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By email only to: ldp@aberdeencity.gov.uk

Dear Sir/Madam

Proposed Aberdeen Local Development Plan (PALDP) March 2015

Thank you for your consultation on the above Proposed Plan. We welcome the opportunity to comment on this document which provides the basis for the new Local Development Plan for Aberdeen City.

In general, we welcome the Proposed Plan and all the specific policies and supplementary guidance which are relevant to our interests. The attached Appendices detail our comments which have direct relevance to our interests.

Please note, although we make reference to the associated Environmental Report (ER), we have provided separate comments on the Environmental Report/Strategic Environmental Assessment of the PALDP (SEPA Reference PCS139332).

We are committed to working with Aberdeen City Council and welcome any opportunity to provide further advice or review our previous advice as more information becomes available. We look forward to working with Aberdeen City Council as you take forward the LDP.

If you have any queries relating to this letter, or wish to arrange a meeting at any time, please contact me by telephone on 01224 266609 or e-mail at planning.aberdeen@sepa.org.uk

Yours sincerely

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Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at the planning stage. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue.

Caveats

The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit http://www.sepa.org.uk/flooding/flood_maps.aspx.

The flood risk advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Aberdeen City Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from www.sepa.org.uk/planning/flood_risk.aspx.

APPENDIX 1: SEPA's REPRESENTATIONS TO THE PROPOSED ABERDEEN LOCAL DEVELOPMENT PLAN MARCH 2015

1. General

- 1.1 We apologise but the links to SEPA's website pages in the Proposed Plan no longer work as SEPA's website has been updated. In addition, reference should be made to the Scottish Environment Protection Agency (not Environmental as at para. 3.110).

2. Page 20 Paragraph 3.5 Criteria: Six Qualities of Successful Placemaking

- 2.1 We **request** that the text highlighted below is added to the resource efficient section of the supporting text to clarify the requirements for development.

Resource efficient

• *maximises efficiency of the use of resources through natural or technological means such as low or zero carbon energy-generating technologies, solar orientation and shelter, water saving measures including water capture and reuse, connection to mains drainage, avoidance of carbon rich soils, incorporation of SUDS and blue/green infrastructure*

3. Page 21 Policy D2 - Landscape

- 3.1 We **request** that the text highlighted below is added to the criteria for quality development to highlight the requirement to incorporate water features in the landscape framework.

*Developments will have a strong landscape framework.....Quality development will
• be informed by the existing landscape character, topography and existing features to sustain local diversity and distinctiveness, including natural and built features such as water features, existing boundary walls, hedges, copses and other features of interest;*

4. Page 52 The Green Space Network

- 4.1 We welcome the identification of waterbodies of all types including lochs, ponds, wetlands and watercourses as one of main components of Aberdeen's Green Space Network.

5. Page 58 Policy NE6 Flooding, Drainage and Water Quality

- 5.1 We **object and request** that the end of the sentence at point 4 in Policy NE6 as highlighted is removed (*that would have a significantly damaging effect on the natural heritage interests within or adjacent to a watercourse*) The primary reason for not permitting development if it would require the construction of new flood defences is the strong implication that the development would be at risk of flooding without them and such development should not be permitted. We would highlight that the cornerstone of sustainable flood risk management is avoidance of flood risk in the first instance

Development will not be permitted if:

1 It would increase the risk of flooding:

- a) by reducing the ability of the functional flood plain to store and convey water;*
- b) through the discharge of additional surface water; or*
- c) by harming flood defences.*

2 It would be at risk itself from flooding;

3 Adequate provision is not made for access to waterbodies for maintenance; or

4. It would require the construction of new or strengthened flood defences that would have a significantly damaging effect on the natural heritage interests within or adjacent to a watercourse.

- 5.2 We **object and request** that the text highlighted below is inserted into the Policy as it is a key requirement for development on the functional floodplain.

Development on the functional floodplain will only be permitted where its location is essential for operational reasons and it must be designed and constructed to remain operational during floods and not impede water flow.

- 5.3 We **request** that the text highlighted below is amended to cover all waterbodies and not just watercourses.

There is a presumption against excessive engineering and culverting of waterbodies.

- 5.4 We **request** that para. 3.112 is amended as it currently incorrectly implies that all flood risk can be managed through the use of Sustainable Urban Drainage Systems. We **request** that the highlighted text is inserted to clarify the position. This then reflects the position set out in the Supplementary Guidance which outlines the use of SUDS with regard to rainwater and surface water run-off.

3.112 Sustainable Drainage Systems (SuDS) provide multiple benefits including managing surface water flood risk, improving water quality and enhancing biodiversity.....

6. Page 60 Policy NE8 Natural Heritage

Carbon-rich soils

- 6.1 We **request** that additional wording is added to Policy NE8 Carbon-rich soils as highlighted below in order to conform with Scottish Planning Policy.

New development should avoid areas of peatland or carbon-rich soil. Development which would involve draining or disturbing peatland or carbon-rich soil will be refused unless appropriate mitigation is agreed by the Planning Authority in consultation with SEPA.

- 6.2 We **object and request** that the text highlighted below is incorporated into the Policy.

There is a presumption against development which would impact on groundwater dependent terrestrial ecosystems.

- 6.3 We welcome the reference to Construction Environment Management Plans (CEMPs) in Policy NE8 and in Supplementary Guidance (Natural Heritage). We **request** that the text highlighted below is inserted into the Policy to clarify the requirements of the CEMP.

In all cases of development at any location:- 1 2 .

3 A Construction Environmental Management Plan may be required to address any potential negative impacts on designated sites, protected species, peatlands or carbon rich soils, waterbodies or local biodiversity during the construction phase of a development.

7 Page 63 Policy R2 Degraded and Contaminated Land

- 7.1 We **request** that the following highlighted text is inserted into Policy R2 to clarify SEPAs position.

The City Council will require that all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a level suitable for its proposed use. This may involve undertaking site investigations and risk assessments to identify any actual or possible significant risk to public health or safety, or to the environment, including possible pollution of the water environment, that could arise from the proposals. The City Council will liaise with SEPA where there is potential for pollution of the water environment and/or SEPA has a regulatory role at the site or with the development proposed.

8. SEPA's Comments – OBJECTIONS - Appendix 2 - Opportunity Sites

8.1 We **object** to the following Opportunity Sites allocations in Appendix 2 and as shown on the Proposals Map (OP1, OP24, OP31 and OP80) unless the text highlighted in yellow in relation to the requirement for a flood risk assessment to accompany any planning application or equivalent wording is incorporated into the proposed plan.

	Site Name	Site Size	Policy	Other Factors
OP1	Murcar	27.8 ha	Land Release Policy	Southern half of site included in Murcar. Development Framework 2008. This site may be at risk of flooding. Flood Risk Assessment required to accompany development proposals
OP31	Maidencraig South East	29.8 ha	Residential/ Green Space Network	Opportunity for development of 450 homes. Joint masterplan prepared for this site and OP32 Flood Risk Assessment required to accompany development proposals
OP80	Bon Accord Masterplan	40.0 ha	Retail Core/ Mixed Use	Masterplan prepared for major redevelopment of City Centre Flood Risk Assessment required to accompany development proposals

9. SEPA's Comments – SUGGESTED TEXT - Appendix 2 - Opportunity Sites

9.1 We **recommend** that text to identify that surface water flooding may be an issue at the following sites and that any DIA should address this issue is incorporated into the proposed plan. However, we have not assessed all sites for surface water drainage issues and recognise that this is a matter primarily for the Aberdeen City Council to address. It may be considered that the relevant policies in the proposed plan adequately address this issue already.

	Site Name	Site Size	Policy	Other Factors
OP75	Denmore Road	4.56 ha	Commercial Centre	If the bulky goods uses at the existing commercial centre at north Denmore Road are displaced, this site can be developed for bulky goods in order to maintain the retail offer in bridge of Don. Conditions will be imposed restricting uses to bulky goods retailing. Pitches lost should be replaced in Bridge of Don by new or upgraded pitches which are of comparable or greater benefit. DIA accompanying development proposals should address any surface water flooding issues
OP86	Dyce Railway Station	1.1 ha	Land for Transport	Opportunity Site for an expanded car park with associated SUDS and landscaping. Access to the Formartine Buchan Way should be retained and enhanced. DIA accompanying development proposals should address any surface water flooding issues
OP32	Maidencraig North East	22.8 ha	Residential/ Green Space Network	Opportunity for development of 300 homes on a Council owned site. Joint masterplan prepared for this site and OP31 Maidencraig South East. DIA accompanying development proposals should address any surface water flooding issues and buffer strips.
OP108	Mid Anguston	2.5 ha	Residential	Opportunity for 6 houses. Drainage Impact Assessment required to consider protection of nearby Gormack Burn part of the River Dee SAC catchment and the adjacent quarry and risk of potential surface water run off impacting site from upslope.
OP107	East Tullos Gas Holder	3.12 ha	Business and Industrial	Redundant gas holder site and Council owned recycling centre suitable for an energy from waste facility. DIA accompanying development proposals should address any surface water flooding issues

OP110	Wellington Circle (Former Makro)	3.2ha	Business and Industrial Land	Opportunity for change of use to Class 1 retail. DIA accompanying development proposals should address any surface water flooding issues
OP35	Granitehill Road	0.57 ha	Business and Industrial Land	Site identified for museum storage facility. DIA accompanying development proposals should address any surface water flooding issues.

10. SEPA's Support for Policies

10.1 We welcome and support the following policies in the Proposed Aberdeen Local Development Plan 2015 in addressing matters relevant to our interests when considering development proposals and planning applications :

- Policy D1 in promoting resource efficient development;
- Policy I1 in promoting appropriate infrastructure for new development including connection to the public sewerage system wherever possible;
- Policy T4 in requiring an assessment of impacts on air quality in appropriate circumstances;
- Policy NE1 in protecting the green space network which includes the blue network of waterbodies;
- Policy NE6 in taking a precautionary approach to flood risk from all sources, in ensuring that development protects and where possible delivers improvements to waterbodies and in ensuring that SUDS are incorporated into development proposals;
- Policy NE8 in protecting peat and carbon rich soils, in protecting all waterbodies and promoting their enhancement including the use of buffer strips and in requiring construction environmental management plans to manage potential pollution impacts and waste generated;
- Policy R4 in identifying waste management facilities to support the delivery of the Zero Waste Plan objectives including an energy from waste facility with potential links to users;
- Policy R6 in requiring space for waste management in development proposals and in requiring the minimisation of waste generation through Site Waste Management Plans;
- Policy R7 in requiring low and zero-carbon generating technology and water saving technology and techniques;
- Policy R8 in providing a positive policy framework to facilitate renewable energy developments by supporting the development of renewable and low carbon energy schemes including low carbon energy distribution district heating networks;
- Opportunity Sites – in the identification of potential flood risk and the requirement for flood risk assessments.

APPENDIX 2: SEPAs REPRESENTATIONS TO THE SUPPLEMENTARY GUIDANCE (PROPOSED ABERDEEN LOCAL DEVELOPMENT PLAN MARCH 2015)

1. Supplementary Guidance Topic Area 5 -Businesses Harmony of Uses

- 1.1 The Proposed Plan states (Page 20) Criteria: Six Qualities of Successful Placemaking Safe and Pleasant • avoids unacceptable impacts on adjoining uses, including noise, smell, vibration, dust, air quality, invasion of privacy and overshadowing
- 1.2 We **request** that text is added to the Supplementary Guidance Businesses Harmony of Uses to make reference to the requirement when a development proposal will be regulated by SEPA for consultation with SEPA to ensure potential consentability under SEPAs regulatory requirements and confirmation of potential impacts which will be regulated. Note that SEPA's regulation generally covers impacts during operation but not during construction. Reference should also be made to consultation with SEPA when a proposed development may be impacted by an existing process regulated by SEPA.

2. Supplementary Guidance Topic Area 6 Housing & Planning Obligations – Planning Obligations

- 2.1 The Proposed Plan (Page 32) includes Policy I1 Infrastructure Delivery and Planning Obligations. We **request** that text is added to Supplementary Guidance at paragraph 6.1.5 to explain the current position with potable water provision within Aberdeen City. Scottish Water should provide an update on the current position and plans for future work in the light of the development proposals and proposed plan policies. Provision should come from within Scottish Water's existing SEPA consented abstraction limits. Aberdeen City Council should liaise with Scottish Water to ensure this is achievable. If there are issues then these should be addressed at a joint agency and Council meeting.
- 2.2 We **request** that text is added to the Supplementary Guidance at paragraph 6.1.5 to clarify the position with the requirement to connect to mains foul drainage. Scottish Water should provide an update on the current position and plans for future work in the light of the development proposals and proposed plan policies. It should be noted that where there is not currently sufficient mains foul drainage capacity, developers should first explore the option of triggering additional capacity provision from Scottish Water before seeking permission for private drainage.

3. Supplementary Guidance Topic Area 8 Natural Environment - Natural Heritage

- 3.1 We have requested that Policy NE8 is amended to allow development on peatland and carbon rich soils with the agreement of the Planning Authority in consultation with SEPA. We have requested that Policy NE8 is amended to afford specific protection groundwater dependent terrestrial ecosystems. We have requested that Policy NE6 is amended so that it prevents all unnecessary engineering works affecting the water environment. We **object and request** that further text is incorporated into the Supplementary Guidance to explain and support this position. We **suggest** that the text below could be utilised. The basis for this is currently in Supplementary Guidance – Wind Farm Development Peatland and Wetlands. However, this applies to all development not just wind turbines and amendments and additions will be required to the text to correctly set out the current position as indicated below.

Peatland

Peatland is an important habitat and acts as a carbon sink and development on peat land will result in the loss of carbon. To ensure that the carbon balance savings are maximised, developments should be designed to minimise soil disturbance.

Where the proposed development will impact on peatlands, a detailed map of peat depths should be submitted along with a Peat Management Plan as part of the planning application. This should include details of the basic peatland characteristics. For areas where avoidance is impossible, details of how impacts on peatlands are minimised and mitigated should be provided. SEPA consider disposal of significant depths of peat as being landfilled waste. Where peat is to be excavated, applicants must submit details of what use the peat will be put to. If this includes the storage and re-use of excavated peat, this should consider the drainage, pollution and waste management implications and include preventative/mitigation measures to avoid significant drying or oxidation of peat.

Waterbodies including Wetlands & Groundwater Dependent Terrestrial Ecosystems

A water features survey should be carried out on all proposed development sites to identify all water features and associated flora and fauna as well as any mitigation required to protect features. Note that wetlands, including groundwater dependent terrestrial ecosystems, are waterbodies. Groundwater dependent terrestrial ecosystems (GWDTE) are specifically protected under the Water Framework Directive.

An ecological assessment should be carried out for all development proposed on Greenfield sites. Phase 1 Habitat surveys should be used to identify if wetlands are present. If present then the more detailed National Vegetation Classification (NVC) survey should be completed to identify if GWDTE are present. If wetland systems are present, any application should demonstrate how the layout and design of the proposal avoids impacts on such areas. For areas where avoidance is impossible, details of how impacts upon wetlands are minimised and mitigated should be provided as part of the planning application. If GWDTE are present the developer should avoid them (with a buffer), or further assessment will be required and appropriate mitigation.

As best practice a buffer distance of 100m between groundwater dependent terrestrial ecosystems (a particular type of wetland) and roads, tracks and trenches, and a larger separation distance of 250m from borrow pits and foundations is required. These separation distances will ensure that these ecosystems are adequately protected and prevent habitat loss.

River Engineering

Developments should be designed to avoid the need for new watercourse crossings or any other watercourse engineering. However, where such works are necessary then the following information should be submitted:

- *A site survey of existing water features*
- *Map showing the location of all proposed engineering activities*
- *Systematic table detailing the justification for each activity along with proposed mitigation*

- *An indication of the proposed design (e.g. bridge, bottomless culvert, arched culvert)*
- *Photo of each affected waterbody including its dimensions design*
- *Where flooding may be an issue, a flood risk assessment may also be required.*

Details of the current state of individual water bodies and proposed actions to improve them can be found on Scotland's Environment Web. New development, including aquatic engineering works which will generate discharges or other impacts on existing water bodies, or which could affect the water quality, quantity, flow rate, ecological status, riparian habitat, protected species or flood plains of water bodies (including their catchment area) must not prejudice water quality or flow rates, or their ability to achieve or maintain good ecological status. Any such developments must contribute to the objectives set against the relevant water bodies through the River Basin Planning process as well as the relevant freshwater objectives and targets within the North East Local Biodiversity Action Plan. Opportunities for the creation, enhancement and management of habitats should be embraced. Any aquatic engineering works must be capable of being consented under Controlled Activities Regulations. Adequate buffer strips should be provided to allow for maintenance all year round. Buffer strips will be at least 6m wide and may require to be wider as a result of local factors such as local hydro-geomorphology, need for pollution control, native species habitats, active travel or recreation provision.

Construction Environment Management Plan

A Construction Environment Management Plan must be site specific with supporting drawings of the proposals on the site itself and should make reference to DEFRA Good Practice on Construction Sites document.

4. Supplementary Guidance Topic Area 8 Natural Environment - Flooding, Drainage and Water Quality

- 4.1 We **request** that reference is made in the supplementary guidance to the requirement for access for maintenance to waterbodies in order that regular maintenance can be carried out as part of flood risk management work and also that reference is made to the flood risk benefits of buffer strips as they promote connectivity between a watercourse and its floodplain. Larger buffer strips can reduce run off into a watercourse which can reduce flooding. However the principles of SPP will override buffer strip with recommendations.
- 4.2 We **request** that reference is made in the supplementary guidance to clarify that excessive engineering and culverting of all waterbodies including watercourses is unacceptable, including for land gain. This includes the diversion of watercourses around development sites unless it results in improvements to a previously modified or canalised watercourse.