Agenda Item	5.6
Report	PLN
No	007/18

#### THE HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee

Date: 23 January 2018

**Report Title:** 17/05176/FUL: Global Energy Nigg Ltd

Nigg Fabrication Yard, Nigg, Tain

**Report By:** Area Planning Manager – North

**Purpose/Executive Summary** 

Description: Extension to Assembly Shop 7 to provide new blast & paint facility,

erection of compressor building & use of land for the storage of raw materials & fabricated products in connection with manufacturing for the

offshore renewables sector.

Ward: 07 – Tain and Easter Ross

**Development category:** Major Development

Reason referred to Committee: Major Development

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

### Recommendation

Members are asked to agree the recommendation to Grant as set out in section 11 of the report.

### 1. PROPOSED DEVELOPMENT

- 1.1 The application is located within Nigg Energy Park which is an existing large scale industrial complex located on reclaimed land to the east of Nigg Bay in the Cromarty Firth. The site already comprises extensive fabrication, assembly and warehouse buildings, storage areas and graving dock.
  - The application seeks permission for the extension of these facilities in order to provide additional accommodation and facilities to allow the Energy Park to diversify it's facilities inline with emerging renewable energy infrastructure including off-shore wind and tidal devices.
- 1.2 The extension will house a new blast and paint facility which will measure 179m x 64m (11,456m²) and a height of 26.5m to the ridge. The facility will allow for steel plates to be fabricated for off-shore wind turbine components which currently include towers measuring up to 8 10 metres in diameter and 60 80 metres in length. The scale of the building will allow for much larger components to be fabricated in future of up to 12m in diameter and 100m in length. The building is of a scale to accommodate this.
- 1.3 Due to the harsh environments which turbines have to operate in, the turbines have to be coated to withstand corrosion. There are three stages under which this is undertaken which includes shot-blasting, metalisation and painting, each being undertaken by the component moving through each stage within the building. The development is expected to create approx. 300 jobs within the local area through its initial operation, this could increase in future dependant on demand. Construction jobs will also be created while the facility is being built, as such the investment should also be a significant boost to the local economy.
- 1.4 There have been extensive Pre Application discussions with the Planning Authority. A Proposal of Application Notice was also submitted in respect of the development.
- 1.5 As outlined above the Energy Park is existing and has grown and diversified since 1972. There are a number of industrial and warehousing buildings on site and there is existing drainage and road infrastructure on site.
- 1.6 Supporting Information:
  - Noise Impact Assessment
  - Public Consultation Statement
  - Planning and Design Statement
  - Photo Visualisations
- 1.7 **Variations**: No Variations

# 2. SITE DESCRIPTION

2.1 The proposal seeks to extend an existing workshop facility and provide storage areas, within the Nigg Energy Park. The site is a large scale industrial complex covering approximately 70 hectares of flat reclaimed land to the east of Nigg Bay. It comprises extensive fabrication/assembly/warehouse buildings, a graving dock and quayside loading area for oil rigs and other vessels. Around the buildings and graving dock, there are large areas of hardstanding for storage.

### 3. PLANNING HISTORY

3.1 There have been a large number of applications at the facility over a number of years which includes hazardous substances consents. Relevant to the consideration of this application are the following approvals:

**13/01825/FUL** - Extension to south quayside, new berthing facilities to accommodate vessels of dead weight of up to 10,000 tonnes, including new areas of hard standing & temporary lay down areas, together with tower lighting facilities, extension will be dredged to depths of approximately -10m to -16m below Chart Datum (CD) – Approved 14.08.2013

**17/03409/FUL** - Siting of demountable buildings to provide canteen in a single storey and office block over 2 storeys – Approved 13.09.2017

**17/03411/FUL** - Extension to Assembly Shop 4 to join Fabrication Shop 7, erection of new buildings to provide outfitting warehouse and paint store and alterations to Shop 7 to provide new door and to existing warehouse north of Shop 7 - Approved 06.11.2017

**17/03477/PAN -** Erect extension to shop 7 to provide new blast and paint workshop and use land for the storage of raw materials and fabricated products for the off-shore renewables sector – Case closed 07.11.2017

#### 4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour and Schedule 3 Development

Representation deadline: 01.12.2017

Timeous representations: 0
Late representations: 0

### 5. CONSULTATIONS

- 5.1 **Contaminated Land**: The site has historic and current use as a Fabrication Yard which may have resulted in land contamination. The development would not appear to materially change the risk of potential contamination; an informative is recommended and will be attached to any permission.
- 5.2 **Environmental Health**: Confirm no objections.
- 5.3 **Historic Environment Team**: Confirm no sensitive historic environment issues.
- 5.3 **Transport Planning**: Initially sought clarity on the relationship between this application and the extension of quayside in order to clarify whether transportation impacts had been addressed at this point.

The developer subsequently submitted supporting information relating to traffic/transport impact. This clarified that much of the traffic generated would be via sea and that other traffic generated in terms of people (staff and contractors) were well within the capacity of the existing network which accommodated 3000 people at its peak. It was noted that construction vehicles in respect of this development would be far less than that which has been recently generated on site.

Based on the information submitted, Transport Planning commented that the transport impact would appear to be insignificant and that no further mitigation should be required.

- 5.4 **Health and Safety Executive**: Do not advise against the granting of planning permission.
- SEPA: Confirm no objection however advise that further information should be requested regarding proposed solvent consumption and metal spray activity proposals. SEPA also commented with regard to other development on site in recent applications that it had been demonstrated that current levels on site are just above the estimated 1 in 200 year flood event of 3.62m AOD and raised no objection with regard to flood risk.

Further comments received on 19.12.2017 outlined that the process would require a Pollution Prevention and Control permit. It was confirmed that SEPA were content that suitable air emissions abatement technology could be accommodated on site and there was therefore no objection. It was noted that the height of the stack to accommodate this would be of most likely interest to the Planning Authority as this may change once the detail on air emissions is available.

The developer has been advised that if any changes to the approved design of the building are required during the regulatory stage with SEPA then a further planning application may be required in future to accommodate this. It is considered that this is at the developers commercial risk if any significant change in design is required. The developer confirmed that they were content with the application to progress at this stage. There are no further outstanding objections or recommended conditions in this respect.

Nigg and Shandwick Community Council: Strongly support the application as well as other related applications for the construction of a renewable manufacturing facility at Global Energy Park, it would provide substantial employment and be of a considerable benefit to Easter Ross including accommodation providers, trades involvement and the local economy generally. It is noted that the construction phase will likely produce the most noise, the Community Council could monitor the issue with Global Energy Park management when work commences.

## 6. DEVELOPMENT PLAN POLICY

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The following policies are relevant to the assessment of the application

### 6.1 Highland Wide Local Development Plan 2012

23	Nigg
28	Sustainable Design
30	Physical Constraints
41	Business and Industrial Land
42	Previously Used Land
56	Travel
57	Natural, Built & Cultural Heritage
61	Landscape

Nliaa

## 6.2 Inner Moray Firth Local Development Plan (2015):

Located within site N1 – Nigg Yard allocated as Industry.

#### 7. OTHER MATERIAL CONSIDERATIONS

# 7.1 Highland Council Supplementary Planning Policy Guidance

Sustainable Design Guide (2013)

Nigg Development Masterplan

## 7.2 Scottish Government Planning Policy and Guidance

National Planning Framework 3 (2014) – Identified as Low Carbon/Renewables North Enterprise Area.

Scottish Planning Policy (2014)

### 7.3 **Other**

Roads and Transport Guidelines for New Development

### 8. PLANNING APPRAISAL

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

### 8.3 Development Plan Policy Assessment

The application seeks consent for a number of works within Nigg Yard as listed above, the works are required in connection with the manufacture of products for the offshore renewables market. There has been a recent approval on site for the extension of the existing fabrication shed and erection of new warehouse and paint store.

There is broad policy support for the ongoing operations at Nigg including within the most recent National Planning Framework 3. The Council recognises the important role Nigg plays as a major employer in the area and acknowledges the challenges brought about by the downturn in the oil industry and the need to ensure Nigg is well placed for other opportunities such as within the renewables sector.

The site is specifically allocated for industrial development in the adopted Inner Moray Firth Local Development Plan with the Nigg Masterplan specifically acknowledging that the yard is well placed to capitalise on opportunities concerning renewable energy i.e. turbine manufacturing. As such the policy context is favourable towards the proposed development subject to a consideration of material considerations.

8.5 Policy 28 – Sustainable Design lists a number of criteria against which all developments are assessed. Of relevance to this proposal would be the impact on residential and community amenity and demonstration of sensitive siting and a high quality design which is in keeping with local character and environments.

## 8.6 Siting and Design

The site is located to the western side of the Energy Park within the Fabrication Yard. The largest component of the proposal is the extension of the existing assembly shop 7 in order to provide a new blast and paint facility. The area surrounding this to the west, extending toward the oil facility to the north and toward the B9175 public road to the east is to be utilised for external storage areas. As noted above permission was granted to extend workshop 4 adjoining it to workshop 7. This comprises a further extension to create a larger building, the new blast and paint facility will measure 179m x 64m (11,456m²) with the height to the eaves matching that of the existing building, and an overall height to the ridge of 26.5m, this is slightly higher than that of the existing building, owing to the fact that the gables are wider, the recently approved extension measures 32.4m in height, as such this will not be as visually prominent in terms of the height and is not the tallest structure with approval within the yard. External finishing materials for the building are composite steel cladding, to be grey in colour which is consistent with other buildings and Nigg and will allow visual coherence across the wider yard.

# 8.7 **Visual Impact**

The proposed extension is a substantial large scale building in terms of its scale, and when considered alongside the recent approval of extending Shop 4; however these will be seen in the context of the existing substantial large scale buildings currently located within the yard. Photomontages submitted with the application show the development from a number of locations; on the whole, these demonstrate that the most significant impacts are limited to short range views. Even from short range views given the presence of the existing buildings the visual impact of the proposal will be assimilated into the current yard. The proposed extension will be seen in longer distance views, however when viewed in the context of existing development and buildings on site the visual impact is unlikely to be significantly adverse.

## 8.8 Noise

There is potential for noise impacts to arise both during the construction and operational phase of the proposed development. The nearest receptors lie to the east and south east at Nigg Ferry, Balnabruiach, Balnapaling and Dunskeath House. The Supporting Statement notes that the proposed development will not introduce new activities to the yard and the proposed new infrastructure will essentially enhance the existing capabilities for fabrication, painting and blasting with a specific focus to renewables opportunities.

A noise assessment has been produced and submitted with the application, this was subject to discussion with Environmental Health as part of the recent approval to extend Assembly Shop 4. The methodology of the assessment was discussed including identification of noise sensitive properties. The assessment concludes that there would be no significant effects; mitigation measures are set out at Section 4.5 of the noise assessment and it is recommended a condition is added to any permission to ensure the

works are undertaken in accordance with the specified measures. Environmental Health confirmed no objections relating to the application.

#### 8.9 **Odour**

The internal processes with regard to the paint blasting will create odour emissions which will have to be dealt with appropriately, this will likely require flues to be installed to the building which have not been denoted on the elevational drawings. This is because it is currently unclear as to what the potential odour emissions may be as the details of the actual process are still being finalised. It was confirmed that SEPA were content that suitable air emissions abatement technology could be accommodated on site and there was therefore no objection. It is noted that a stack will be required, and the developer is aware that a further application for an amended design, or siting of stack may be required in future if the change is significant, as such this should not preclude determination of the planning application.

## 8.10 Access and Parking

Transport Planning sought further clarity on the traffic generated from the development as outlined in the consultation response above, the developer confirmed that the traffic generated would not be substantial over what has been previously permitted through projects on site. Similarly, historically the parking on site accommodated up to 3000 workers, as such there is ample parking available. The Transport Planning team confirmed that no mitigation measures were required for transportation and no objections were raised.

# 8.11 **Drainage**

There are existing measures in place for the management of surface water and foul drainage.

### Other Considerations - not material

No other considerations.

## **Matters to be secured by Section 75 Agreement**

Non Applicable.

### 9. CONCLUSION

This proposal represents a significant and welcome investment in the continued expansion and provision of additional facilities at the Nigg yard. The proposal represents

- 9.1 a major economic boost initially through the construction of the buildings but more importantly thereafter with the assembly and fabrication work at the yard through this investment.
- 9.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

### 10. IMPLICATIONS

- 10.1 Resource Not applicable
- 10.2 Legal –Not applicable
- 10.3 Community (Equality, Poverty and Rural) –Not applicable
- 10.4 Climate Change/Carbon Clever –Not applicable
- 10.5 Risk Not applicable
- 10.6 Gaelic Not applicable

### 11. RECOMMENDATION

# Action required before decision issued N

**Subject to the above,** it is recommended the application be **Approved** subject to the following conditions and reasons:

1. The development hereby approved is for the extension to the existing assembly shop 7 to provide a blast and paint facility, erection of compressor building and the use of land for storage of raw materials and fabricated products.

**Reason**: For the avoidance of doubt as the site comprises part of a wider masterplan at Nigg Yard.

2. The construction phase of the development hereby approved shall be undertaken in accordance with mitigation measures outlined in the approved 'Nigg Energy Park Noise Impact Assessment' dated 9th October 2017 docquetted hereto.

**Reason**: In order to safeguard the amenity of neighbouring properties and occupants.

3. The external walls of the development shall be finished in a composite steel cladding which is grey in colour.

**Reason**: To remain in keeping with the existing buildings on site in the interest of visual amenity.

### **REASON FOR DECISION**

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

#### TIME LIMITS

# **FOOTNOTE TO APPLICANT**

### **Initiation and Completion Notices**

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all

developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

- 1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
- 2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

# **Accordance with Approved Plans and Conditions**

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

# **SEPA Regulatory Advice**

Sector Guidance SG6 contains the emissions standards for Part A solvent activities - <a href="https://www.sepa.org.uklmedia/91036/ippcsg611guidanceforsurfacetreatmentusingsolvents.pdf">www.sepa.org.uklmedia/91036/ippcsg611guidanceforsurfacetreatmentusingsolvents.pdf</a>
The requirements for the Part B thermal spraying of metal activity can be found at: <a href="https://www.gov.uk/government/uploads/system/uploads/attachmentdata/file/582717/metal-powder-and-other-thermal-spraying-processes-process-guidance-note-6-35-13.pdf">www.gov.uk/government/uploads/system/uploads/attachmentdata/file/582717/metal-powder-and-other-thermal-spraying-processes-process-guidance-note-6-35-13.pdf</a>
You should refer to the email from Lucy Gregson on 19 December 2017 for further more detailed advice.

Please be advised that the possible installation of flues or stacks to ensure compliance with odour emissions linked to PPC requirements for SEPA may have planning implications and require the submission of a further planning application(s). The applicant is advised to contact the Planning Authority to establish whether any such works would require planning permission.

#### Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

### **Scottish Water**

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

## **Septic Tanks and Soakaways**

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

## **Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <a href="http://www.highland.gov.uk/yourenvironment/roadsandtransport">http://www.highland.gov.uk/yourenvironment/roadsandtransport</a>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads\_and\_pavements/101/permits\_or\_working\_on\_public\_roads/2

## Mud and Debris on Road

Please note that it an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

### **Contaminated Land**

There is the potential for contamination at this site due to its former and current use as a Fabrication Yard. As the proposed development would not appear to materially change the risk of potential contamination at the site an investigation is not required at this stage. However, be advised that all sites with a former industrial/commercial use have been prioritised by the Highland Council under duties conferred by Part IIA of the Environmental Protection Act 1990, and may require investigation in the future. In addition land contamination issues may affect property value. Should you wish to discuss potential contamination issues or commission your own investigation, please contact Community Services, Contaminated Land for advice.

Designation: Area Planning Manager - North

Author: Laura Stewart

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 – 118728 – 106 Proposed Elevations

Plan 2 – 118728 – 107 – Proposed Elevations

Plan 3 – 118728 – 108 – Proposed Elevations

Plan 4 – PL01 Rev B – Masterplan

Plan 5 – PL05 – Location Plan













