

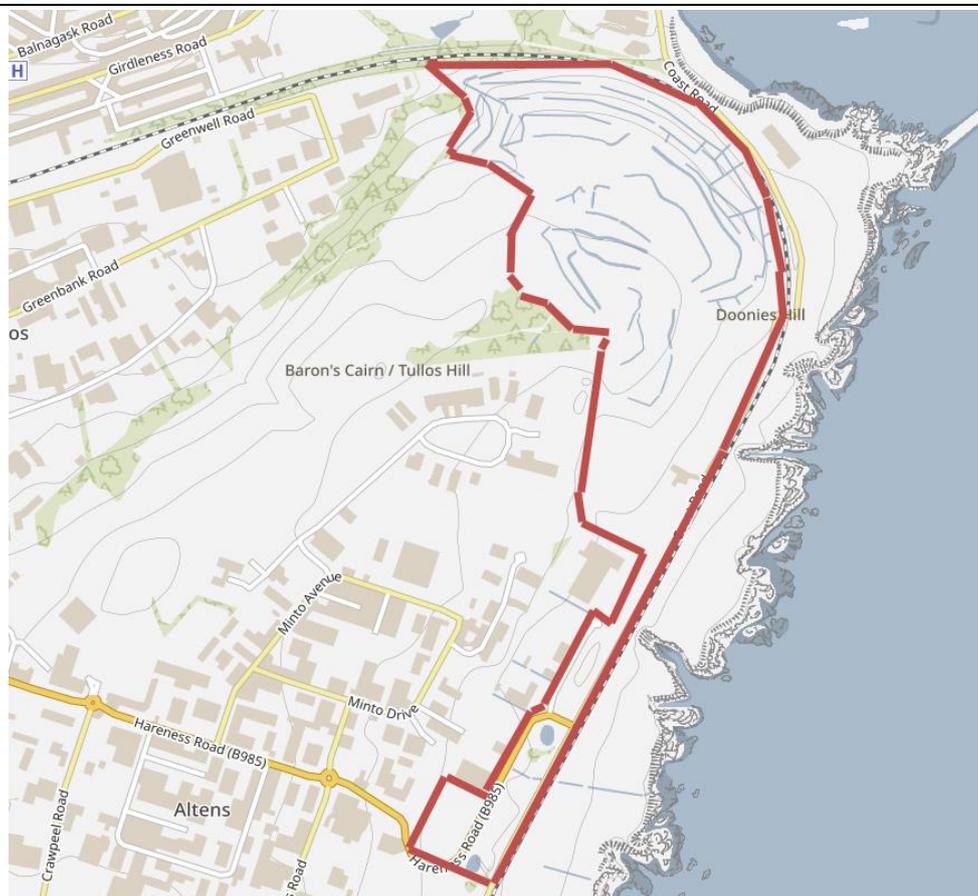


## Pre-Application Forum

Report by Development Management Manager

**Meeting Date: 9<sup>th</sup> February 2023**

Site Address:	Hareness Road/ Ness Landfill Site To The West Of The Coast Road, Aberdeen, ,
Application Description:	Construction of Hydrogen Production and Re-fuelling facility, Solar Farm and connecting cable route
Notice Ref:	221408/PAN
Notice Type	Proposal of Application Notice
Notice Date:	23 November 2022
Applicant:	Aberdeen Hydrogen Energy Ltd
Ward:	Kincorth/Nigg/Cove
Community Council:	Cove And Altens
Case Officer:	Lucy Greene



## **RECOMMENDATION**

It is recommended that the Forum –

- a) note the key issues identified;
- b) if necessary seek clarification on any particular matters; and
- c) identify relevant issues which they would like the applicants to consider and address in any future application.

## **APPLICATION BACKGROUND**

### **Site Description**

A large site covering 69 Ha has been identified, including Ness former landfill site, a corridor along Coast Road and site on Hareness Road.

The applicant's agent states that a smaller area would be required for the development, with a wider area being initially drawn for consultation purposes in order to allow in flexibility for the final design. The landfill site is a gently sloping hillside to the west of, and bounded by, the railway and Coast Road, which run roughly parallel to the sea. The landfill site is grassed and there are vents, manholes, ditches and swales dotted across the site. To the east is coastal land with the South Harbour to the north east and Nigg Wastewater Treatment Works to the immediate north. The Site of Special Scientific Interest (SSSI) at Nigg Bay lies on the opposite side of Coast Road to the north east. To the west is Tullos Hill, an area of heathland designated as a Local Nature Conservation Area, with Tullos industrial estate to the north east of that.

The site extends south and includes a linear area of land between Coast Road / the railway and the edge of industrial sites on Hareness Place and Road. At the south extremity of the red lined area is a vacant site within the industrial area, on the corner of Hareness Road.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

The proposal is for a solar farm generating 8MW on the former Ness landfill site, with hydrogen production and fuelling facility on the industrial zoned site on the corner of Hareness Road at the southern extremity of the red lined area. Between the two would be laid a connecting cable to carry electricity from the solar farm to the hydrogen plant.

The solar farm would include: photovoltaic panels, electrical transformers, DC to AC inverters, switchgear, metering system and small sub-station with connection point to a solar grid connection. Early conceptual work indicates the solar panels as being located around the upper areas of the hill side, as these are flatter, with the gradient of the sides being less suitable.

The solar farm would provide energy for hydrogen production, with any excess being provided to the grid.

The hydrogen facility would include: three (3no.) vehicle hydrogen dispensers, one or more electrolyser – which splits water molecules (H<sub>2</sub>O) into hydrogen (H<sub>2</sub>) and oxygen (O<sub>2</sub>), compressor(s), low pressure storage, station module with fuelling storage and local electrical substation.

The hydrogen facility would also be connected to the grid for back up.

It is indicated that the cable would be below ground and would carry 33Kv. The precise route for the cable is not yet established, however, it is indicated that it would be within the soft road verge where carried along Coast Road.

## **Pre-Application Consultation**

The Pre-application notice for this application was submitted on 23<sup>rd</sup> November 2022 and was agreed on 14 December 2022. The first public consultation event took place on 10<sup>th</sup> December 2022 at St Fittick's Church. The event consisted of presentation boards with members of the applicant's project team available to answer questions. Feedback forms were available for feedback to be either left at the event or sent later, including by email.

A second event was held at St Fittick's Church on 28<sup>th</sup> January 2023. Feedback forms may be completed on the website below, until 11<sup>th</sup> February.

The consultation material is available on the applicant's website:

<https://www.bpaberdeenhydrogenhub.com/publicconsultation/>

## **Relevant Planning History**

221466/PREAPP – A pre-application enquiry for the same development proposal.

221532/ESC – An EIA screening application for the same development proposal.

## **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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

### **National Planning Policy and Guidance**

#### **National Planning Framework 4**

National Planning Framework 4 (NPF4) was given final Parliamentary approval on 11th January 2023 and is anticipated to be adopted in February 2023. The weight to be given to NPF4 prior to its adoption is a matter for the decision maker. Although NPF4 has not yet been formally adopted it has now been approved by Parliament and is, therefore, now considered to be a significant material consideration in the assessment of planning applications. The relevant provisions of NPF4 that require consideration in terms of this application are -

Historic Assets and Places

Design, quality and place

Local living and 20 minute neighbourhoods

Health and safety

Community Wealth Building

### **Development Plan**

#### **Aberdeen City and Shire Strategic Development Plan (2020)**

This plan will fall following adoption of NPF4 this month.

### Aberdeen Local Development Plan (2017)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within five years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this five-year period. Therefore, where relevant, weight should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: "Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

The following policies are relevant –

- NE1 – Green Space Network
- NE2 – Green Belt
- B1 – Business and Industry
- D1 – Quality Placemaking by Design
- D2 – Landscape
- D4 – Historic Environment
- I1 – Infrastructure Delivery and Planning Obligations
- T2 – Managing the Transport Impact of Development
- T3 – Sustainable and Active Travel
- T5 – Noise
- NE6 – Flooding, Drainage and Water Quality
- NE8 – Natural Heritage
- NE9 – Access and Informal Recreation
- R2 – Degraded and Contaminated Land
- R8 – Renewable and Low Carbon Energy Developments

Opportunity Sites

- OP64 – Nigg Solar Farm
- OP62 – Nigg Bay – Aberdeen Harbour
- OP54 – Altens East and Doonies

### **Proposed Aberdeen Local Development Plan (2020)**

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. All the recommendations within the Report have been accepted and the modifications made to the PALDP were agreed by Full Council on 14 December 2022. The PALDP constitutes the Council's settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on the relevance of these matters to the application under consideration.

The following policies are relevant –

- NE1 – Greenbelt
- NE2 – Green Space Network
- B5 – Energy Transition Zone
- B1 – Business and Industry
- WB1 – Healthy Developments

WB3 – Noise  
NE2 – Green and Blue Infrastructure  
NE3 – Our Natural Heritage  
NE4 - Our Water Environment  
D1 – Quality Placemaking  
D2 - Amenity  
D4 – Landscape  
D5 – Landscape Design  
D6 – Historic Environment  
R2 – Degraded and Contaminated Land  
R5 – Waste Management  
R6 – Low and Zero Carbon Buildings, and Water Efficiency  
R7 – Renewable and Low Carbon Developments  
I1 – Infrastructure Delivery and Planning Obligations  
T2 – Sustainable Transport

Opportunity Sites

OP64  
OP61  
OP62

### **Other Material Considerations**

Chief Planner Letter: NPF4 – Stakeholder update, January 2023

This letter confirms that NPF4 is a significant material consideration in the determination of planning applications.

### **Policy Considerations**

#### **Renewable and Low Carbon Developments**

Renewable and low carbon energy schemes will be encouraged and supported in principle, where the technology can operate efficiently, and the environmental and cumulative impacts can be satisfactorily addressed.

Proposals will not:

1. cause significant harm to the local environment, including landscape character and the character and appearance of listed buildings and conservation areas; or
2. negatively impact on air quality; or
3. negatively impact on tourism; or
4. have a significant adverse impact on the amenity of dwelling houses.

Solar energy developments will need to meet the following specific requirements ensuring that:

1. Development does not result in significant negative cumulative visual impact, and consideration has been given to glint and glare issues and it has been demonstrated that any significant impacts will have a duration of less than five minutes in any one day, and
2. Associated infrastructure does not result in a negative cumulative effect on landscape and natural heritage, and
3. Low impact vegetation management can be achieved (grazing).

The production of hydrogen on an installation on land requires to be permitted by SEPA under the Pollution Prevention and Control (Scotland) Regulations 2012 [PPC]. This means that emissions to air, water (including discharges to sewer) and land, plus a range of other environmental effects, must be considered together.

### **Natural Heritage**

The site is not designated. However, a thorough assessment of all natural heritage assets would be required to be submitted with an application. This would include proposals to mitigate any adverse effects and consideration of the contribution of the site to the surrounding habitat network and proposals to prevent fragmentation, and create and restore links.

Biodiversity net gain would be required.

A Construction Environmental Management Plan (CEMP) would be required as part of an application.

### **Transportation**

A Transport Statement will be required to accompany the application. The landfill site is not currently available to the public for access. Wherever possible, developments should include new or improved public access, permeability and / or links to green space and open space for recreation and active travel.

### **Landscape and Design**

A landscape visual impact assessment and a landscape strategy would be required to be submitted.

### **Historic Environment**

There are three cairns which are Scheduled Ancient Monuments, to the south, west and south west of the site.

### **Healthy Developments**

Major developments must submit a Health Impact Assessment to enhance health benefits and mitigate any identified impacts on the wider determinants of health.

### **Noise**

Details of operational noise sources may indicate the need for a noise impact assessment.

### **Contaminated Land**

The Ness Landfill Site still has a Water Management License and is regulated by the Scottish Environment Protection Agency (SEPA). SEPA would be consulted on any application.

### **Drainage and Flooding**

Drainage Impact Assessment would be required. The site is not identified on the SEPA flood maps.

### **Low and Zero Carbon Buildings, and Water Efficiency**

If buildings are heated or cooled, other than for frost protection, and more than 50m<sup>2</sup>, they will require to submit details of carbon emission reductions.

In terms of water efficiency, water saving technology is required. To extract water for hydrogen production, SEPA is the licencing authority.

### **Energy Transition Zone (ETZ)**

Areas of the site fall within the area allocated as the ETZ, although the final design will identify the extent of this. The ETZ will be subject support renewable energy transition related industries and be subject to a Masterplan.

### **Opportunity Sites**

The Ness Landfill is identified as OP64: It is identified for a Solar Farm. This development proposal will be subject to a Habitats Regulations Appraisal (HRA) in order to consider potential effects on the qualifying interests of the River Dee SAC. As part of this process an adequate Construction Environmental Management Plan (CEMP) may be required although it is possible that this may be addressed subject to planning conditions. Ecological surveys to assess the presence of and effects on protected habitats and species will be required.

The site also includes areas of OP61 and OP62, which are Doonies and Bay of Nigg.

### **NECESSARY INFORMATION TO SUPPORT ANY FUTURE APPLICATION**

As part of any application, the following information would need to accompany the formal submission

- 
- Landscape and Visual Impact Assessment, including of glint and glare
- Landscape Framework
- Ecology Assessment
- Transportation Statement
- Design & Access Statement
- Noise Impact Assessment
- Drainage Impact Assessment
- Pre-Application Consultation Report

### **RECOMMENDATION**

It is recommended that the Forum –

- a) note the key issues identified;
- b) if necessary seek clarification on any particular matters; and
- c) identify relevant issues which they would like the applicants to consider and address in any future application.







## **National Planning Policy and Guidance**

### National Planning Framework 4

National Planning Framework 4 (NPF4) was given final Parliamentary approval on 11th January 2023 and is anticipated to be adopted in February 2023. The weight to be given to NPF4 prior to its adoption is a matter for the decision maker. Although NPF4 has not yet been formally adopted it has now been approved by Parliament and is, therefore, now considered to be a significant material consideration in the assessment of planning applications. The relevant provisions of NPF4 that require consideration in terms of this application are – *(or state otherwise)*

## **Development Plan**

### Aberdeen City and Shire Strategic Development Plan (2020)

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified. *(or state otherwise)*

### Aberdeen Local Development Plan (2017)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within five years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this five-year period. Therefore, where relevant, weight should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: "Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

The following policies are relevant –

### **Supplementary Guidance and Technical Advice Notes**

- 

### **Proposed Aberdeen Local Development Plan (2020)**

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. All the recommendations within the Report have been accepted and the modifications made to the PALDP were agreed by Full Council on 14 December 2022. The PALDP constitutes the Council's settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on the relevance of these matters to the application under consideration.

The following policies are relevant –

### **Other Material Considerations**

## **EVALUATION**

### **Principle of Development**

### **Proposed Aberdeen Local Development Plan**

The Report of Examination does not affect policies in a manner that is relevant to this application. The relevant PALDP policies substantively reiterate those in the adopted ALDP and therefore the proposal is acceptable in terms of both plans for the reasons previously given. *(or state otherwise)*

**Heads of Terms of any Legal Agreement**

**Time Limit Direction**

**RECOMMENDATION**

Further Consultation Required

**REASON FOR RECOMMENDATION**

**CONDITIONS**

**ADVISORY NOTES FOR APPLICANT**