

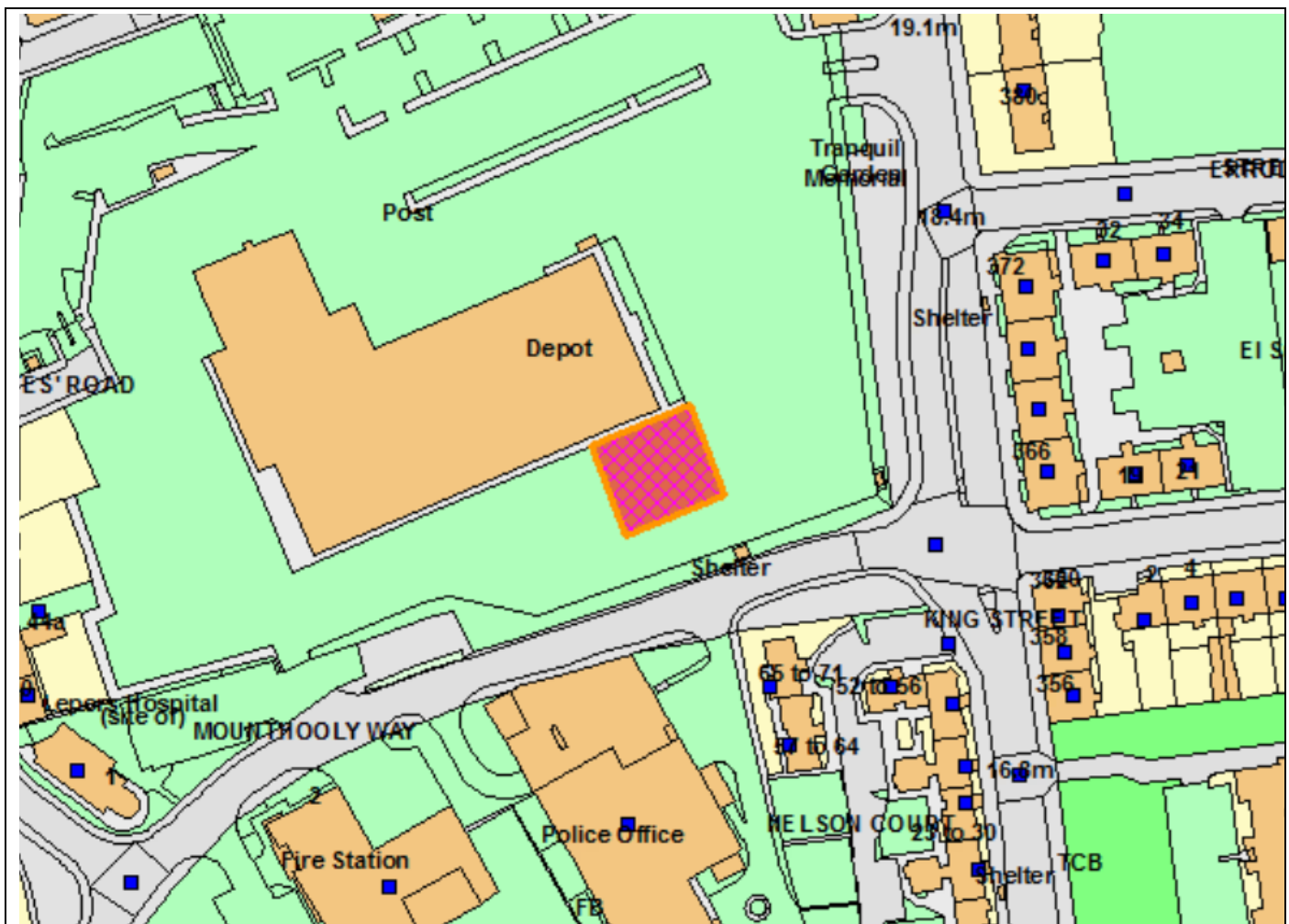


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 07 November 2024

Site Address:	First Aberdeen Ltd, 395 King Street, Aberdeen AB24 5RP
Application Description:	Installation of hydrogen refuelling station plant equipment with enclosure and acoustic barrier fence
Application Ref:	240769/DPP
Application Type	Detailed Planning Permission
Application Date:	25 June 2024
Applicant:	Logan Energy Ltd.
Ward:	George Street/Harbour
Community Council:	Old Aberdeen



© Crown Copyright. Aberdeen City Council. Licence Number: 100023401 – 2024

RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The site comprises part of a bus depot, situated on the west side of King Street, and north of Mounthooly Way. The wider depot site was substantially redeveloped in accordance with planning permission granted in 2008. The works relate to the yard area located south of a large workshop building of industrial appearance located centrally within the depot and used for vehicle maintenance. This has grey composite panel clad walls and vehicle access doors on its south elevation. The wider site includes a category C granite listed building of 19th century origin which fronts onto King Street, around 100m north of the site. The main depot access /egress is from King Street. There is established soft landscaping, hedging and trees at the depot frontage onto King Street. The south boundary of the yard, adjacent Mounthooly Way, is defined by a 2m high retaining wall surmounted by 2m high chain-link fencing.

There is a mix of uses in the vicinity including student accommodation, residential, retail, a fire-station and police offices. Old Aberdeen Conservation Area lies around 120m west of the site at its closet point. The closet flats, at Nelson Court, lie 25m south of the site boundary, across Mounthooly Way.

Relevant Planning History

Application Number	Proposal	Decision Date
221328/DPP	Installation of electric substations, transformers, feeder pillars, chargers, acoustic fences and associated works	12.01.2023 Status: Approved
151508	Installation of 2 external condenser units.	25.01.2016 Status: Approved
070366	Redevelopment of depot and offices	13.02.2008 Status: Approved

APPLICATION DESCRIPTION

Description of Proposal

Formation of a hydrogen refuelling station for buses within the existing yard located south of the maintenance building. The refuelling station would have a maximum height of 4.2m and would comprise various elements including a metal clad container and canopy. This would be around 10m long and 2.5m wide. A 3m high acoustic fence is proposed within the yard. This would be set around 20m off the southern edge of the existing yard boundary. It would have a thickness of 220mm, including noise absorbent material and structural elements, and a length of 6m.

Amendments

None

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SFFO98BZGX100>

- Noise Impact Assessment (NIA)

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because in excess of five valid objections has been received and the recommendation is approval.

CONSULTATIONS

ACC - Environmental Health – No objection. Advise that the recommendations of the Noise Impact Assessment (NIA) (e.g. provision of acoustic barrier on site) are accepted.

ACC - Roads Development Management Team – No objection or safety concerns. Note that the proposed infrastructure does not affect any adopted road surface.

Old Aberdeen Community Council – No objection. Comments provided in relation to need for detailed noise assessment (operational assessment), potential adverse noise impact on nearby residents and assessment of safety risk due to hydrogen plant affecting nearby residents. Question if Environmental Health is best suited to assess potential Health and Safety risks.

REPRESENTATIONS

A total of 7 objections from Aberdeen residents and a local amenity body which raise the following matters:

- Hydrogen explosion risk and related public safety risk to nearby residents.
- Need for revised noise assessment related to impact of proposed plant on nearby residents.
- Alleged ineffective noise attenuation measures and noise nuisance to nearby residents related to existing EV plant on the wider bus depot site.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Development Plan

National Planning Framework 4 (NPF4)

NPF4 is the long-term spatial strategy for Scotland. It contains a comprehensive set of national planning policies that form part of the statutory development plan. The following policies are relevant:

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 7 (Historic Assets and Places)
- Policy 11 (Energy)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 23 (Health and Safety)

Aberdeen Local Development Plan 2023 (ALDP)

The following ALDP policies are relevant:

- Policy H2 (Mixed Use Areas)
- Policy R7 (Renewable and Low Carbon Energy Developments)
- Policy WB3 (Noise)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy D1 (Quality Placemaking)
- Policy D6 (Historic Environment)
- Policy NE3 (Our Natural Heritage)

Aberdeen Planning Guidance (APG)

- Noise APG

Other National Policy and Guidance

- Planning Advice Note (PAN) 1/2011: Planning and Noise.
- Energy Storage : Planning Advice (2013). This states that:

“The scale of plant associated with hydrogen storage and fuel cell varies relative to the scale of operation. Hydrogen tends to be stored in steel cylinders or bottles and fuel cells tend to be contained within boxed housing. Connecting pipes, cooling units, electrical units and separating walls are also a feature. Overall it is industrial in appearance and would normally require attention to screening or building design.”

Other Material Considerations

- Scottish Government Climate Change Plan 2018-2032
- Scottish Government Hydrogen Policy Statement 2020:

“Significant investment in infrastructure will be needed to support new emission reduction technologies such as ...hydrogen.”

- Scottish Government Hydrogen Action Plan 2022:

“Electrification will do the heavy lifting in our march towards net zero, but there are parts of our economy and energy system that are very difficult to electrify, and hydrogen could provide a solution for sectors such as heavy-duty on and off-road transport...”

- ACC Strategic Infrastructure Plan – Energy Transition – 2020
- Net Zero Aberdeen – Mobility Strategy and Energy Supply Strategy- 2022
- Aberdeen City Region Hydrogen Strategy and Action Plan 2015-2025 :

https://hyacinthproject.eu/wp-content/uploads/2013/12/A_Hydrogen_Strategy_for_the_Aberdeen_City_Region_2015-2025.pdf

“Overall this strategy looks to secure investment for further vehicle deployments initially, followed by new infrastructure investment from 2018 when capacity will be maximised.”

EVALUATION

Principle of Development

As the works are directly related to public transport infrastructure and the authorised use of the wider site as a bus depot they accord with the intent of NPF4 Policy 13 and ALDP Policy T2. The proposal accords with NPF4 strategy for the North East which states that:

“Action is required to tackle industrial emissions and transition towards a greener future... Greener energy choices, including hydrogen have a natural home here and will be at the heart of the area’s future wellbeing economy.... Significant infrastructure will be required to deliver a hydrogen network for Scotland, including repurposing of existing facilities and the creation of new capacity.”

Whilst hydrogen energy is not a form of renewable energy, use of green hydrogen (derived from use of renewable energy) as an alternative to other fossil fuels has potential positive effects in terms of reduction of greenhouse gas emissions. The proposal therefore accords with the intent of NPF4 Policies 1, 2 and 11, ALDP policy R7 and other relevant plans and strategies. These include the Scottish Government Climate Change Plan 2018-2032, Scottish Government Hydrogen Action Plan 2022, ACC Strategic Infrastructure Plan – Energy Transition, Net Zero Aberdeen – Mobility Strategy and Aberdeen City Region Hydrogen Strategy and Action Plan 2015-2025. This is because it would enable the expansion of hydrogen fuel technology and displacement of carbon emissions / pollution associated with traditional vehicle fuels.

Design / Heritage Impacts

The proposed plant would be of limited scale relative to the adjacent maintenance building located to its north. It would be largely screened from adjacent public places as it would be set behind the proposed acoustic barrier fence, set back from public roads and is of limited height. Whilst the top section of the plant would be visible above the proposed fence, the development would be seen against the backdrop of the shed-like bus depot workshop building and in the context of the bus storage yard. Thus, it would not adversely impact on its context. The fence would be substantially recessed from adjacent public roads and the construction details provided demonstrate that it would be of appropriate design quality. The overall works have no impact on heritage constraints (i.e. the listed office fronting King Street) due to the intervening building and yard. Thus, there would be no conflict with NPF4 policies 7 and 14 and ALDP policies D1 and D6.

Amenity / Noise Impact

It is noted that Scottish Government Planning Advice issued in 2013 regarding Energy Storage contains the following advice related to noise from plant equipment:

“The mechanical process of hydrogen storage is not expected to create any noise nuisance.”

In this instance, given the proximity of residential premises to the south and east of the site, there is potential for adverse impact on their amenity due to noise generation associated with use of the proposed plant, particularly during the night. The submitted NIA, which recommends the implementation of an acoustic barrier (fence) on site to mitigate this impact, has been assessed by ACC Environmental Health officers. Its findings are accepted. Thus, subject to implementation of the proposed acoustic barrier / fence within the site, there would be no adverse noise impact. A condition is recommended to ensure that such barrier is implemented in order to ensure compliance with the expectations of NPF4 policy 23 part e), ALDP policies H2, WB3 and related guidance.

Public Safety / Explosion Risk

Scottish Government Planning Advice issued in 2013 regarding Energy Storage makes no reference

to explosion risk being a relevant material consideration in relation to the matter of hydrogen storage. With regard to safety / public health considerations, the advice states that :

“Demonstration projects have shown that hydrogen storage is a safe technology subject to some limited locational considerations, despite negative public perceptions.”

The health and safety risk in relation to hydrogen facilities is a matter that is dealt with by separate legislation, protocols and controls and the detailed safety matters related to hydrogen lie outside the remit or control of the planning system. The health and safety aspects of a hazardous substance such as hydrogen only become a material planning consideration in certain volumes or concentrations as specified in the Hazardous Substances Regulations, (2 tonnes in the case of hydrogen) at which point there is a requirement for an application to be made to the planning authority for Hazardous Substances Consent. In this instance, the maximum volume of hydrogen stored at the site would be 0.6 tonnes and thus is below the threshold volume. As with a wide range of other activities and industries, the health and safety aspects of the design and use of hydrogen facilities are governed by non-planning requirements which the applicant must adhere to, and which provide the necessary safety controls. Under the Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) an employer, or his representative, must carry out a risk assessment of any work activities (including maintenance) involving dangerous substances (these being defined as flammable liquids, gases, vapours or dusts).

The need for a safety / risk assessment is not referenced in related planning policy and guidance and strategies, which are focused on expansion of hydrogen facilities and usage as a key objective. Thus, notwithstanding the urban location of the site, the absence of such a risk assessment and the perceived safety risks raised do not warrant refusal in this instance. The responsibility for undertaking such a risk assessment lies with the operator of the proposed facility.

Given that the works directly relate to an existing bus depot, which already accommodates hydrogen fuelled buses, there is no evidence that there would be any substantive additional public safety risks, notwithstanding the location of the site within an urban area and the presence of nearby residential premises. Consequently, there is no conflict with NPF4 policy 23.

Parking / Traffic / Road Safety

Although the works would result in a marginal reduction in bus parking within the yard, there would be no impact on the adopted / public road network, no new access is proposed and there are no public road safety concerns. As the development does not generate increased travel demand or need for parking, there is no conflict with ALDP policy T3.

Biodiversity / Nature Crisis

Notwithstanding the expectations of NPF4 policy 3 and ALDP policy NE3, given that no substantive physical development is proposed, it would be unreasonable to require the development to address biodiversity matters. Any such policy tension with therefore does not warrant refusal in this instance.

Matters Raised in Representation

The NIA has been assessed by the Council's Environmental Health officers and its findings are accepted. Whilst ACC Environmental Health Service are not the regulatory authority with regard to assessment of other health and safety risks (e.g. explosion), no evidence exists that the proposed development would result in insurmountable health and safety impacts (e.g. related to sleep deprivation of nearby residents). The matter of public safety / explosion risk and noise impact relating to the proposed development are addressed above.

Whilst some representations question the effectiveness of noise attenuation in relation to previous consented development at the site, that is not a material consideration in relation to assessment of

the current planning application. It is noted that separate (non-planning) legislation exists in relation to investigation and control of alleged noise nuisance.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The development accords with the intent of NPF4 Policy 1 (Tackling the Climate and Nature Crises), Policy 2 (Climate Mitigation and Adaptation), Policy 11 (Energy) and Policy 13 (Sustainable Transport) within National Planning Framework 4 (NPF4) and Policy R7 (Renewable and Low Carbon Energy Developments) and Policy T2 (Sustainable Transport) within the Aberdeen Local Development Plan 2023 (ALDP) because it would enable the expansion of hydrogen fuel technology and displacement of carbon emissions / pollution associated with traditional vehicle fuels. A condition addressing noise mitigation is recommended to ensure compliance with the expectations of NPF4 Policy 23 (Health and Safety) part e), ALDP Policy H2 (Mixed Use Areas), Policy WB3 (Noise) and related guidance. There would be no conflict with NPF4 Policy 7 (Historic Assets and Places) and Policy 14 (Design, Quality and Place) and ALDP Policy D1 (Quality Placemaking), Policy D6 (Historic Environment) and T3 (Parking). Any conflict with NPF4 Policy 3 (Biodiversity) and ALDP Policy NE3 (Our Natural Heritage) does not warrant refusal.

CONDITIONS

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

(02) ACOUSTIC ATTENUATION

The Hydrogen Refuelling Station (HRS) hereby approved shall not be used unless the following noise mitigation measures, as identified in the approved Noise Impact Assessment (NIA) dated 28/08/24, as undertaken by RMP Acousics (ref. L-10000-CM2-RGM), have been implemented:

- The HRS is located as detailed on Proposed Site Plan (Drawing No. 3186-OBE-ZZ-00-D-A-010103 P04), with sound levels not exceeding those detailed in Table 2 of the NIA report.
- A 3 metre high 'Noistop' noise-absorbing fence (lined with Sealed Air Whisper absorptive material), or suitable equivalent alternative fence of specification to be agreed in writing by the Planning Authority, is installed adjacent to the south elevation of the Hydrogen Refuelling Station (HRS) as detailed in 'Proposed Site Section' plan (Drawing No. 3186-OBE-ZZ-ZZ-D-A-010301 P05), 'Proposed South Elevation' plan (Drawing No. 3186-OBE-ZZ-ZZ-D-A-010201-P01) and Figure 3 of the NIA report. The acoustic barrier must prevent line-of-sight between noise generating element (fan or louvres) and noise sensitive receptors.

Reason – in order to protect the amenity of nearby residential premises due to noise emission from the proposed plant