

29 June 2016
Ref – 37482/G030/022



Nicholas Lawrence
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Development Management
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Dear Nicholas,

Planning Application 160276 East Tullos Energy from Waste

1. Introduction

We write on behalf of the Applicant, Aberdeen City Council Waste and Recycling Service, regarding planning application 160276 (East Tullos Energy from Waste (EfW) facility) and relation to consultation responses received to date from both statutory and non-statutory consultees. This letter, and the accompanying appendices, provides the Applicant's response to these consultation responses and, where relevant, provides requested clarifications and further environmental information (FEI).

The following appendices are enclosed:

- ▶ Appendix A - Clarifications to SEPA (dated 29th April 2016);
- ▶ Appendix B – Clarifications to ACC Environmental Policy Team, non-landscape and visual matters;
- ▶ Appendix C - Clarifications and FEI to ACC Environmental Policy Team, landscape and visual matters;
- ▶ Appendix D – FEI to ACC Community, Housing and Infrastructure Roads Development Management team (Roads Team); and
- ▶ Appendix E – FEI to ACC Environmental Health and Trading Standards (Noise).

2. Review of Consultation Responses

Considering the consultation responses received to date, all statutory consultees have confirmed no objection to the proposed East Tullos EfW, a holding objection requesting submission of further information has been received from Aberdeen City Council (ACC) Environmental Policy Team and further information has been requested by ACC Environmental Health and Trading Standards (Noise) and ACC Community, Housing and Infrastructure Roads Development Management team. A number of consultees have requested conditions to be attached to any consent granted.

The four Community Councils have all objected to the planning application.

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2.1 Statutory Consultees

2.1.1 Scottish Environment Protection Agency (SEPA)

SEPA confirmed in their letter dated 29th April 2016 that they do not object to the planning application, subject to conditions being attached to any planning permission granted.

SEPA confirmed that the proposed East Tullos EfW could be potentially consentable by SEPA under the licensing regime, but that the Pollution Prevention and Control (PPC) permit application will require demonstration of Best Available Techniques (BAT). In their assessment, SEPA considered operational impacts on air quality, health, odour, noise, sensitive ecological receptors and water quality. SEPA concluded that the information presented in the ES and supporting clarifications (**Appendix A**) is sufficient to demonstrate that the applicant has considered these matters during operation as part of the planning process and that the development is potentially consentable. SEPA has confirmed no objections on water quality and flood risk grounds.

SEPA confirmed that the submitted Heat and Power Plan and clarifications (Appendix A) demonstrate energy efficiency in line with SEPA's Thermal Treatment of Waste Guidelines 2014 and that adequate level of detail has been submitted at this stage. SEPA confirmed that more details will be required as part of the PPC Application.

Requested conditions relate to the submission of a construction environment management plan (CEMP) and that the replacement culvert will have identical dimensions and capacity to the present culvert and so maintain the current flow regime of the East Tullos Burn. It should be noted that the diversion of the existing culvert does not form part of the submitted planning application, and as such the proposed condition is not applicable. However, the requirements are noted and will inform separate design and proposal for the culvert as part of a separate application.

SEPA clarified in their correspondence dated 17th May 2016 following a further review of ES Chapter 7 and freshwater environmental management proposals that they continue to have no objections to the planning application. The matters considered included impacts on East Tullos Burn, surface water discharges and wastewater discharges. SEPA also confirmed that the re-routing of the culvert would require consent under the Controlled Activities Regulations and would potentially be consentable.

2.1.2 Scottish Natural Heritage (SNH)

SNH agreed with relevant conclusions within the submitted Environmental Statement (ES) regarding negligible effects on Nigg Bay and Cove SSSIs. SNH advised Aberdeen City Council that an Appropriate Assessment would not be required as there is unlikely to be a significant effect from the East Tullos EfW on the qualifying interests of the River Dee Special Area of Conservation.

The Applicant welcomes SNH's agreement with the conclusions of the ES and their non-objection to the planning application.

2.1.3 Historic Environment Scotland (HES)

HES confirmed that they do not object to the planning application and that sufficient information has been submitted. HES stated that there would not be a significant impact on the setting of, or the inter-relationship between scheduled monuments and agreed with relevant conclusions within the ES.

The Applicant welcomes HES's agreement with the conclusions of the ES and their non-objection to the Proposed Development.

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2.2 Aberdeen City Council Consultees

2.2.1 Aberdeen City Council Environmental Health and Trading Standards (Land Quality)

Did not object subject to the inclusion of planning conditions requiring the approval and implementation of Contaminated Land Risk Management Scheme and the approval of a specific Land Remediation Verification Report.

The Applicant welcomes this consultees' non-objection and is content to accept the proposed planning conditions.

2.2.2 Aberdeen City Council Environmental Policy Team

The Council's Environmental Policy Team has submitted a holding objection relating to landscape and visual matters. In addition, the Environmental Policy Team has raised a number of queries relating to management of waste, nature conservation and surface water. A response to non-landscape and visual matters are enclosed in **Appendix B** and a response to landscape and visual matters are enclosed in **Appendix C**.

2.2.3 Aberdeen City Council - Community, Housing and Infrastructure Roads Development Management team (Roads Team)

The Council's Roads Team has requested a review of the proposal for the treatment of on-street parking along Greenbank Crescent and the submission of additional traffic modelling. This is enclosed in **Appendix D**.

2.2.4 Aberdeen City Council Environmental Health and Trading Standards (Noise)

The Council's Environmental Health Team has requested further details on operational in regards to tonal noise and construction noise in regards to distance to receptors. This is enclosed in **Appendix E**.

2.3 Other Consultees

2.3.1 Aberdeen International Airport (AIA)

Following the undertaking of an aerodrome safeguarding assessment AIA did not object subject to the inclusion of a planning condition requiring the pre-commencement approval and subsequent implementation of a Bird Hazard Management Plan.

The Applicant welcomes this consultee's non-objection and is content to accept the proposed planning conditions.

2.3.2 Archaeology Services for Aberdeenshire, Moray and Aberdeen City Councils

Confirm no objection to the development, taking into consideration the nature of the industrial structures which are already present around the periphery of Tullos Hill, and the positive design contribution this development would make in relation to those.

Confirmed that the methodology and assessment within ES Chapter 13 Historic Environment is appropriate and thorough and agreed with conclusions of the assessment of the potential impact. Recognises that there are visual impacts, but that these have been reduced through the design approach with the curved roof and cladding colours.

Confirmed that as a result of historical ground disturbance within the development boundary there is no requirement for any additional archaeological mitigation.

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2.3.3 RSPB Scotland

Advised they had no comments to make.

2.3.4 Transport Scotland on behalf of the Scottish Ministers

This is an informative response relating to changes to consultation requirements for EIA applications and is noted.

2.3.5 Community Councils

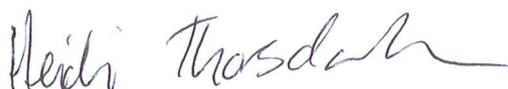
The four community councils, Cove & Altens, Kincorth & Leggart, Nigg and Torry, have all objected to the planning application. A separate letter responding to issues raised have been submitted.

3. Conclusion

We trust that this letter provides sufficient clarity in terms of the Applicant's response to the consultation responses submitted to date.

In the meantime, should you require any further information, or clarification of detail, please do not hesitate to contact me (see details below).

Yours sincerely



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Enc.

Appendix A – Response to SEPA 29/04/2016

Appendix B - Planning Application 160276: East Tullos energy From Waste – Response to Aberdeen City Council Environmental Policy Team

Appendix C- Planning Application 160276: East Tullos Energy from Waste – Further Landscape and Visual information

Appendix D - Planning Application 160276: East Tullos Energy from Waste – Further Transport information

Appendix E - Planning Application 160276: East Tullos Energy from Waste – Further Information Relating to Noise Assessment