

**Directorate for Local Government and Communities**

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EH6 6QQ



[REDACTED]  
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D: 01 June 2015

Grace Harrison  
Local Development Plan Team  
Communities, Housing and Infrastructure  
Aberdeen City Council  
Business Hub 4  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

**00814 ENVIRONMENTAL REPORT - ABERDEEN CITY COUNCIL - LOCAL  
DEVELOPMENT PLAN PROPOSED PLAN**

Dear Grace

With reference to the Environmental Report you submitted to the SEA Gateway on 20 March 2015

In accordance with Section 16 of the Environmental Assessment (Scotland) Act 2005, the Consultation Authorities have now considered the Environmental report you submitted. The individual responses from the Consultation Authorities are attached to this letter.

As the Consultation Authorities have now expressed their opinions, you should refer to the 2005 Act to consider your next step, while taking into account the opinions of the Consultation Authorities.

If you have any queries or would like me to clarify any points, please call me on 0131 244 7650.

Yours sincerely

Johnathan Whittlestone  
SEA Gateway Officer



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Longmore House  
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Edinburgh  
EH9 1SH

Our ref: LDP/A/2  
Our Case ID: 201408033

01 June 2015

Dear Ms Harrison

**Environmental Assessment (Scotland) Act 2005**  
**Aberdeen City Council – Aberdeen Local Development Plan – Proposed Plan**  
**Environmental Report**

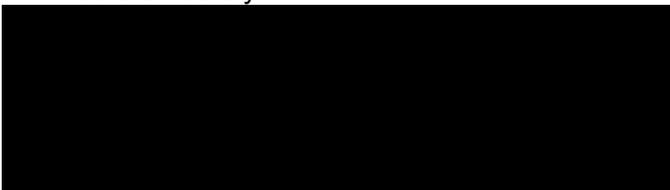
Thank you for consulting Historic Scotland on this environmental report for Aberdeen City Council's Local Development Plan, which was received by the Scottish Government's SEA Gateway on 20 March 2015. I have reviewed the Environmental Report (ER) on behalf of Historic Scotland in the context of the SEA Act and our role as a Consultation Authority. My focus in reviewing the report is on the potential for significant environmental impacts on the historic environment that may arise from the plan.

We welcome that our previous comments on the environmental report accompanying the Main Issues Report have been acted upon and this response should be read in conjunction with our comments issued to that consultation. The updated environmental report clearly sets out the approach to the assessment and the detailed site assessments provided are particularly welcome. We also welcome the efforts that have been made in making the environmental report as understandable as possible. The language utilised helps in explaining the likely environmental effects of the plan and should benefit all readers.

In terms of the detail of the assessment we have a number of comments to offer, particularly in relation to the spatial strategy. These comments can be found in the annex to this response.

Please do not hesitate to contact me should you wish to discuss this response.

Yours sincerely



## **Annex**

### **Policy Assessment**

We welcome the assessment for both the Historic Environment Policy and Our Granite Heritage Policy. As you will be aware, we have offered representations on these policies which aim to further clarify the wording but we are content that their context provides for a significantly positive effect on the historic environment.

### **Spatial Strategy Assessment**

As a general comment on the assessment, while noting that mitigation is required for those effects that are considered to be significant it is beneficial for those sites that have predicted negative effects (significant or otherwise) to offer mitigation. This is particularly beneficial where there is uncertainty regarding the likely effects, notably where a site is scored +/- . Forward thinking mitigation in this regard can help influence the plan and focus proposals to the positive side for the historic environment.

#### **OP63 Prime 4 Business Park Phase 5 Extension**

We welcome the assessment of the potential effects on the Category C listed Quaker Burial Ground and the subsequent mitigation suggested. However, potential negative effects on the setting of the scheduled consumption dyke should also have been noted here.

#### **OP62 Nigg Bay**

This proposed land use has the potential to have significant effects on the historic environment through the effect on the setting of the scheduled monument St Fitticks Church, the listed Girdleness Lighthouse as well as the potential for archaeological remains within the bay area. This should have been noted in the assessment with appropriate mitigation identified. Furthermore, it noted that the Main Issues Report Policy Alternative Assessment notes a negative impact on the historic environment and states that “without mitigation there is the possibility of development at Nigg Bay affecting the setting of St Fitticks Church which is a Scheduled Ancient Monument and Girdleness Lighthouse which is listed. The assessment of OP62 should echo these findings.

#### **OP64 Former Ness Tip**

While noting that the assessment considers the proposed solar farm is “unlikely to result in the loss of any built or cultural heritage features” it should be noted that there are a number of scheduled cairns in proximity to the development area and as such the proposal has the potential to impact on the setting of these sites. This should have been recorded in the assessment with mitigation options put forward.

#### **OP102 George Street/Crooked Lane**

We are concerned with the reference within this assessment that “redevelopment is likely to result in the loss of a single Category C Listed Building”. Notwithstanding the fact that such an eventuality should have been scored a significant negative effect we do not consider this statement is appropriate given there is no mention of this within the plan itself and no application has been made for listed building consent for demolition as we are aware. It is unclear why this presumption has been put forward given the ability of the site to deliver the intended land use while retaining the listed building. We would therefore recommend that the starting point for delivering this site should consider the retention of the building. We would be happy to discuss options for this site with the council.

### **Table 8a: Monitoring Plan**

We welcome the consideration given to the monitoring of the effects of the plan. The indicator relating to the impact of development on listed buildings and conservation areas is welcomed

however, there is no further information within the monitoring plan on how this will be monitored. In light of this you may wish to consider monitoring sites where negative or uncertain impacts on designations and their settings are predicted. It is also unclear why Scottish Civic Trust have been named as being partly responsible for monitoring the plan.

Our ref: PCS/139332  
SG ref: SEA/00814/ER

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If telephoning ask for:  
Clare Pritchett

1 June 2015

By email only to: [sea.gateway@scotland.gsi.gov.uk](mailto:sea.gateway@scotland.gsi.gov.uk)

Dear Ms Harrison

## **Environmental Assessment (Scotland) Act 2005 Aberdeen Local Development Plan 2015 – Environmental Report**

Thank you for your Environmental Report (ER) consultation submitted under the above Act in respect of the Aberdeen Proposed Local Development Plan. This was received by SEPA via the Scottish Government SEA Gateway on 24 March 2015.

We have used our previous ER consultation responses to consider the adequacy of the ER and our comments have been structured to reflect the contents of the ER and these can be found in Appendix 1. Please note, this response is in regard only to the adequacy and accuracy of the ER and our comments on the Proposed Aberdeen Local Development Plan 2015 itself are provided separately (SEPA Reference PCS138876).

As the Aberdeen Local Development Plan 2016 and Supplementary Guidance is finalised, Aberdeen City Council, as Responsible Authority, will be required to take account of the findings of the Environmental Report and of views expressed upon it during this consultation period. As soon as reasonably practical after the adoption of the plan, the Responsible Authority should publish a statement setting out how this has occurred. We normally expect this to be in the form of an "SEA Statement" similar to that advocated in the [Scottish Government SEA Guidance](#). A copy of the SEA statement should be sent to the Consultation Authorities via the Scottish Government SEA Gateway on publication.

Should you wish to discuss this environmental report consultation, please do not hesitate to contact me on 01224 266609 or via our SEA Gateway at [sea.gateway@sepa.org.uk](mailto:sea.gateway@sepa.org.uk).

Yours sincerely

Clare Pritchett  
Senior Planning Officer

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## **Appendix 1: Comments on the Environmental Report (ER)**

### **General comments**

In general, we are satisfied that a detailed environmental assessment of the Proposed Aberdeen Local Development Plan 2015 has been carried out and we consider that the Environmental Report is clear as to how carrying out the SEA informed the Proposed Aberdeen Local Development Plan 2015.

We make the following detailed comments which we ask be taken into consideration in the finalised ER. For ease of reference they are provided in the same order as the ER.

### **Detailed comments**

#### **1. Description of PPS - Content of Proposed Aberdeen LDP (Section 4)**

- 1.1 We consider that the policies, opportunity sites and supplementary guidance are clearly assessed and we welcome this approach.

#### **2. Plan, Programme or Strategy Context (Section 5)**

- 2.1 We consider that the PPS and baseline data listed in Section 5 provide a good background for the plan-making process.
- 2.2 We are pleased to note that although the ER only addresses those aspects of the plan which are considered to have significant negative effects on the environment, the issues of construction impacts and impacts on carbon rich soils including peat have been addressed.

#### **3. Assessment (Section 6)**

- 3.1 We consider that the scope and level of the assessment and the assessment framework provided in the Environmental Report allows us to understand how the conclusions were drawn.
- 3.2 We note that in our response to the Proposed Plan we have requested text is added highlighting the need for flood risk assessments for certain sites where this is not currently identified (OP1, OP31 and OP80). We therefore request that the Finalised Environmental Report includes this in the site assessments. We consider that we are able to accept the principle of development on flood risk grounds for all the Opportunity Sites.
- 3.3 We welcome the inclusion of a column detailing site history for all site allocations in the Proposed Plan.

#### **4. Mitigation Measures (Section 7)**

- 4.1 We welcome how you have outlined the identified mitigation and now this will be achieved in Table 7a (page 42) including who is responsible for undertaking mitigation.
- 4.2 We note that under 'Impacts on Watercourses and Waterbodies', reference to watercourses could be removed and the mitigation/ enhancement measures should not just refer to impacts on watercourses but on waterbodies which include wetlands and groundwater dependent terrestrial ecosystem. We have suggested additional wording in Policy NE6 and

NE8 and Supplementary Guidance – Natural Heritage to address the impacts on waterbodies and, if incorporated, this should be referenced here.

- 4.3 The mitigation/enhancement measures under Water – Pollution of Watercourses should reference Pollution of Waterbodies and could also include Policy NE8 and the requirement for a Construction Environmental Management Plan.

## **5. Monitoring (Section 8)**

- 5.1 We are content with the monitoring proposals as set out the Monitoring Plan.

## **6. Next Steps (Section 9)**

- 6.1 We look forward to working with Aberdeen City Council as they finalise the Revised Environmental Report following examination.



## Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland  
Nàdar air fad airson Alba air fad

**Sent via Scottish Government SEA Gateway – [sea.gateway@scotland.gsi.gov.uk](mailto:sea.gateway@scotland.gsi.gov.uk)**

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Our ref: 00814-SEA

22 May 2015

Dear Ms Harrison

### **00814 Environmental Report – Aberdeen City Local Development Plan 2016**

Thank you for the opportunity to provide comments on this SEA Environmental Report, which accompanies the proposed Aberdeen City Local Development Plan 2016.

We consider that the key environmental issues have largely been correctly identified, and the assessment of likely significant effects on the environment has largely been carried out satisfactorily. The SEA correctly identifies a clear need for the plan to address possible adverse effects on the River Dee SAC. Our separate response to you on the HRA record (same date, our reference - CEA135872/\_CPP135853) contains more detail on our advice in relation to this issue. Rather than repeat that here I simply refer you to that response. To inform our HRA response, we went back to the Aberdeen City & Shire Strategic Development Plan (page 31) and would suggest that your Environmental Report could helpfully do the same. We will work with you and other key agencies where relevant to agree any changes needed to the plan (or the record of HRA) before adoption to demonstrate that the plan will not have any adverse effects on the integrity of the River Dee SAC.

We also recommend a number of relatively minor amendments to ensure that the SEA is robust. We provide our advice on this in the annex to this letter.

If you have any queries please do not hesitate to contact Nina Turner, [REDACTED] in the first instance.

Yours sincerely

**Ewen Cameron**  
Operations Manager  
Tayside and Grampian



INVESTOR IN PEOPLE

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**Annex I – SNH advice on SEA for the proposed Aberdeen City LDP 2016**

<b>Section of the Environmental Report</b>	<b>SNH comments</b>
Page 5 Table, Assessment of Environmental Effects, Water	<p>Re: <i>“The overall effects of the plan on water are negative, because all new development requires more water to be taken from the River Dee...”</i></p> <p>The implication of this is that the issue needs to be addressed as part of the Habitats Regulations Appraisal (HRA) of the LDP in respect of the River Dee Special Area of Conservation (SAC). It would be helpful to include a reference here to the HRA appraisal, and possibly also to the relevant section of the City &amp; Shire SDP (page 31).</p>
Page 42, Table 7.a Significant Effects of the Plan and Mitigation Measures, Biodiversity	<p>Under “mitigation/enhancement measures”, reference should also be made to the Supplementary Guidance on the Natural Environment, page 11 regarding invasive non-native species (INNS) as a means to mitigate the potential spread of INNS that may otherwise be caused by development, to the detriment of protected areas, protected species, general biodiversity and people.</p>
Page 47, Table 7.a Significant Effects of the Plan and Mitigation Measures, Water	<p>Re: <i>“All new development will increase the need to abstract water from the River Dee...”</i> As above, the implication of this is that the issue needs to be addressed as part of the Habitats Regulations Appraisal (HRA) of the LDP in respect of the River Dee (SAC). It would be helpful to include a reference here to the HRA appraisal, and possibly also to the relevant section of the City &amp; Shire SDP (page 31).</p> <p>Re <i>“Acceptable rates of water abstraction from the Dee are agreed between SEPA and Scottish Water.”</i>, with regard to water abstraction affecting the River Dee SAC, we recommend that consideration is given to including Scottish Water (as well as SEPA) as one of the parties responsible for mitigation. This is because they are responsible for water abstraction and so could be expected to monitor compliance with the relevant water abstraction license(s) for the SAC.</p> <p>In relation to the proposed mitigation, it would be appropriate to add the requirement for HRA (and likely EIA) for master-planning and through the DM and Planning Agreements processes as part of mitigation to avoid adverse effects on the integrity of the River Dee SAC.</p> <p>Notwithstanding the above, the Council will need to be able to confirm, based on up-to-date (and predicted for the levels of proposed development) water abstraction levels information (sourced from Scottish Water) and compliance with licensed abstraction (sourced from SEPA) that any proposed changes in abstraction that would arise from the proposed development allocations is still as described at the time the SDP was drawn up and remains achievable without having an adverse effect on the integrity of the SAC. Please refer to our comments on the HRA record for more details.</p>

**Annex I – SNH advice on SEA for the proposed Aberdeen City LDP 2016**

<p>Page 42 – 50, Table 7.a, significant effects of plan and mitigation measures; Soil, Ground contamination</p>	<p>With regard to “<i>Mitigation/Enhancement measures</i>” we find the second bullet point confusing, as we would consider that development on a landfill site is likely to be a planning (and potentially EIA) matter. Clarification of what is meant by this second bullet point would therefore be useful.</p> <p>We note the proposed mitigation (via the Plan policy) in relation to “<i>Peat Soils</i>”, but advise that it does not appear to follow Scottish Planning Policy concerning development on carbon rich soils, peat and peatland habitats. SPP paragraph 205 does not prohibit development on peat and carbon rich soils, but refers to assessment and minimisation of carbon dioxide release. Further consideration will be required to align the SEA (and LDP policy) with SPP, and then what that would mean for the SEA.</p>
<p>Page 51 – 54, Table 8a: Monitoring Plan, Biodiversity, Impact on water quality of the River Dee and on its qualifying features</p>	<p>With respect to “<i>When should remedial action be taken</i>”, we recommend adding a measure that remedial action will also be required should the level of water abstraction come close to or exceed the licensed abstraction volume. This is so that future development can be appropriately managed to avoid an adverse effect on the integrity of the River Dee Special Area of Conservation (SAC).</p> <p>With respect to “<i>who is responsible for undertaking monitoring?</i>”, we recommend that consideration is given to including Scottish Water (as well as SEPA) as one of the parties responsible for monitoring. This is because they are responsible for water abstraction and so could be expected to monitor compliance with the relevant water abstraction license(s) for the SAC.</p> <p>With respect to “<i>where will information be obtained from?</i>”, We recommend adding water abstraction data from Scottish Water and SEPA’s monitoring results to the list of information sources.</p> <p>With respect to “<i>when should remedial action be considered?</i>”, we recommend adding a measure that remedial action will also be required should the level of water abstraction come close to or exceed the licensed abstraction volume. This is so that future development can be appropriately managed to avoid an adverse effect on the integrity of the River Dee Special Area of Conservation (SAC). This is because too much abstraction could negatively affect water quality (as well as quantity) within the SAC, which would affect the qualifying interests of the SAC.</p> <p>[ On a minor point, the correct terminology for the interests of Natura sites are “qualifying interests” (not qualifying features). ]</p>
<p>Appendix 4, 4b, OP 52 Malcolm Road, Peterculter</p>	<p>The SEA states that “<i>the majority of the site is designated as SNH Ancient Woodland, although it has been felled this designation remains valid</i>”. We do not believe this to be the case - we understand that approximately 80% of the site</p>

**Annex I – SNH advice on SEA for the proposed Aberdeen City LDP 2016**

<p>and</p> <p>OP 109 Woodend, Peterculter</p>	<p>remains as woodland as at May 2015.</p> <p>The mitigation/enhancement identified is to apply LDP policies on protection of trees and woodland.</p> <p>As around 80% of the site is woodland, if the policies on protection of trees and woodland are applied, we suggest that most of this site is unsuitable for development.</p> <p>The SEA divides OP109 into two sites and for one, identifying that the majority of the site is covered by the “ancient woodland designation”. It identifies the need for mitigation as per policy NE8 but should also refer to policy NE5, trees and woodland. If the policies on protection of trees and woodland are applied, we suggest that most of this part of the site is unsuitable for development.</p>
<p>Appendix 4, 4b, OP 62 Aberdeen harbour expansion Nigg Bay</p>	<p>Under biodiversity, consideration of the potential impacts on Atlantic salmon and fresh water pearl mussel needs to be added (as interests of the River Dee SAC), as well as impacts on grey seals of the Isle of May SAC and Berwickshire and North Northumberland Coast SAC, and harbour seals (a protected species). As mitigation, impacts on these interests should be considered in the HRA and EIA for the proposed development when it comes forward. (We understand that the Harbour Authority are aware of the connectivity to the SACs and so should be taking them into account when considering options for the harbour expansion. The HRA for the harbour expansion should therefore ensure that development avoids an adverse effect on the integrity of the Natura sites, and avoids an adverse effect on the population of harbour seals.)</p>