

Agenda Item	7.12
Report No	PLN/073/21

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 14 September 2021
Report Title: 21/02981/FUL: Global Energy Nigg Limited
Nigg Fabrication Yard, Nigg, Tain, IV19 1QY
Report By: Area Planning Manager - North

Purpose/Executive Summary

Description: Extension of buildings, construction of buildings for fabrication of offshore renewables structures

Ward: 7 – Tain and Easter Ross

Development category: Major

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** the application as set out in section 11 of the report

1. PROPOSED DEVELOPMENT

- 1.1 The application seeks consent for a series of works at Nigg Yard to facilitate Global's Energy ongoing move towards the fabrication of components for the renewable sector. The works comprise of the following elements:
- A large-scale extension to the existing 'Shop 4' building to accommodate growing lines and assembly with a footprint of 26,320m². This also involves the demolition of the existing 'Shop 7' building in order to create additional space;
 - Erection of assembly hall building on the north east elevation of the extension with a footprint of 4290m².
 - Erection of plate prep and rolling facility building on the south west elevation of the extension with a footprint of 9690m²
 - Installation of a two-storey welfare block with a footprint of 21m x 10m
 - Installation of a proposed plant store with a footprint of 950m²
 - Installation of a compressor store with a footprint 250m²
 - Installation of 4 small transformers each with a footprint of 5m x 8m.
 - A minor re-alignment to the existing access
 - Installation of an area of hardstanding to accommodate a 'gas farm'
- 1.2 Externally the new buildings which would be finished in grey composite steel cladding including the welfare building.
- 1.3 The proposals are essentially a re-working of three previous separate consents which were approved in 2017 and 2018 and would have comprised extensions to existing buildings however of a smaller scale and a welfare building (detailed in Section 3 – Planning History). In the intervening period the sector has moved on such that a single larger scale building is now required.
- 1.4 Informal pre-application advice was provided to the applicant regarding the information needed to support an application and to provide indicative timescales for determination.
- 1.5 The application is supported by a comprehensive Planning and Design Statement (which confirms details of public consultation) including photomontages and a Transport Assessment.
- 1.6 There have been no variations to the proposals since the application was lodged.

2. SITE DESCRIPTION

- 2.1 The site is located centrally within the existing Yard, adjacent to the graving dock. The Yard, which is known as the Nigg Energy Park, is a large scale industrial complex covering approximately 70 hectares of flat reclaimed land to the east of Nigg Bay at the mouth of the Cromarty Firth. It comprises extensive fabrication/assembly/warehouse buildings alongside the graving dock and quayside loading area for oil rigs and other vessels. A new quay ('East Quay') is also currently under construction having been consented at the North Planning Applications Committee of September 2019.

- 2.2 The Nigg fabrication yard was established in 1972. Nigg Oil Terminal was subsequently established to support the Beatrice oilfield development in the mid 1970's. The yard was operational from 1972 until 2001 providing fabrication services to the North Sea oil and gas industry. Following a period of instability, Global Energy purchased the facility and have been operational since. The applicant is continuing to create an internationally competitive industrial multi-user facility providing fabrication and support service to the energy sector as outlined within the Nigg Development Masterplan adopted by the Council in March 2013. Work was also undertaken in 2015 to upgrade and extend the south quay which enhanced Nigg's ability to attract work relating to a resurgence in the North Sea oil sector.
- 2.3 The Energy Park currently already manufactures off-shore and tidal devices however the proposed development is required to order to allow Global to produce larger scale off-shore wind components and be able to bid for new opportunities in renewables and fabrication. The supporting information outlines that there is currently no UK supplier or such products with the proposed development capable of processing 88,000 tonnes of steel a year. It will therefore be the UK's first next generation tower producer and one of only three in the world capable of producing these components.

3. PLANNING HISTORY

3.1	08.07.2021	21/03017/SCRE: Extension of buildings, construction of buildings for offshore renewables structures	EIA Required	Not
3.2	03.04.2018	18/01022/HSC: Continuation of a Hazardous Substances Consent for Nigg Oil Terminal.	Application Permitted	
3.3	25.01.2018	17/05176/FUL: 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	Application Permitted	
3.4	02.11.2017	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	Application Permitted	
3.5	12.09.2017	17/03409/FUL: Siting of demountable buildings to provide canteen in a single storey and office block over 2 storeys	Application Permitted	
3.6	20.07.2017	17/03185/SCRE: Erection of extensions to buildings (sheds 4 & 7) and erection of ancillary buildings	EIA Required	Not

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour/Schedule 3 Development

Date Advertised: 9th July 2021

Representation deadline: 23rd July 2021

Timeous representations: 0

Late representations: 0

5. CONSULTATIONS

5.1 **Nigg & Shandwick Community Council:** No response

5.2 **Cromarty Community Council:** No response

5.3 **THC Transport Planning:** No objections. In this regard it is recommended that conditions similar to the following, as attached to permission for the recent New East Quay works, ref. 19/02777/FUL, are attached to any new permission granted. The scope and detail of the CTMP shall be similar to that submitted and accepted in respect of the New East Quay works.

5.4 **THC Environmental Health:** No objection however a condition is requested for the submission of a Noise Assessment relating to operational noise to confirm there will be no increase in overall day time or night time rating noise levels arising from the site as a result of this development.

5.5 **THC Contaminated Land:** No objections. The Applicant has previously submitted a Draft Preliminary Geo-environmental and Geotechnical Investigation dated March 2017. This found no risk to human health (commercial workers), and an isolated risk to the surface water. However, asbestos was not screen for in the soils. Further site investigation work is to be carried out and any site investigation reports should be forwarded to the Contaminated Land Team. In addition the site comprises dredged/reclaimed soils and has been used for industrial purpose therefore land contamination may be present. An informative is recommended.

5.6 **Health and Safety Executive (HSE):** No objections – HSE does not advise against the granting of planning permission.

5.7 **Scottish Water:** No objections

5.8 **SEPA:** No objections; SEPA have no planning comments to provide however the developer should liaise directly regarding SEPA licences.

5.9 **NatureScot:** No objections. The proposal has been considered in terms of impact on the Cromarty Firth Special Protection Area and is likely to have a significant effect on common terns through potential for disturbance however NatureScot conclude

that this will not adversely affect the integrity of the site. An appropriate assessment is required given the site's status. The proposal has also been considered in terms of impact on the Moray Firth Special Area of Conservation however NatureScot advise it is unlikely to have a significant effect either directly or indirectly.

- 5.10 **Transport Scotland:** No objections (following receipt of Transport Assessment)
- 5.11 **Highlands and Islands Airport Ltd:** No objections; the development will not impact the safeguarding criteria for Inverness Airport.
- 5.12 **Ministry of Defence:** No objections; the site is outwith any MOD safeguarding areas.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

23 - Nigg
28 - Sustainable Design
29 - Design Quality and Place-making
30 - Physical Constraints
31 - Developer Contributions
41 - Business and Industrial Land
42 - Previously Used Land
49 - Coastal Development
56 - Travel
57 - Natural, Built and Cultural Heritage
58 - Protected Species
59 - Other important Species
61 - Landscape
63 - Water Environment
64 - Flood Risk
65 - Waste Water Treatment

6.2 Inner Moray Firth Local Development Plan 2015

The site is within the Ross-shire Growth Corridor and within allocation NG1 (Nigg). The Inner Moray Firth LPD is currently being reviewed with a Main Issues Report published in January 2021. This document is a material consideration in the determination of the application however does not form part of the development plan at this early stage. It continues to support development at the Energy Park.

6.3 Highland Council Supplementary Planning Policy Guidance

- Construction Environmental Management Process for Large Scale Projects (August 2010)
- Developer Contributions (March 2018)
- Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

1. Scottish Planning Policy June 2014 including subject policies on:

- Economic Development
- Flooding and Drainage
- Renewable Energy
- Landscape and Natural Heritage

2. National Planning Framework 3 NPF3 sets the context for development planning and provides a framework for the spatial development and a long term vision for development and investment across Scotland as a whole over the next 20 to 30 years. The Nigg Yard in particular is mentioned as:

- A diverse and distinctive opportunity to develop a successful sustainable place in the context of Inverness and the Inner Moray Firth City Region;
- A key port and industrial site well-placed to take advantage of investment in the energy sector, both renewables and oil and gas with 'its deep water is an asset of strategic importance'; and
- Part of the Low Carbon and Renewables North Enterprise Area where the development will go hand and hand with continuing protection of the very special environment of the Firths.

3. National Planning Framework 4 Position Statement

7.2 Other Policy Documents

- The Inner Moray Firth Ports and Sites Strategy June 2006
- The Nigg Development Masterplan September 2009

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.

Determining Issues

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.

Planning Considerations

8.3 The key considerations in this case are:

- a) the development plan and other planning policy
- b) siting and design
- c) visual impact
- d) amenity impacts (noise)

- e) roads impact
- f) natural heritage
- g) socio-economic impact
- h) Impact on infrastructure and services and proposed mitigation (developer contributions)
- i) any other material considerations

Development plan/other planning policy

- 8.4 The Development Plan in this instance comprises the Highland-wide Local Development Plan, the Inner Moray Firth Local Development Plan and Supplementary Guidance contained in the Nigg Development Masterplan.
- 8.5 The HwLDP sets out the vision and strategy for the Inner Moray Firth to support the growth of jobs and population within the Easter Ross area with specific policy advice directly related to Nigg and in the Development Masterplan contained in Policy 23. The IMFLDP identifies the Ross-shire Growth Area is a key part of the strategy of this plan in terms of providing 900 hectares of employment land, a strengthened role as an industrial heart of the Inner Moray Firth and providing an effective and available land supply to support the significant employment growth at key sites including Nigg. The Nigg Yard, oil terminal to the north and proximal lands to the east are allocated for industrial use.
- 8.6 The Nigg Development Masterplan was adopted by the Council in 2013 and outlines a vision and feasible options for the development of the site as a multi-user industrial facility to help unlock development potential at Nigg. It covers the Fabrication Yard, Oil Terminal to the north and proximal lands to the east. Most of the proposed site including the proposed laydown area lies within the Masterplan site boundary

Siting and Design including Visual Impact

- 8.7 The new buildings will form a large extension to the existing cluster of buildings particularly northwards however with a slightly lower height and a colour palette which ties in with the wider Energy Park. Materials across all new building will comprise grey composite steel cladding ensuring uniformity across the development. This approach is supported in design terms.
- 8.8 The existing buildings within the Yard complex are already of a large scale, ranging from 70 to 200 metres in length and 10 to 32 metres in height and, as noted within the supporting information, they have been features of the landscape around the Cromarty Firth for more than 40 years with visibility from communities and public roads around the north and south shores extending to Invergordon and Balblair/Newhall Point along with the exploration rigs anchored in the firth awaiting inspection and repair/re-commissioning.
- 8.9 Photomontages have been provided in support of the application from a number of viewpoints around the site, including from Invergordon and around the Cromarty Firth out to Newhall point. It is considered that these demonstrate the development will have little or no visual impact due its location in relation to existing buildings and in

particular with height less than that of the existing 'Shop 6' building. Whilst the development is undoubtedly of a large scale by virtue of its overall footprint, it is not considered that it would form an incongruous addition into this existing landscape and can therefore be considered acceptable in visual impact terms.

Amenity Impacts

- 8.10 In terms of construction noise, the application is accompanied by an assessment which demonstrates that predicted noise levels will meet Environmental Health recommended criteria and it is expected that the developer will employ the best practical means to always reduce the impact of noise from construction activities. Working hours are no longer controlled by planning condition and are regulated through the Control of Pollution Act. An informative has been added to remind the developer of their obligations under this legislation.
- 8.11 Additional information was sought with regard to operational noise; this outlines the construction process involved with the fabrication of off-shore structures which, due to the advanced nature of the technology including use of enclosed noise insulated booths, has much reduced noise levels to that of a traditional fabrication yard. As such, it is anticipated that there will be no noticeable increase in noise emissions from the site as a result of the proposed development.
- 8.12 Environmental Health have advised no objection on the basis of the above information however, given the information to date does not provide details of existing/proposed noise levels, this requires to be addressed via the submission of a noise impact assessment which should confirm no net increase in noise emissions from the Energy Park. This is secured by condition.

Roads Impact

- 8.13 The application proposes to continue to utilise the existing access into the Energy Park from the B9175 which is well established with good visibility. The Council's Transport Planning team have no objection to the proposed development however request a condition to require the submission of a Construction Traffic Management Plan (CTMP) prior to development commencing in order to ensure impact on the local road network is minimised as part of the construction phase. It should also be noted there is an established Community Liaison Group which includes representatives from Community Councils and this provides a mechanism for ensuring residents are kept informed of likely construction traffic movements and timings.
- 8.14 A Transport Assessment has been submitted following the initial consultation response from Transport Scotland which outlined transport issues relating to the proposed development with focus on the A9 trunk road including the Nigg Roundabout and A9 Tomich Junction.
- 8.15 The traffic impact analysis has assessed the impact of development trips during the established AM and PM network peak hours (08:00-09:00 & 16:45-17:45). Both junctions are shown to operate well within capacity with minimal queues and delays when taking into account projected base traffic flows to 2025 and the additional traffic from the proposed development.

- 8.16 Transport Scotland have advised it agrees with the findings of the assessment and therefore does not object to the development in relation to its impact on the trunk road network.

Natural Heritage

- 8.17 There are no natural heritage designations covering the site itself however it lies near designations which cover the Firth; impacts on these are considered below:

Cromarty Firth Special Protection Area

- 8.18 The proposal lies adjacent to this SPA which is protected for its populations of breeding common terns and osprey, and non-breeding waders, wildfowl and divers. NatureScot advise that the proposal is likely to have a significant effect on the common terns of this designation through potential for disturbance and other SPA through, if unmitigated, the potential for release of pollutants to the marine environment. However it concludes that the proposal will not affect the integrity of the site. Due to the site's status however, the Highland Council is required to carry out an Appropriate Assessment and this is appended to this report. In particular, mitigation measures are detailed which are secured by condition.

Moray Firth Special Area of Conservation

- 8.19 The proposal is also close to this SAC which is protected for its bottlenose dolphins and subtidal sandbanks. NatureScot outlines that it is unlikely that the proposal will have a significant effect on any qualifying interests of this SAC either directly or indirectly. This is due to the nature of the development and distance from the SAC habitats. In addition further information provided by the applicant confirmed that no vibro or impact piling is required as part of this project.

Socio-Economic Considerations

- 8.20 The supporting information notes that the development will directly employ over 360 people which would make a useful contribution to the Easter Ross area as well as associated spin off benefits. The Energy Park has traditionally been a major employer for the Easter Ross and it is considered that the development will play a role in securing its long terms future by expanding further into the off-shore renewables sector.

Matters to be secured by Legal Agreement / Upfront Payment

- 8.21 In order to mitigate the impact of the development on infrastructure and services the following matters require to be secured prior to planning permission being issued:
- a) None

9. CONCLUSION

- 9.1 The application seeks consent for further expansion at the Nigg Energy Park to enable the applicant to take on more work relating to the off-shore renewables industry with the nature of this sector requiring large scale buildings in order to accommodate the extent of component parts. The proposal raises no concern in

terms of siting and design with sufficient information provided to demonstrate there will be no adverse visual impact through the addition of the development into this existing industrial landscape.

- 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
Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N
Revocation of previous permission	N

Subject to the above actions, it is recommended to **GRANT** the application subject to the following conditions and reasons

1. No development shall commence until a construction phase Traffic Management Plan (CTMP) has been submitted to, and approved by, the Planning Authority in consultation with the relevant Roads Authority(s). The CTMP, which shall be implemented as approved, must include:
 - o Identification of quarries and haul routes of materials to be used as far as the site access, the types of HGV and the numbers of movements proposed together with a programme of the proposed movements.
 - o Proposed measures to mitigate the impact of general construction traffic and abnormal loads on the local road network following detailed assessment of the relevant roads.

- o A pre commencement and monthly interim and a post construction (within one month of completion) joint condition surveys (or a revised interim period as agreed in writing) of the agreed construction traffic routes.
- o Details of any traffic management measures including temporary signage required for the duration of the construction period.
- o Identification of a named point of contact for the Council to deal with the Traffic Management Plan;
- o Proposals for keeping the Community Council informed and dealing with queries and complaints regarding construction traffic related to the development (which should refer to the Liaison Group required by condition 5 below)
- o Provision of a vacuum road sweeper (if considered necessary by the Roads Authority to keep the public road free of debris).

Reason: In order to ensure the safety and free flow of traffic on the public road.

2. No development shall commence until a plan for the establishment of (or continuation of an existing) Community Liaison Group (CLG) has been submitted to and approved in writing by the Planning Authority. The purpose of the CLG shall be to discuss the progress of the construction of the development and in its initial years of operation. The CLG shall thereafter sustain an open invitation to representatives of Nigg and Cromarty Community Councils as well as residents within 1km of the site. The approved plan shall be implemented as agreed, including a general timetable to ensure meetings are held in advance of critical periods of construction (particularly those that may result in increased noise levels or are to take place on evenings/weekends) or on a reasonable regular basis to facilitate purposeful community engagement.

Reason: To provide for effective community consultation on the development and operation of the development in its early years.

3. Prior to the commencement of the development the applicant shall submit a noise impact assessment for the written approval of the Planning Authority which demonstrates that there will be no increase in overall day time or night time rating noise levels arising from the site as a result of this development. For the avoidance of doubt the site is taken to be that within the blue line boundary in drawing No. PL00-001. The assessment should be undertaken in accordance with BS 4142 :2014 +1:2019 Method for Rating and Assessing Industrial and Commercial Sound. The assessment shall identify any noise mitigation measures to be employed. Thereafter, the development shall proceed in accordance with the approved assessment.

Reason: In order to safeguard the amenity of nearby residential receptors.

4. Prior to the commencement of development, a concise Construction and Operational Environmental Management Plan shall be submitted to and approved in writing by the Planning Authority. The Plan shall set out full details of the pollution prevention measures that would be in place during construction and operation of the development.

Reason: To safeguard the Cromarty Firth Special Protection Area which lies adjacent to the site.

5. Should construction works be scheduled to occur during the tern breeding season (mid-April to mid-September) a Tern Protection Plan shall be submitted to and approved in writing by the Planning Authority (in consultation with NatureScot). The plan shall:

- set out mitigation measures that would be implemented to avoid disturbance to breeding terns including pre-construction surveys for breeding terns and use of appropriate buffer zones around any breeding birds (an initial buffer of 250m which could then be adjusted if necessary according to close monitoring);

- consider measures to deter terns from nesting within the application area with measures being place before the breeding season starts;

ensure that alternative nearby nesting locations are provided/made attractive for terns to use, including their currently favoured nesting area and other quiet areas at the periphery of the working zone.

Reason: To ensure disruption to SPA species is minimised and mitigation should works occur during the tern breeding season.

6. Any external lighting shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary.

Reason: In order to ensure that any lighting installed within the application site does not spill beyond the intended target area, does not impact adversely upon the amenity of adjacent properties and does not result in 'sky glow'.

REASON FOR DECISION

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.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

INFORMATIVES

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.

Contamination

There is the potential for contamination at this site due its use as an Engineering Works. As the proposed development would not appear to materially change the risk of potential contamination at the site an investigation is not require at this stage. However, any site investigations carried out to support the application should be forwarded to the contaminated land team. Should any contamination be encountered during investigations or development, the contaminated land team, Community Services should be informed.

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 (paragraph 259), 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.

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: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

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_for_working_on_public_roads/2

Mud and Debris on Road

Please note that it is 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.

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and NatureScot must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

Designation: Area Planning Manager - North
Author: Gillian Pearson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Site Layout Plan PL00-001 REV C
Plan 2 - Floor Plan PL00-100 REV C
Plan 3 - Roof Plan PL00-101 REV B
Plan 4 - Elevation Plan PL00-300 REV C
Plan 5 - 3D Views PL00-301 REV B
Plan 6 - Section Plan PL90-200 REV B
Plan 7 - Welfare Block PL00-303
Plan 8 - Elevations PL00-302

Appendix 1 – Appropriate Assessment

CONSIDERATION OF PROPOSALS AFFECTING EUROPEAN SITES

The status of Cromarty Firth Special Protection Area (SPA) means that the requirements of the Conservation (Natural Habitats, & c.) Regulations 1994 as amended (the 'Habitats Regulations') or, for reserved matters the Conservation of Habitats and Species Regulations 2017 as amended apply.

This means that where the conclusion reached by the Council on a development proposal unconnected with the nature conservation management of a Natura 2000 site is that it is likely to have a significant effect on those sites, it must undertake an Appropriate Assessment of the implications for the conservation interests for which the areas have been designated. The need for Appropriate Assessment extends to plans or projects out with the boundary of the site in order to determine their implications for the interest protected within the site.

This means that the Council, as competent authority, has a duty to:

- Determine whether the proposal is directly connected with or necessary to site management for conservation; and, if not,
- Determine whether the proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and, if so, then
- Make an Appropriate Assessment of the implications (of the proposal) for the site in view of that site's conservation objectives.

The competent authority can only agree to the proposal after having ascertained that it will not have an adverse effect on the integrity of the sites. If this is not the case and there are not alternative solutions, the proposal can only be allowed to proceed if there are imperative reasons of overriding public interest, which in this case can include those of a social or economic nature.

Screening in Likely Significant Effects

It is evident that the proposal is not connected with or necessary to site management for conservation, hence further consideration is required.

The proposal lies adjacent to the SPA which is protected for its populations of breeding common terns and osprey, and non-breeding waders, wildfowl and divers. In this instance the proposed development is likely to have a significant effect on SPA common terns through potential for disturbance and other SPA through, if unmitigated, the potential for release of pollutants to the marine environment.

APPROPRIATE ASSESSMENT

While the responsibility to carry out the Appropriate Assessment rests with the Council, advice contained within Circular 6/1995 is that the assessment can be based on the information submitted from other agencies. In this case, the Appropriate Assessment is informed by information supplied by NatureScot, the applicant and various published information.

Appraisal Summary

In its initial response to the Council, NatureScot advised that the proposal is likely to have a significant effect on the qualifying interests of the SPA however concluded that the proposal will not adversely affect the integrity of the Special Protection Area.

HIGHLAND COUNCIL APPRAISAL OF THE PROPOSAL

- The proposal is not directly connected with or necessary to site management for conservation;
- The proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; therefore;
- An Appropriate Assessment of the implications (of the proposal) for the site in view of that site's conservation objectives is provided below.

The impacts on the Special Protection Area are considered in terms of the different components of the development which may impact on the qualifying interests, as follows:

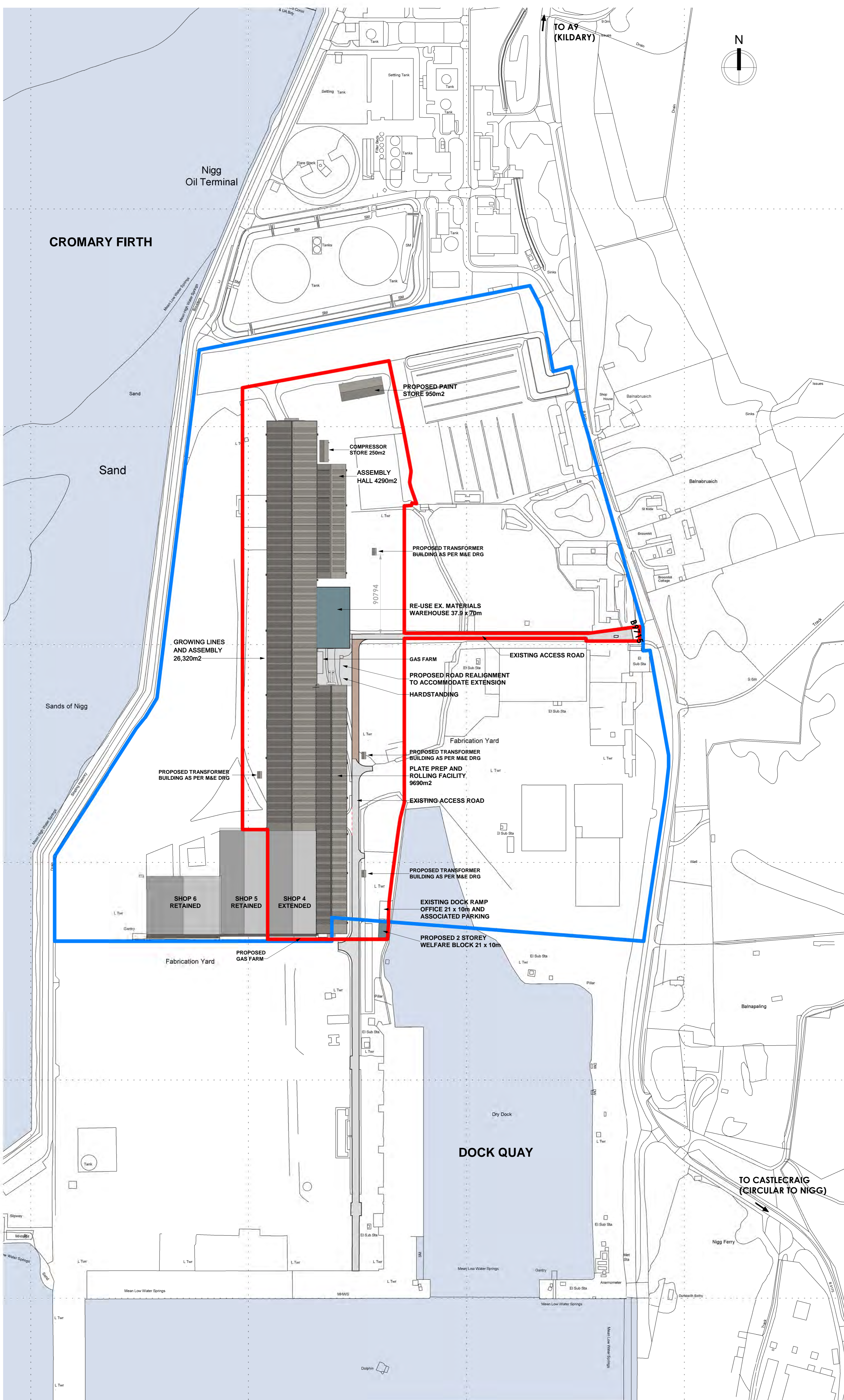
- It is understood that terns normally nest adjacent to, rather than within, the operational yard, with the closest nesting colony normally located around 300m from the main construction area. At this site terns have existed alongside development for many years and there is prior experience in appropriate mitigation for disturbance. Preparation and implementation of a Tern Protection Plan would therefore be expected to mitigate any risk of disturbance from this proposal.
- Should construction works occur during the tern breeding season (mid-April to mid-September) a Tern Protection Plan could be prepared which sets out the mitigation measures that would be implemented to avoid disturbance to breeding terns. This should include pre-construction surveys for breeding terns and use of appropriate buffer zones around any breeding birds. There are no published recommendations for buffer zones around tern colonies so we advise an initial buffer of 250m which could then be adjusted if necessary according to close monitoring of the birds' behaviour.
- If appropriate buffer zones cannot be implemented, then development should not commence or should cease until after the breeding season. The Tern Protection Plan should also consider measures to deter terns from nesting within the application area – such measures would need to be in place before the breeding season starts. The Protection Plan should also ensure that alternative nearby nesting locations are provided/made attractive for terns to use, including their currently favoured nesting area and other quiet areas at the periphery of the working zone. These best practice measures will help to ensure compliance with protected species legislation.
- The Nigg Development Masterplan sets out a recommendation for developments to prepare Construction and Operational Environmental Management Plans. We recommend these documents (and/or any Construction Site Licence application which may be required) include full details of the pollution prevention measures that would be in place during construction and operation of the development. With standard measures in place habitats supporting SPA birds will not be adversely affected.

Figured dimensions only are to be taken from this drawing. All dimensions are to be checked on site before any work is put in hand. IF IN DOUBT ASK.

CDM: Hazard Elimination & Risk Reduction has been undertaken and recorded where appropriate, in accordance with the requirements of 'The Construction (Design and Management) Regulations 2015' and the associated 'Industry Guidance for Designers'

OWNERSHIP BOUNDARY

APPLICATION BOUNDARY



00 - SITE PLAN
Scale - 1 : 2000

Rev	Description	Date
C	Ownership and Area alterations	14.06.21
B	REV 20 LAYOUT - UPDATE	10.06.21
A	TENDER ISSUE	21.12.20

COLIN ARMSTRONG ARCHITECTS
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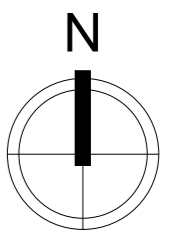


Client: NEP
Project: Extend Workshop 4 Nigg Energy Park, Nigg

Project No. 1762
Drawing No. PLO0-001
Revision C

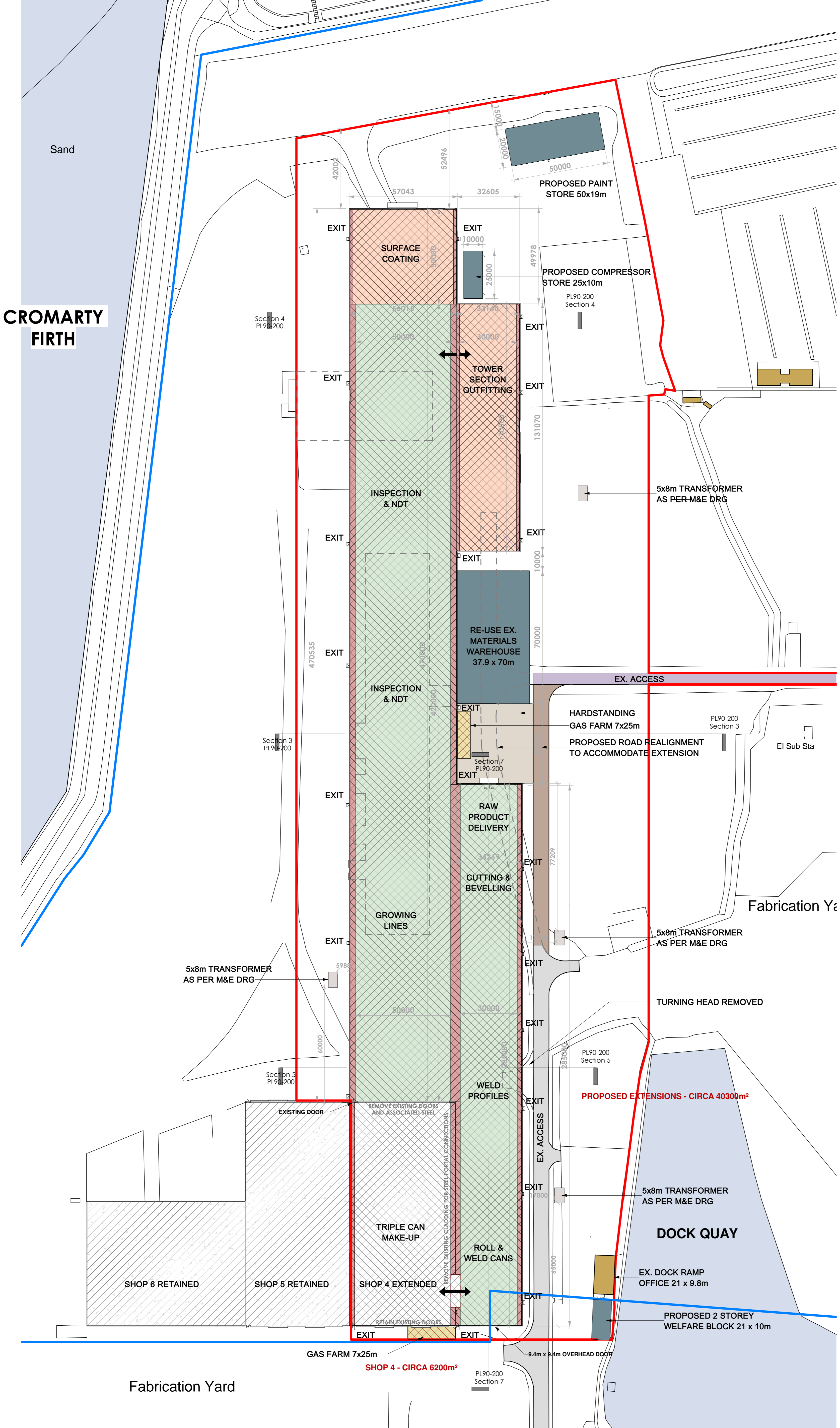
SITE PLAN
Status: TENDER
Date Created: 20/10/20
Scale: 1 : 2000
Drawn by: AR
Sheet: A1

From file: X:\Documents\1762 Nigg Energy Park\02 - WORK - PROGRESS\21 BIM Models\1762_P07 - PLANING - NEP.rvt
Printed on: 14/06/2021 14:28:27



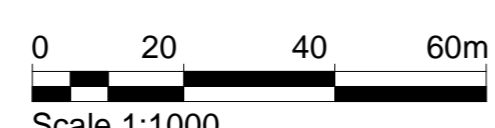
EXIT DOORS INDICATED:
Note all exit door locations and number subject to Fire Engineers Design.

- PRODUCTION AREA**
- STEEL FOOTPRINT**
- EXTENSION - REDUCED CONSTRUCTION BUILD**
- EXTERNAL COMPOUND**
- PROPOSED ROAD DIVERT**
- PROPOSED GAS FARM**
- EXISTING SHOP 4**
- EXISTING ACCESS**
- PROPOSED ANCILLARY BUILDINGS TBC**
- TRANSFER**



GROUND FLOOR PLAN

Scale - 1:1000



Scale 1:1000

Rev	Description	Date
C	Ownership and Area alterations	14.06.21
B	REV 20 LAYOUT - UPDATE	10.06.21
A	TENDER ISSUE	21.12.20

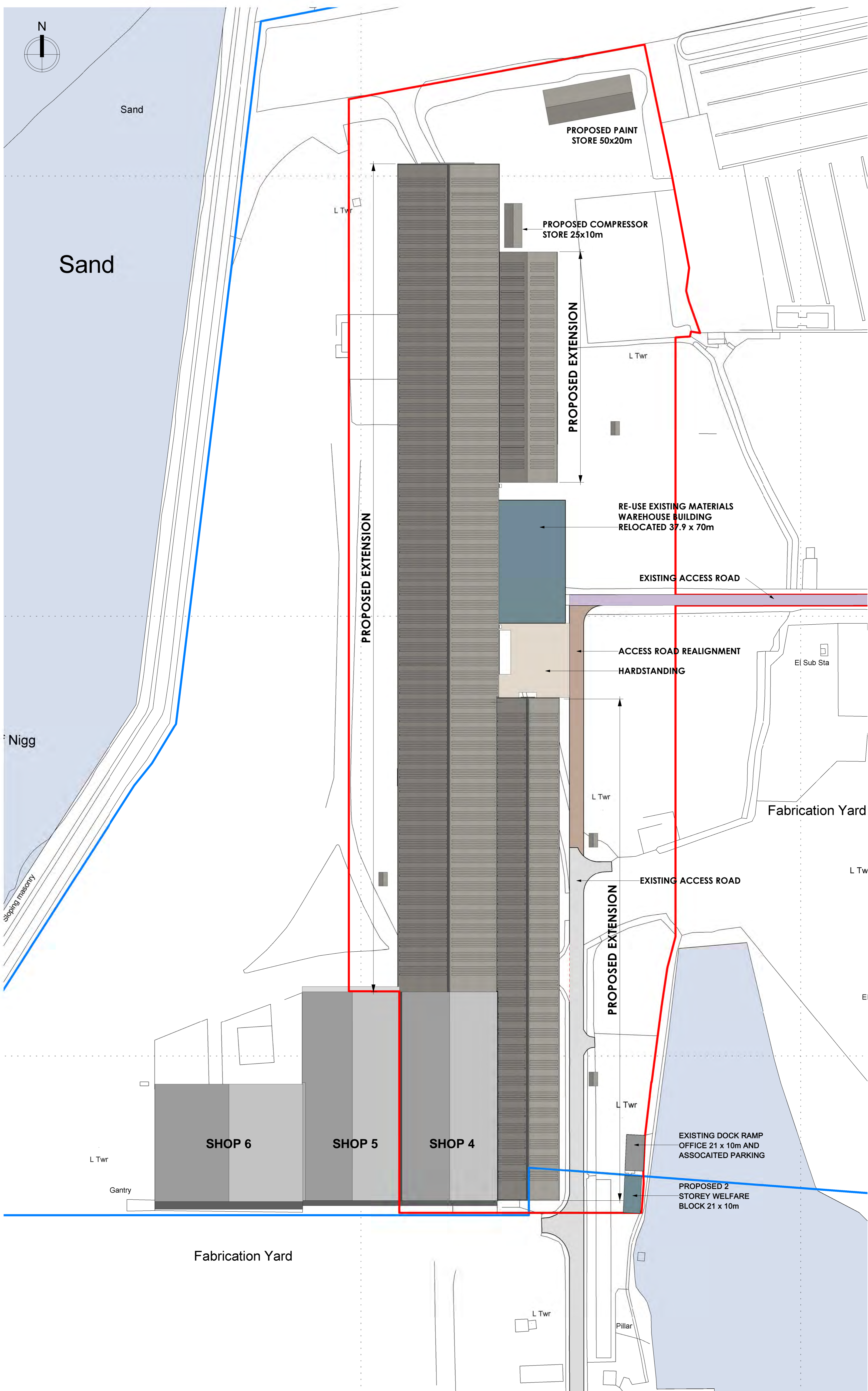
COLIN ARMSTRONG ARCHITECTS
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T : 01463 712 288
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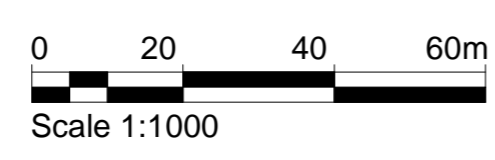
Client	NEP
Project	Extend Workshop 4 Nigg Energy Park, Nigg
Project No.	1762
Drawing No.	PL00-100
Revision	C
RIBA STAGE 2 FLOOR PLAN	
Status	TENDER
Date Created	12/10/20
Scale	As indicated
Drawn by	AR
Sheet	@ A1

Figured dimensions only are to be taken from this drawing. All dimensions are to be checked on site before any work is put in hand. IF IN DOUBT ASK.

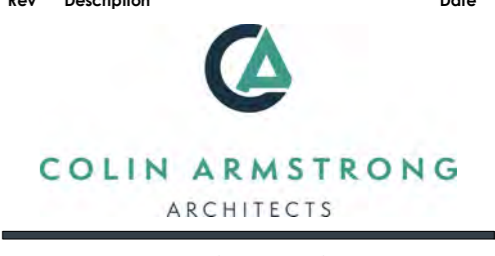
CDM: Hazard Elimination & Risk Reduction has been undertaken and recorded where appropriate, in accordance with the requirements of 'The Construction (Design and Management) Regulations 2015' and the associated 'Industry Guidance for Designers'



ROOF PLAN
Scale - 1 : 1000



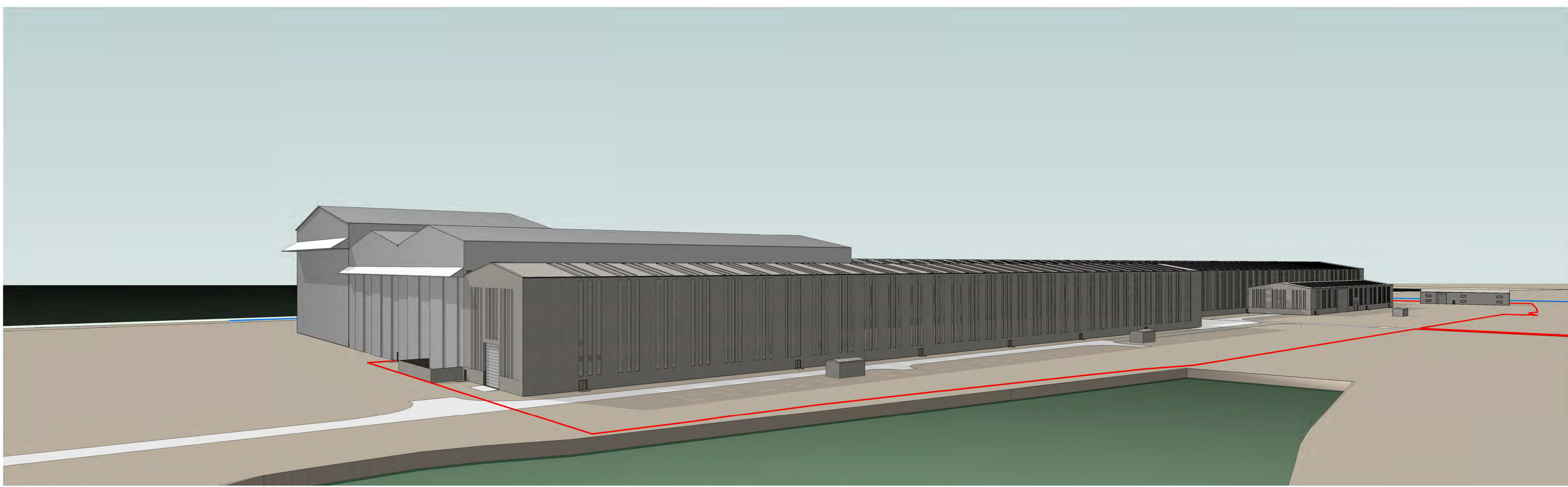
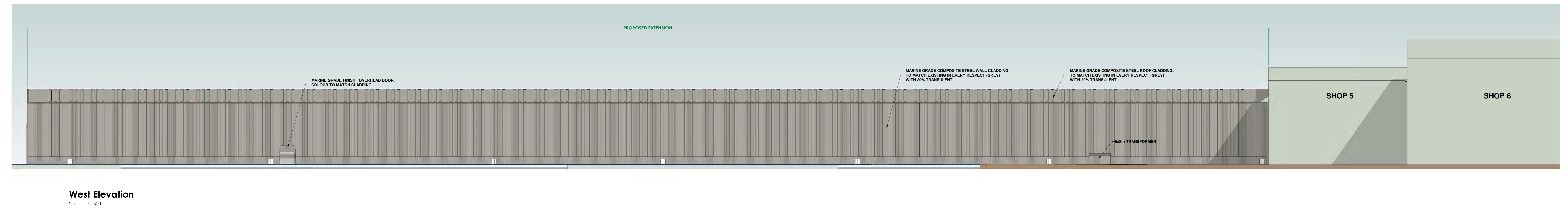
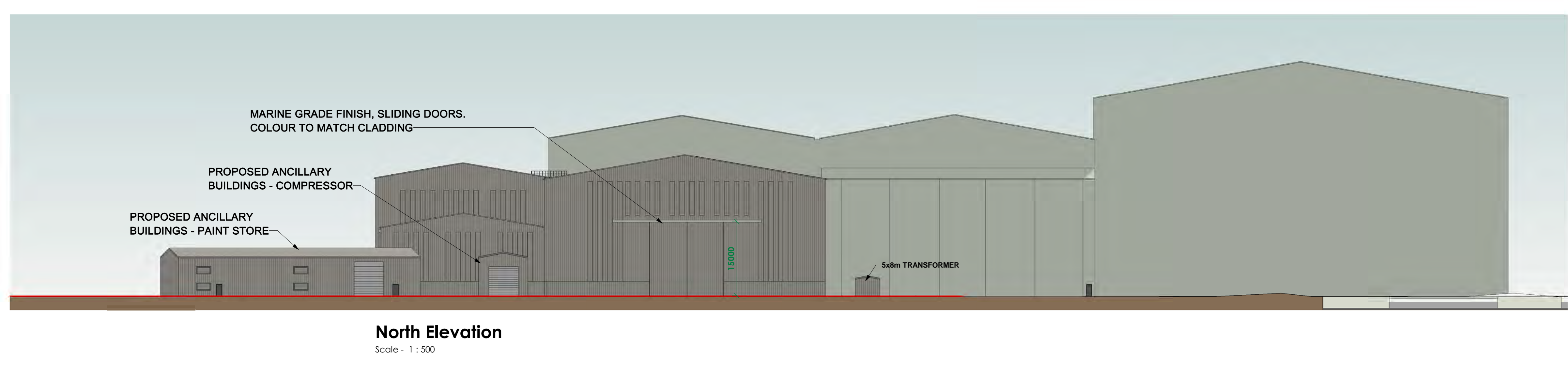
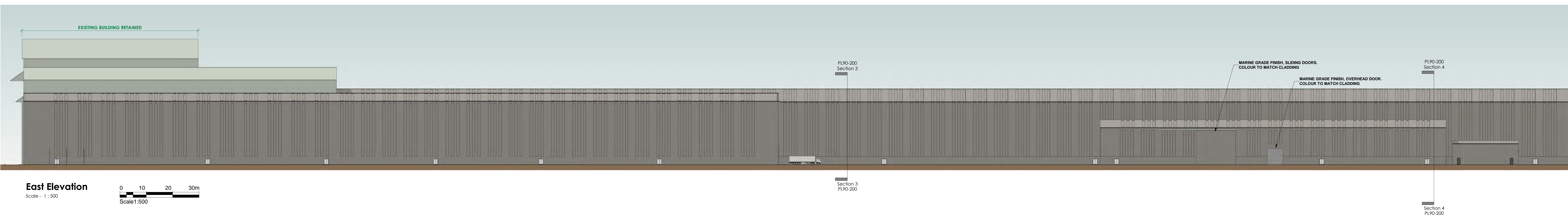
Rev	Description	Date
B	REV 20 LAYOUT - UPDATE	10.06.21
A	TENDER ISSUE	21.12.20



Client	NEP
Project	Extend Workshop 4 Nigg Energy Park, Nigg
Project No.	1762
Drawing No.	PL00-101
Revision	B

ROOF PLAN	
Status	TENDER
Date Created	12/10/20
Scale	1 : 1000
Drawn by	AR
Sheet	@ A1

From file: X:\Documents\1762 Nigg Energy Park\02 - WORK - IN PROGRESS\12 - BIM Models\1762 - RFP - PLANNING - NEP.rvt
Printed on: 14/03/2021 14:40:55



C	Ownership and Area alterations	14.08.21
R	REVISE/UPDATE	16.08.21
A	SHOULD ASK	21.10.20

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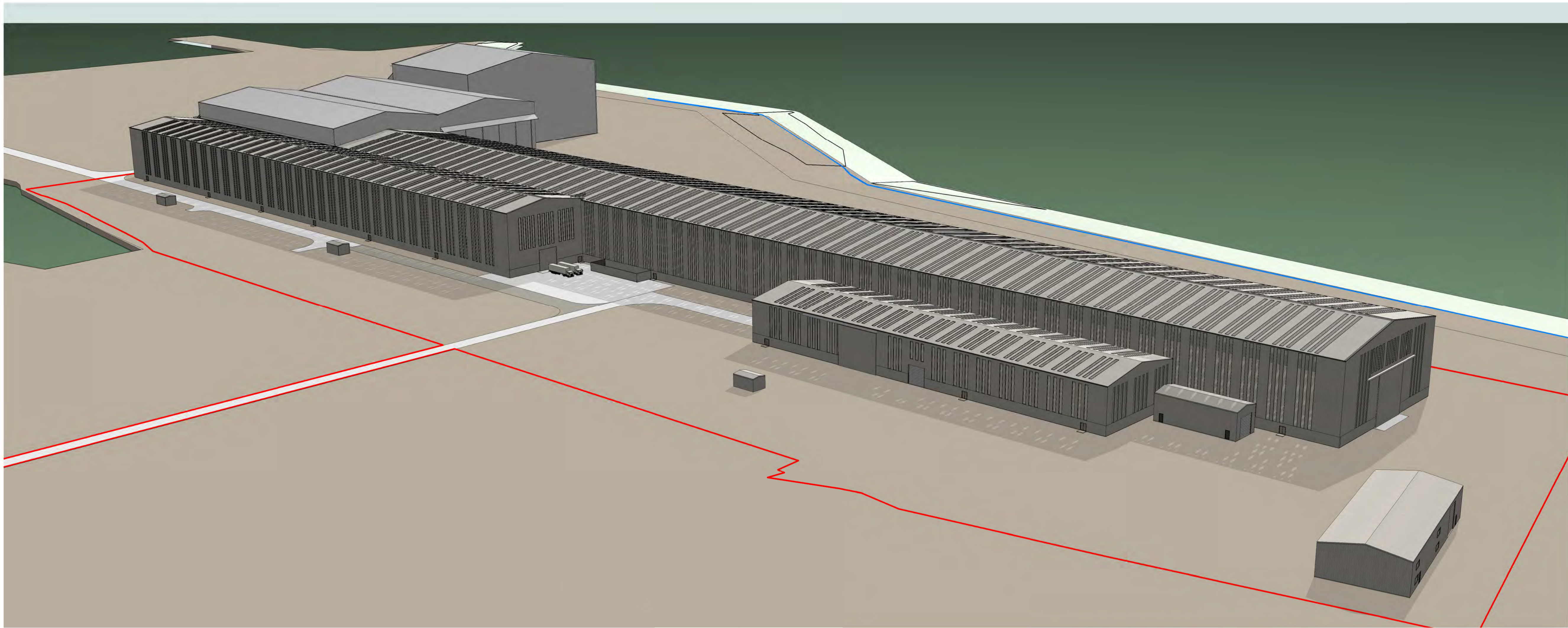
Client: NEP
 Project: Extend Workshop 4 Nigg Energy Park, Nigg

Project No. 1762
 Drawing No. PL00-300
 Revision C

Elevations

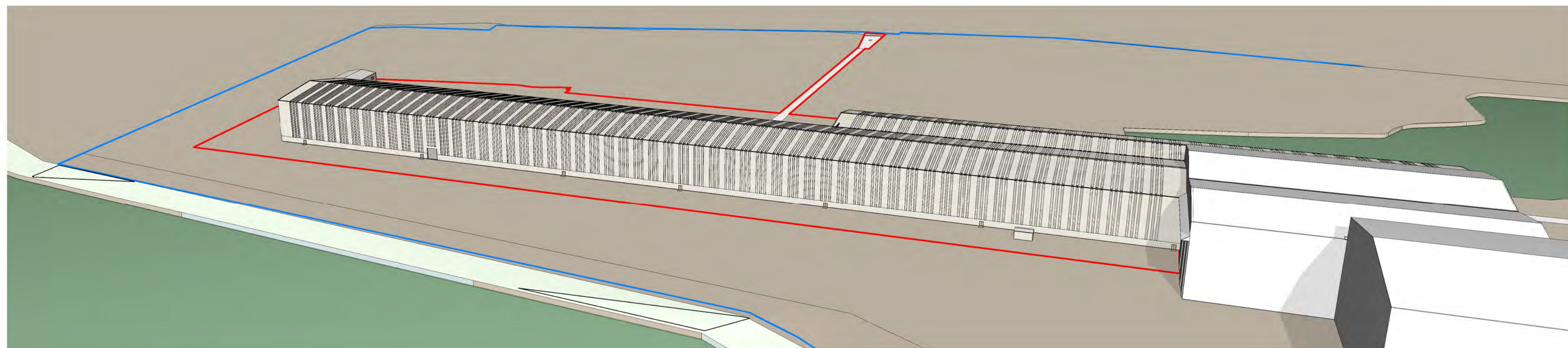
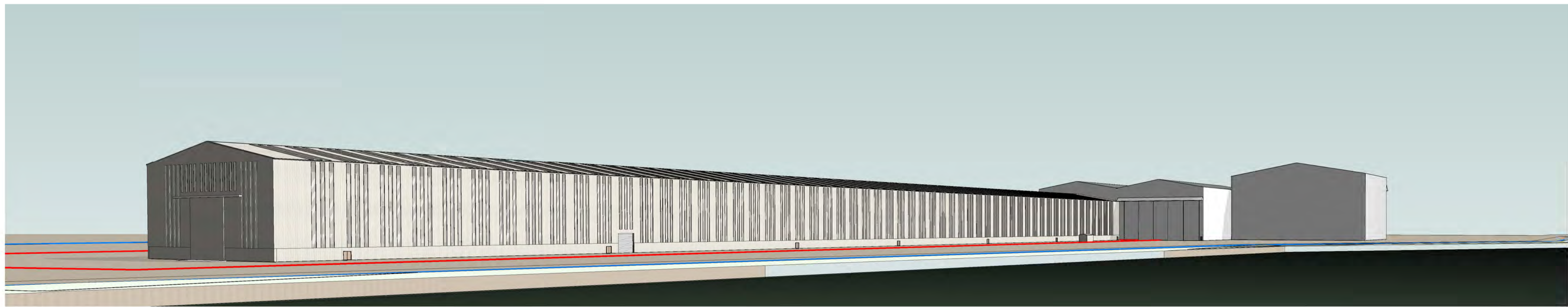
Title: TENDER
 Date Issued: 12/10/20
 Scale: 1 : 500

Drawn by: AR
 Sheet: @ AO



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Rev	Description	Date
B	REV 20 LAYOUT - UPDATE	10.06.21
A	TENDER ISSUE	21.12.20

COLIN ARMSTRONG
ARCHITECTS

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Client
NEP

Project
Extend Workshop 4
Nigg Energy Park, Nigg

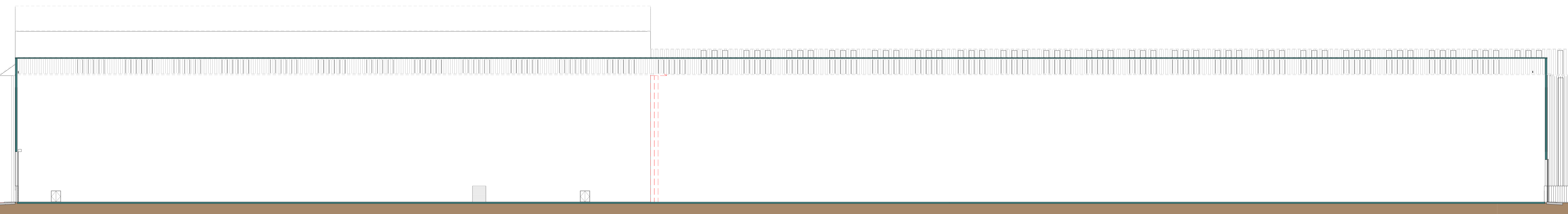
Project No. 1762
Drawing No. PL00-301
Revision B

3D VIEWS

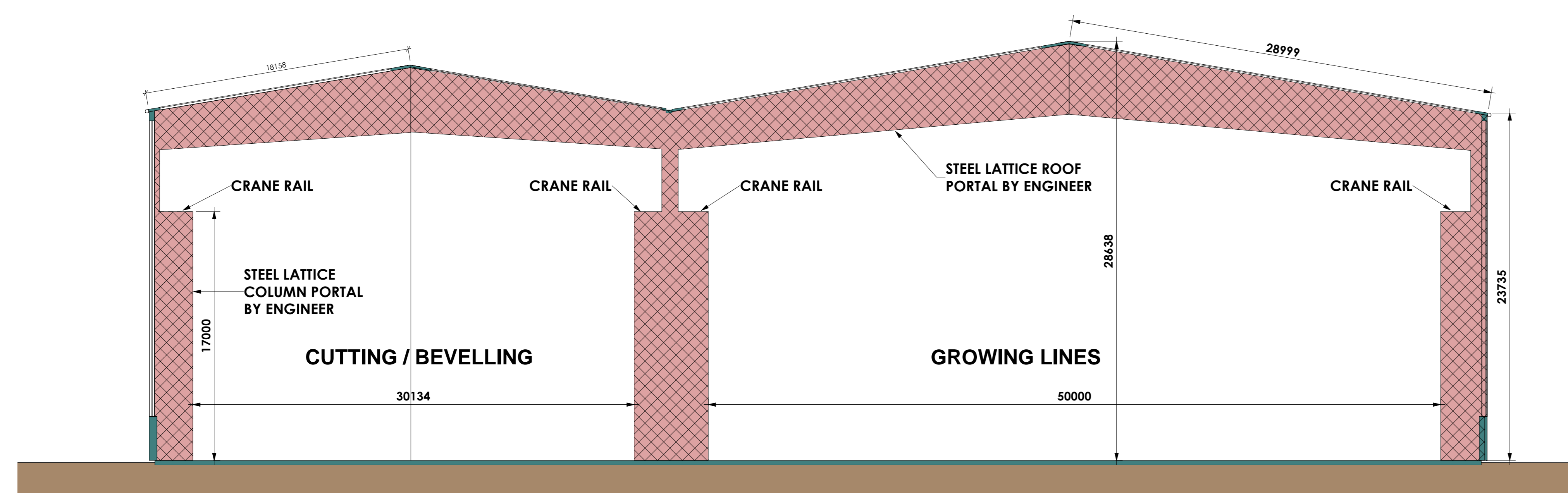
Status
TENDER

Date Created 20/10/20
Drawn by AR
Scale Sheet
@ A1

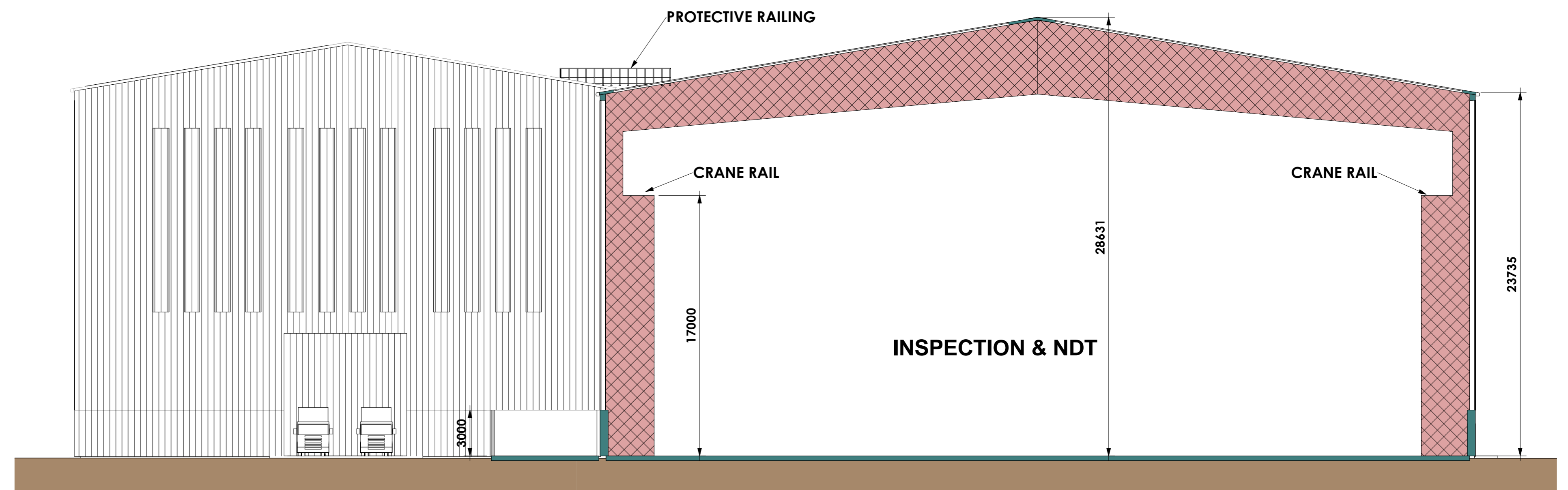
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Printed on: 11/06/2021 16:26:16



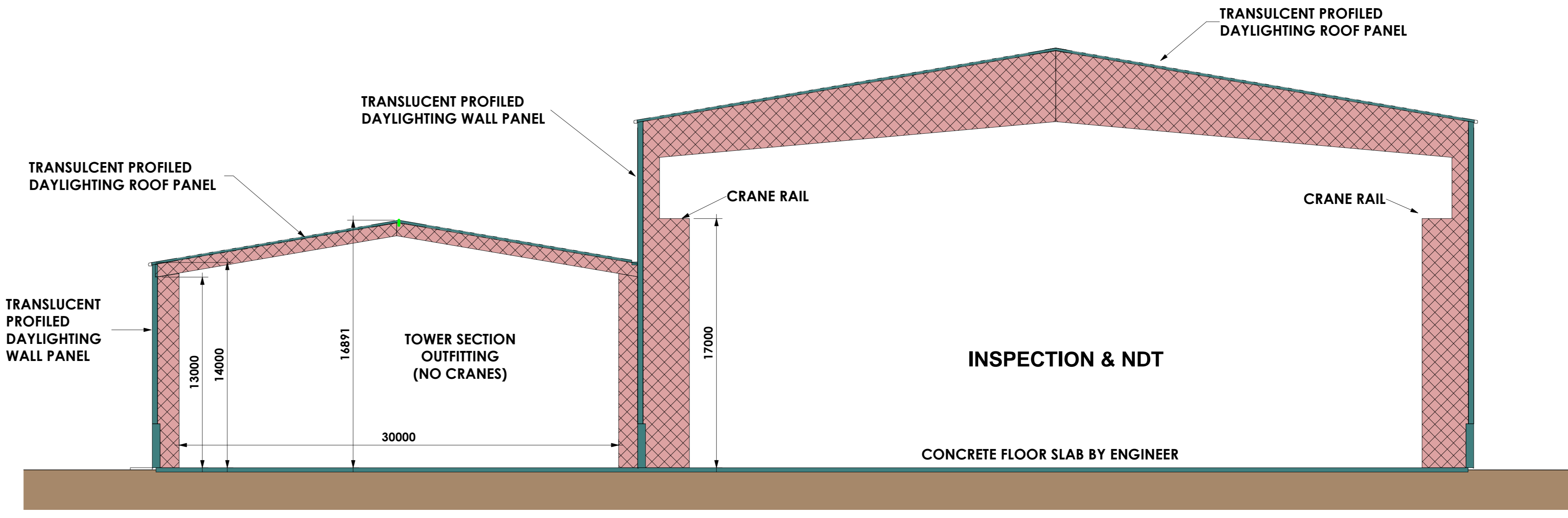
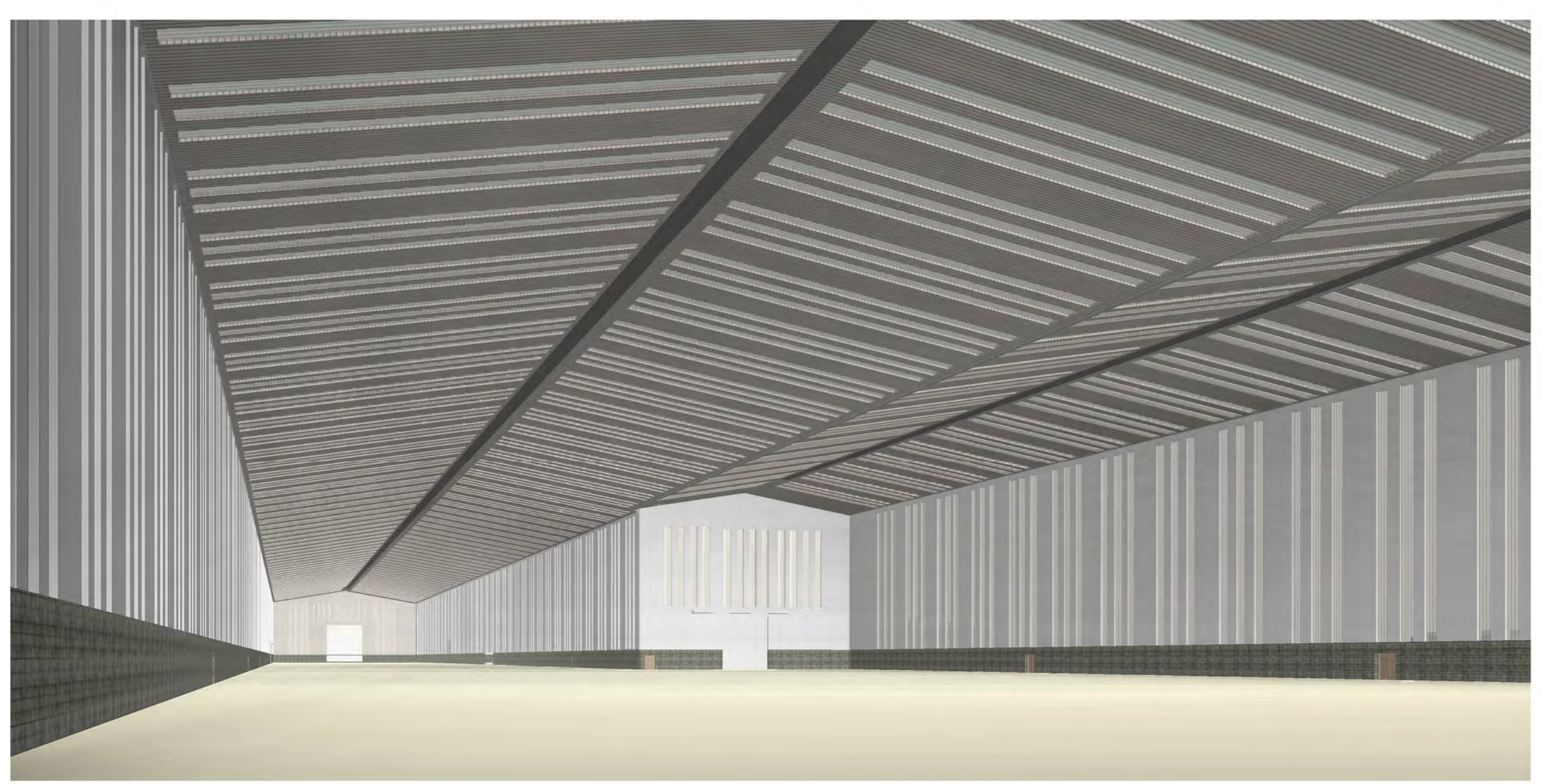
Section 7
 Scale - 1:250



Section 5
 Scale - 1:200

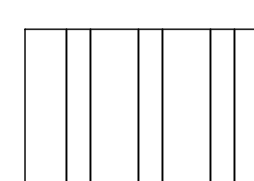


Section 3
 Scale - 1:200

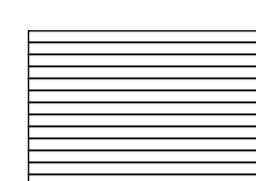


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 Scale - 1:200

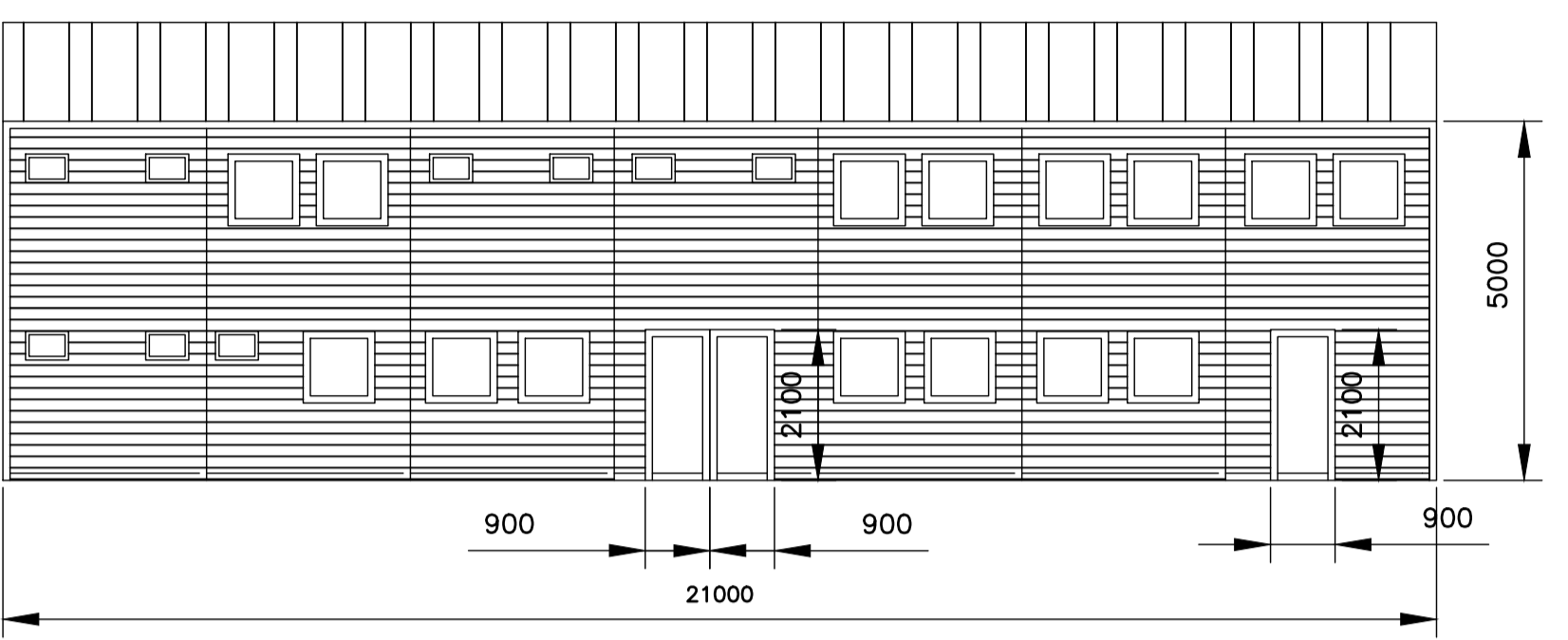
REV	DESCRIPTION	DATE
B	REVISED - UPDATE	10/01/21
A	SHOWN ETC	21/12/20
Rev	Description	Date
 COLIN ARMSTRONG ARCHITECTS Lyle House, Falloway Business Park, Inverness IV2 6AA T : 01463 712 288 W : www.colinarmstrong.com		
Client	NEP	
Project	Estland Workshop 4 Nigg Energy Park, Nigg	
Project No.	1762	
Drawing No.	PL90-200	
Revision	B	
Sections		
Title	TENDER	
Date Issued	26/10/20	Drawn by AR
Scale	As indicated	Sheet @ A0



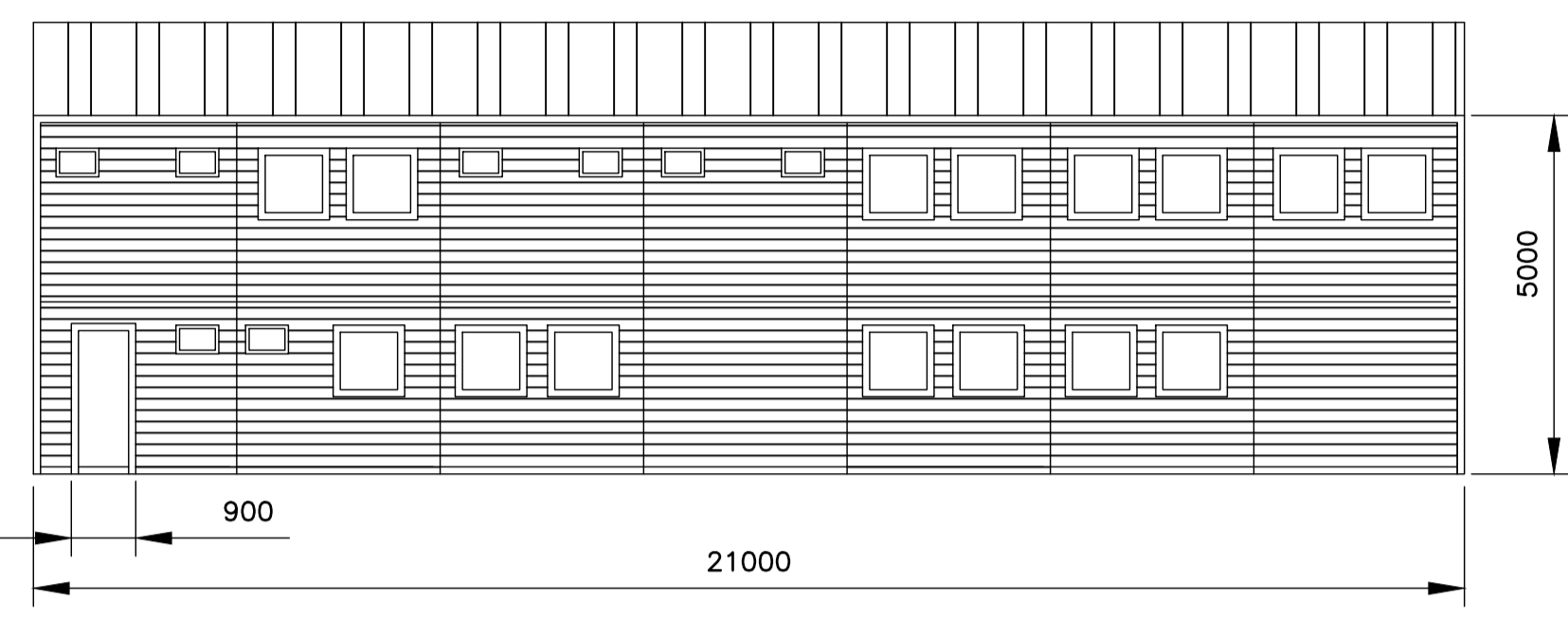
Hatch Denotes Composite Steel Cladding to Roof Area. Cladding to be Grey in Colour



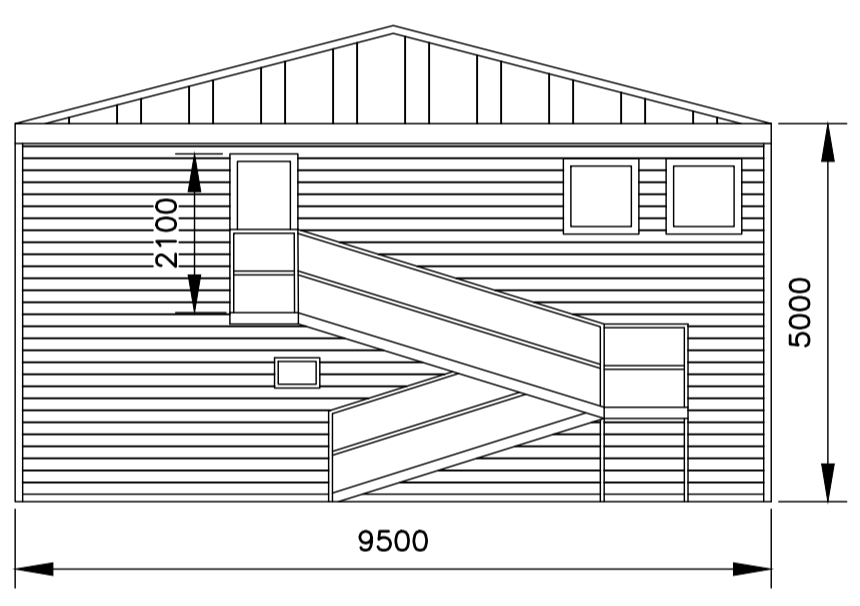
Hatch Denotes Composite Steel Panel Cladding to Walls. Panels to be Black & Grey in Colour



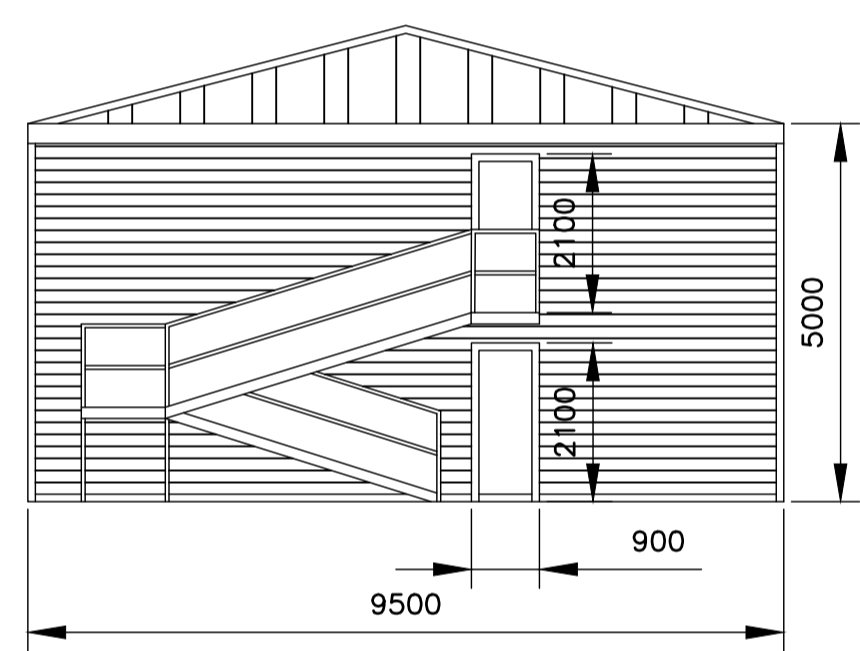
FRONT ELEVATION (1:100) – INDICATIVE



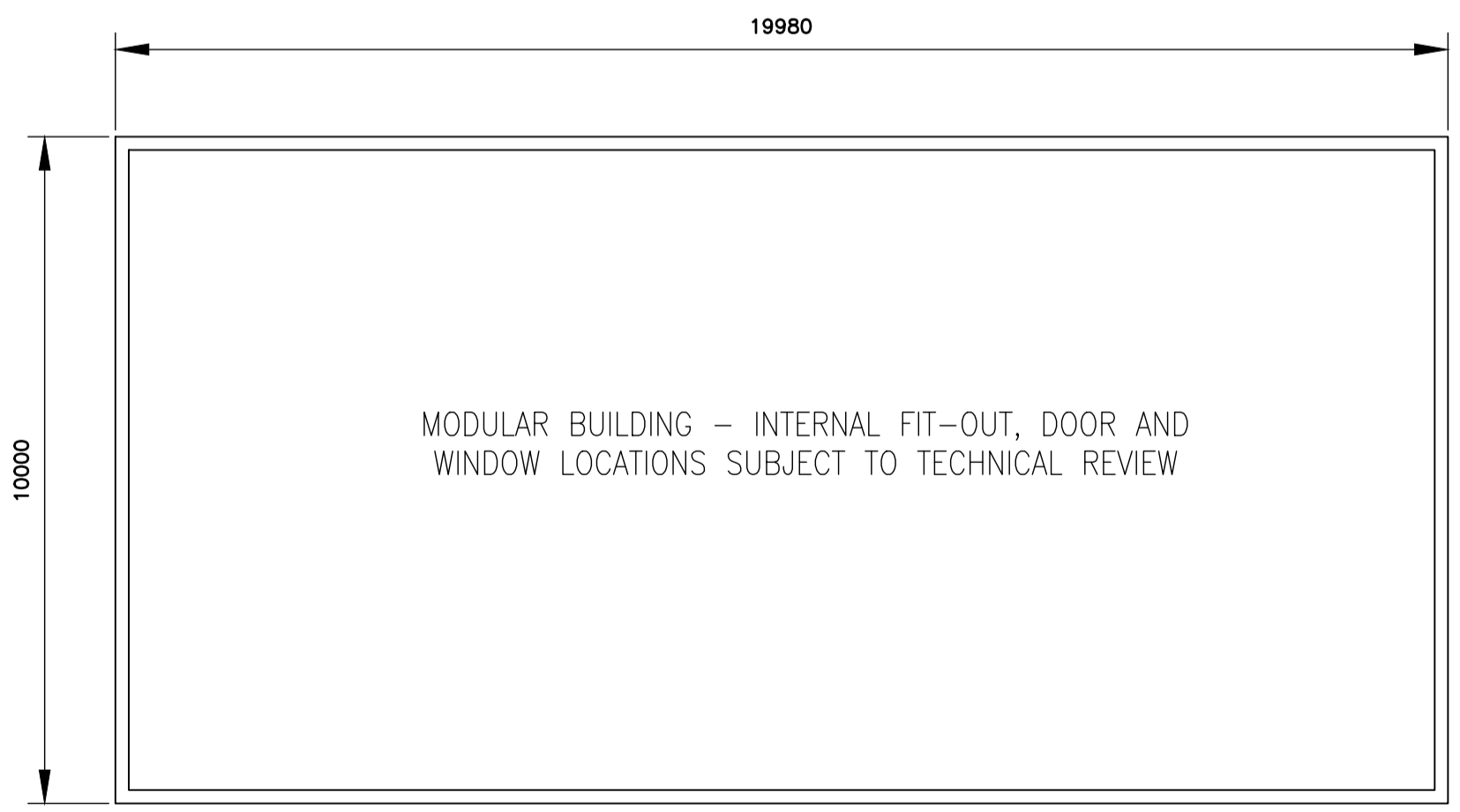
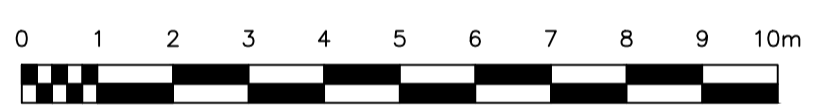
REAR ELEVATION (1:100) – INDICATIVE



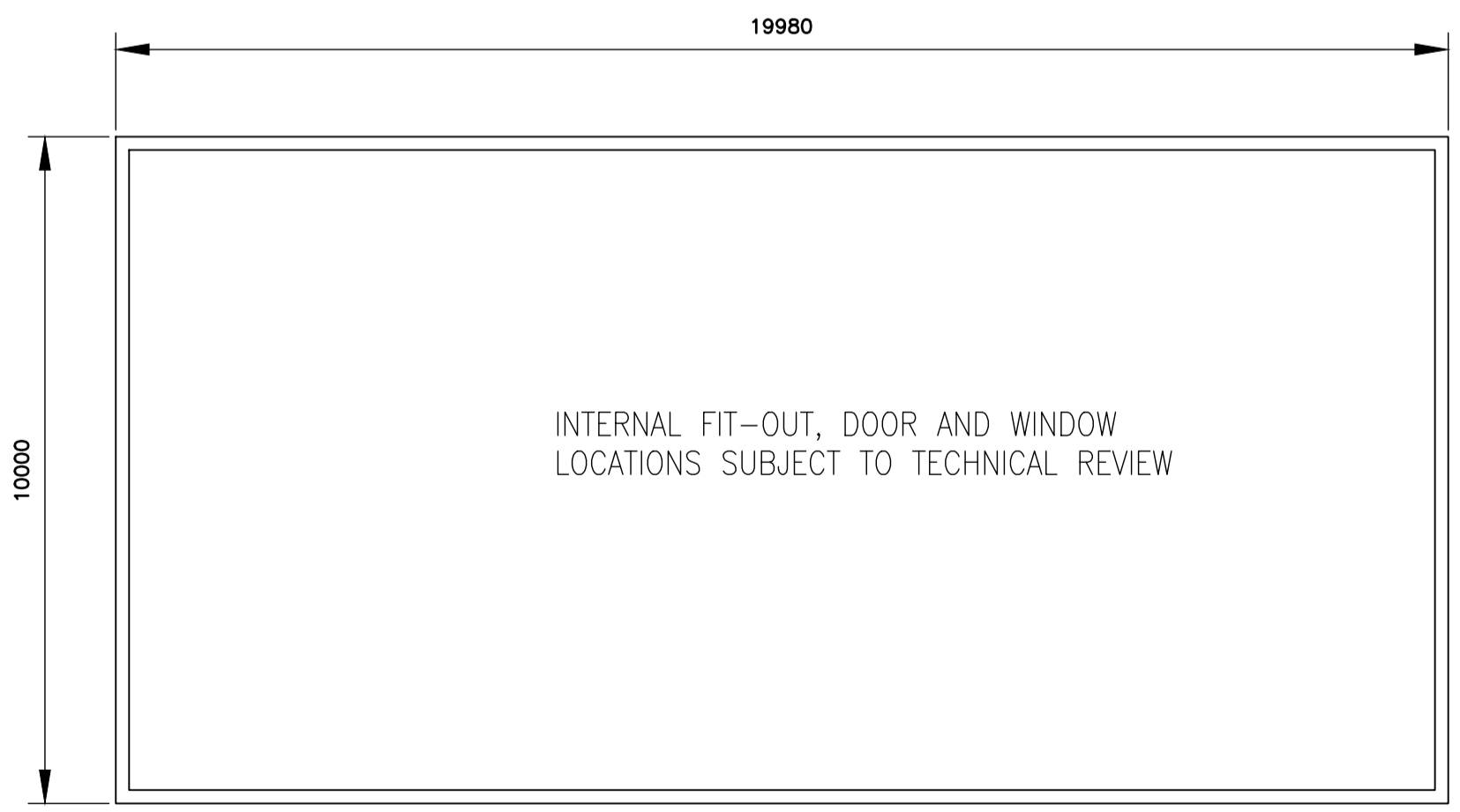
SIDE ELEVATION (1:100)



SIDE ELEVATION (1:100)

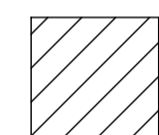


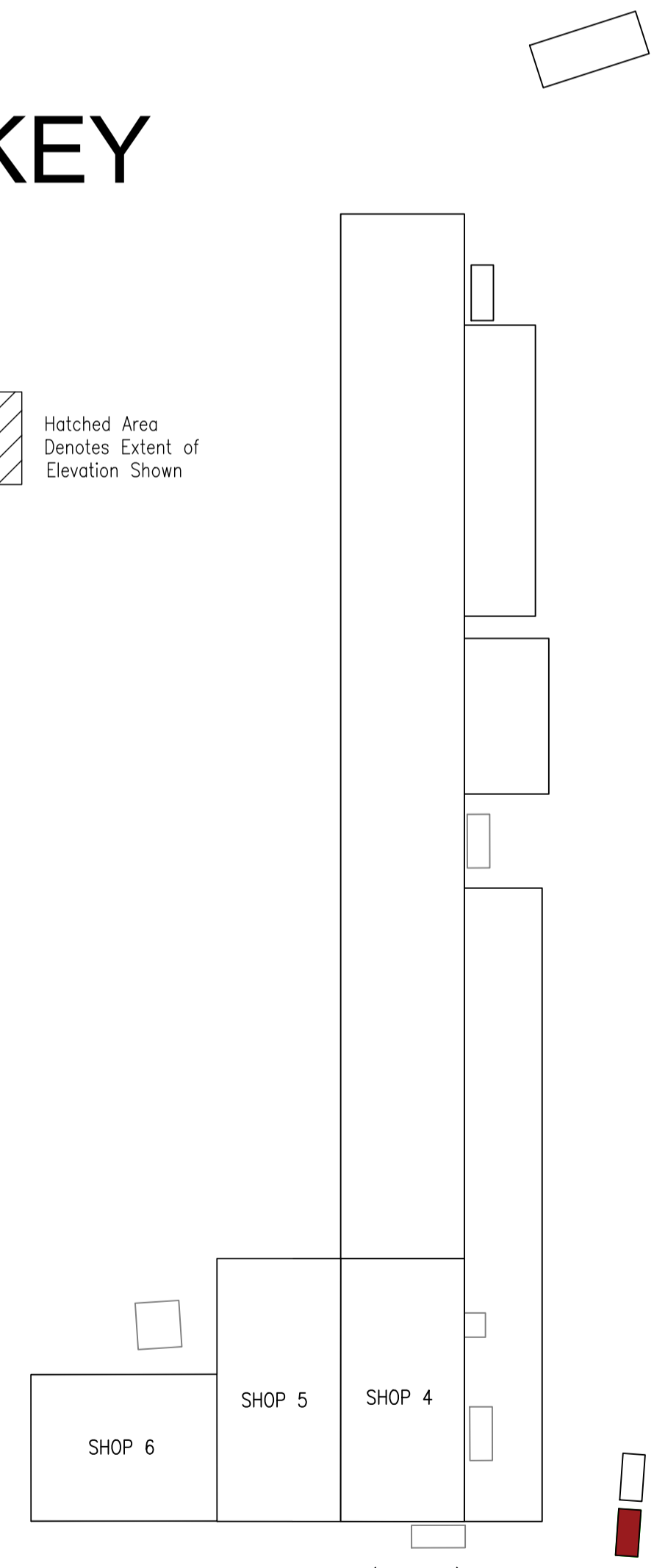
GROUND FLOOR PLAN 1:100




FIRST FLOOR PLAN 1:100

KEY

 Hatched Area Denotes Extent of Elevation Shown

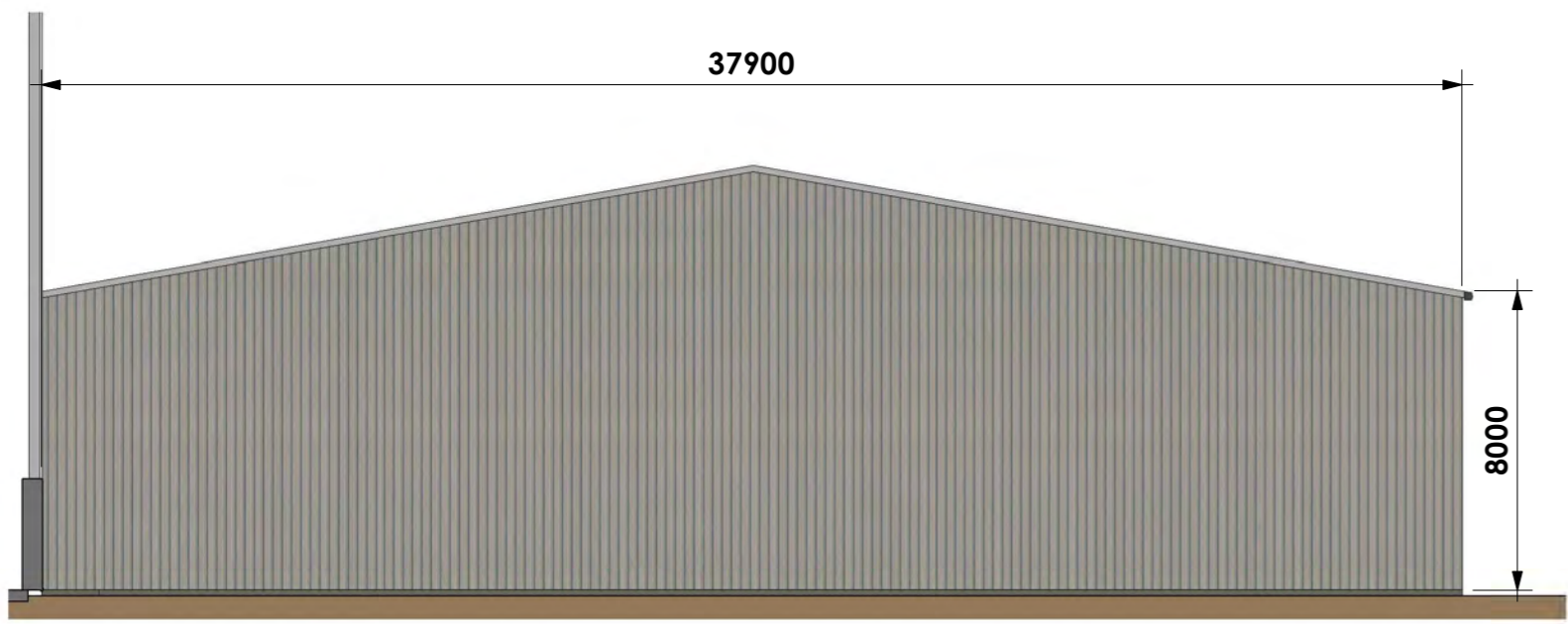


FABRICATION YARD KEY (1:250)

Rev	Description	Date
 COLIN ARMSTRONG ARCHITECTS Lyle House, Fairways Business Park, Inverness IV2 6AA T : 01463 712 288 W : www.colinarmstrong.com		
Client NEP		
Project Extend Shop 4 Nigg Energy Park, Nigg.		
Project No.	1762	
Drawing No.	PL00_303	
Revision		
2 Storey Welfare Block		
Status	PLANNING	
Date Created	24.06.21	
Scale	@ A1	

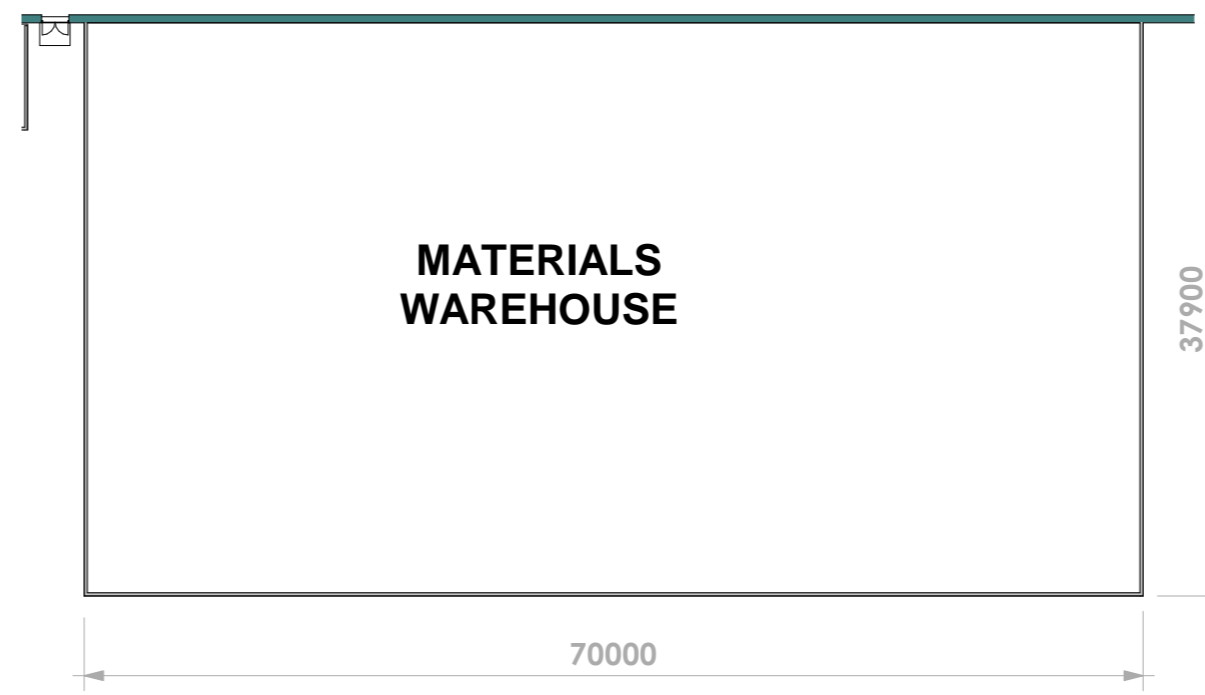
Figured dimensions only are to be taken from this drawing. All dimensions are to be checked on site before any work is put in hand. IF IN DOUBT ASK.

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Warehouse - South Elevation

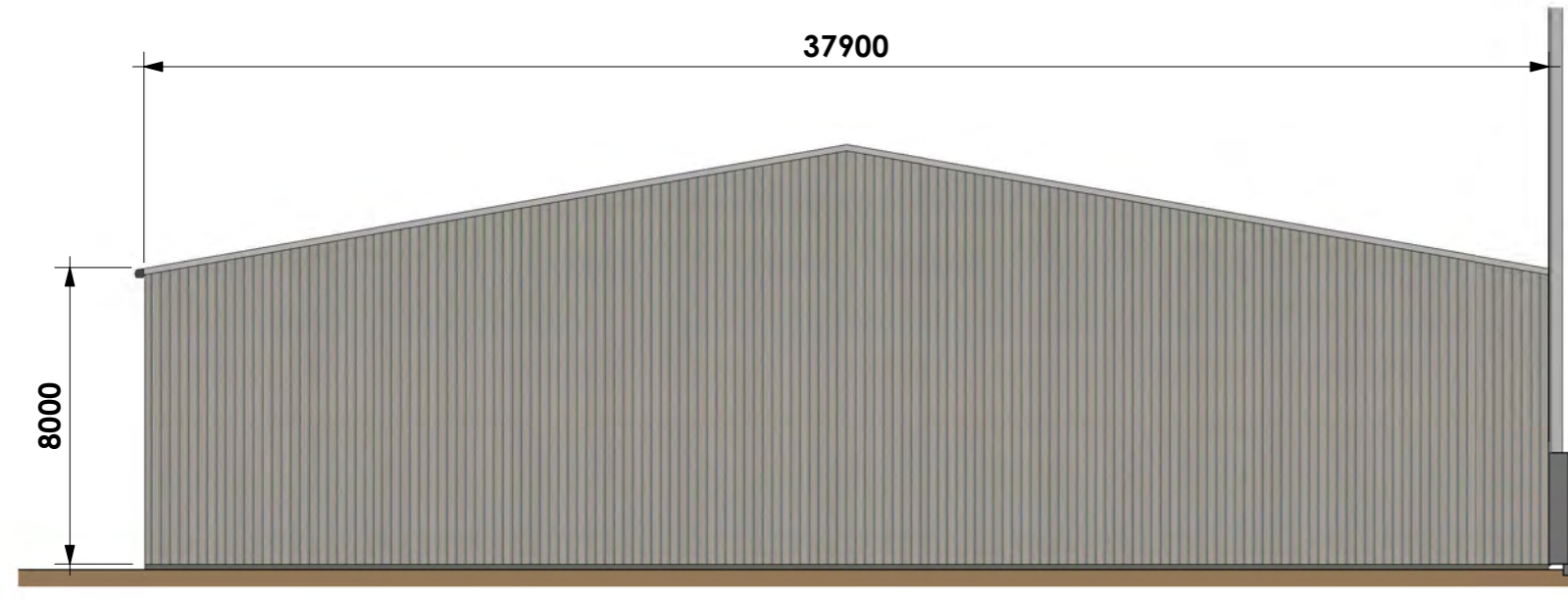
Scale - 1 : 200



MATERIALS WAREHOUSE

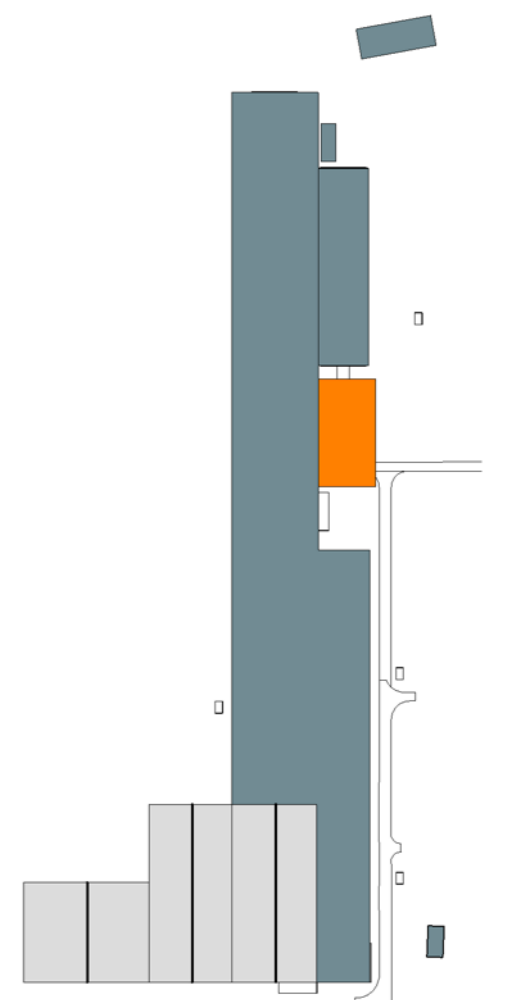
Materials Warehouse

Scale - 1 : 500



Warehouse - North Elevation

Scale - 1 : 200

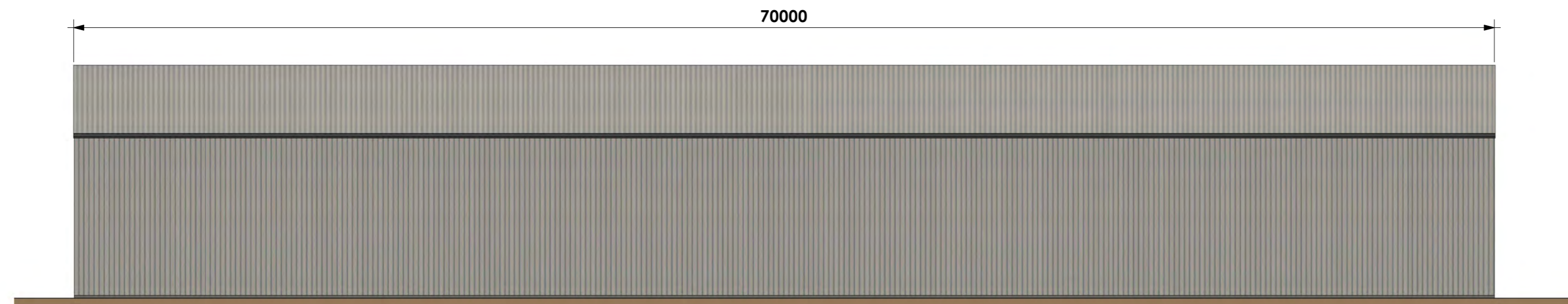


Key-Warehouse

Scale - 1 : 5000

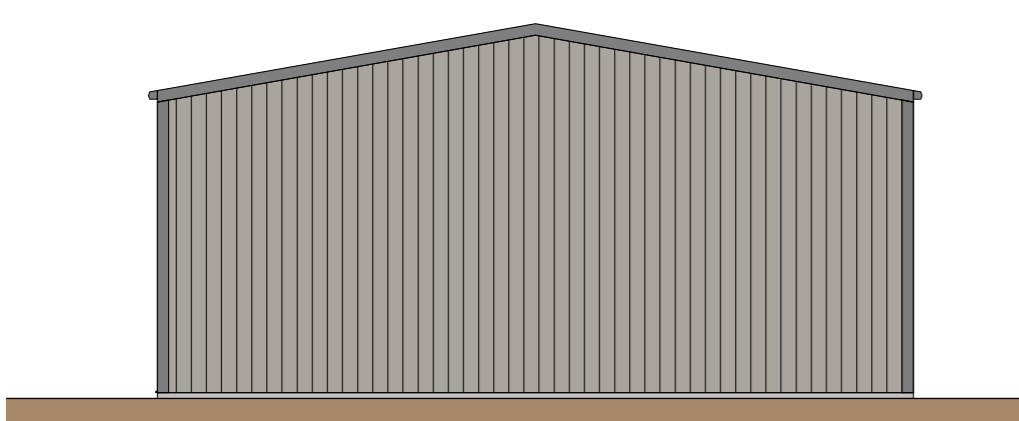
HATCH DENOTES BUILDING ELEVATIONS

PROFILED STEEL CLADDING TO MATCH MAIN BUILDING



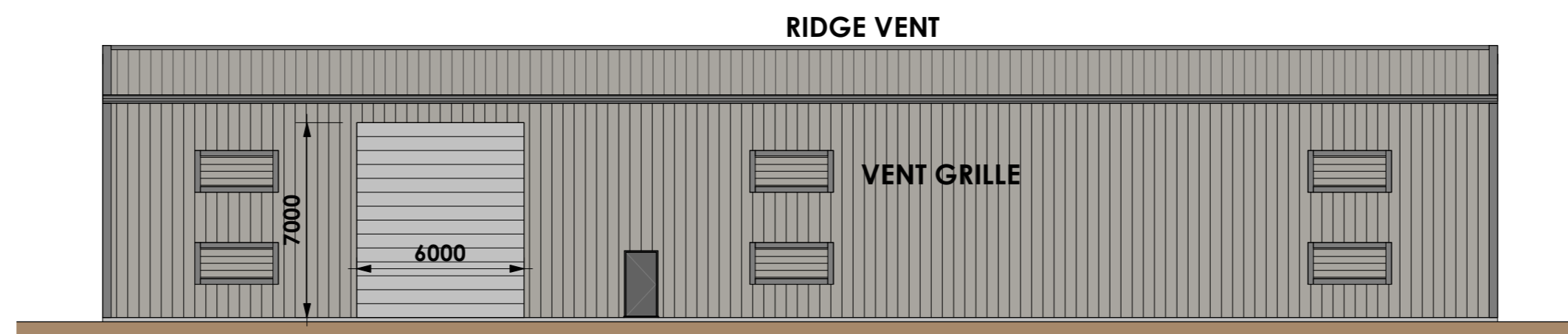
Warehouse - East Elevation

Scale - 1 : 200



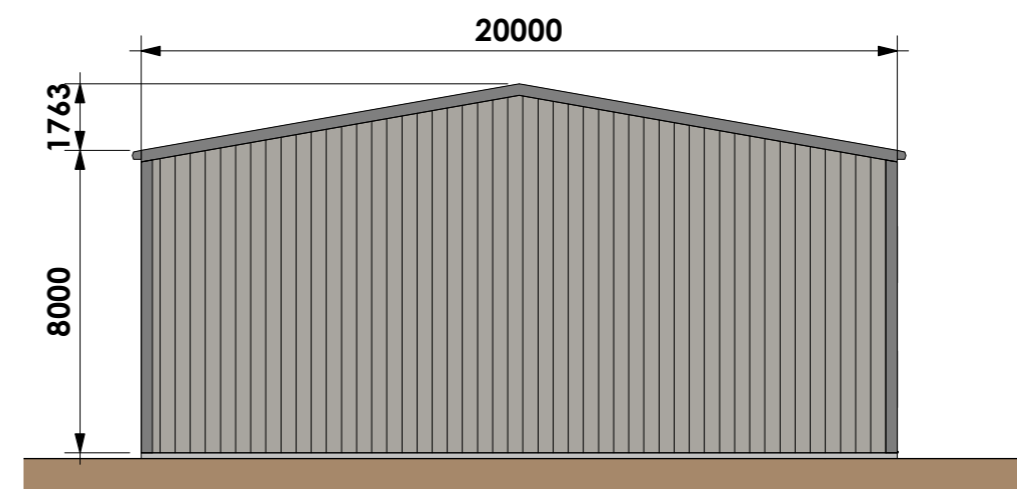
Paint Store - West Elevation

Scale - 1 : 200



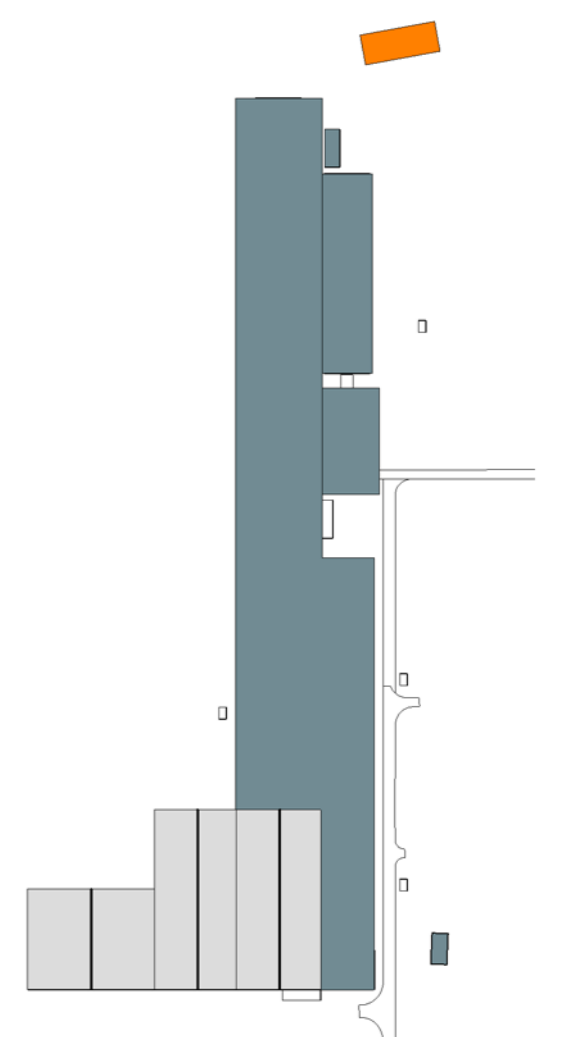
Paint Store - South Elevation

Scale - 1 : 200



Paint Store - East Elevation

Scale - 1 : 200



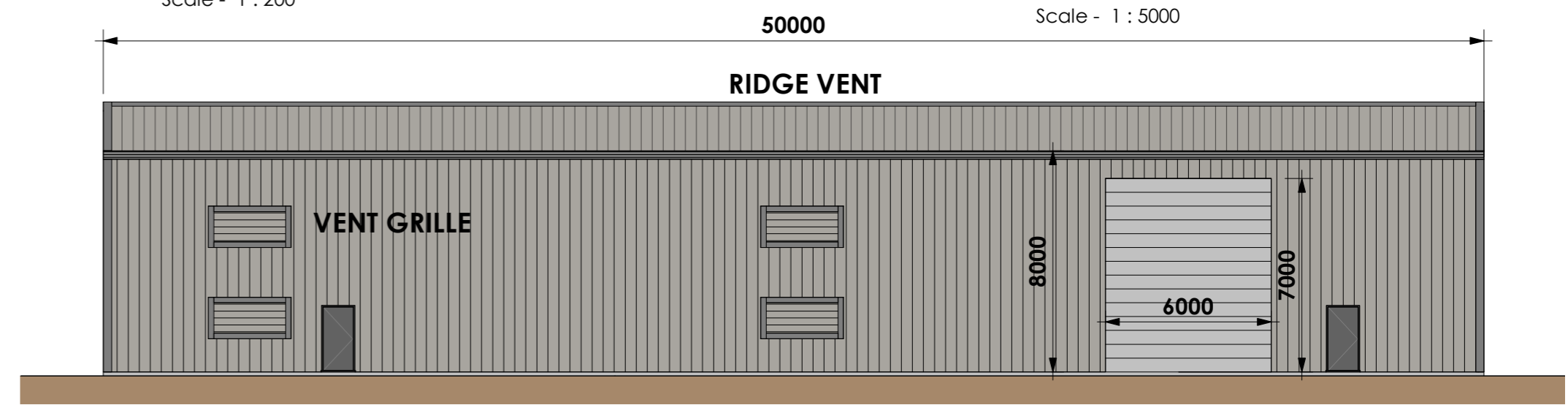
Key-Paint Store

Scale - 1 : 5000



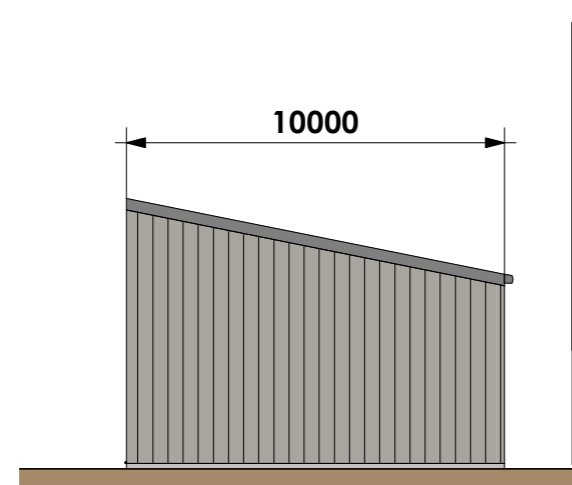
Paint Store - Plan

Scale - 1 : 200



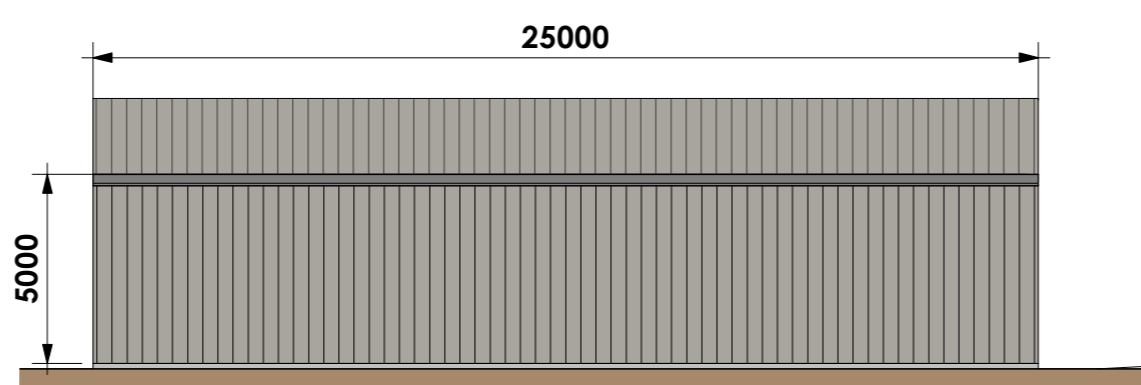
Paint Store - North Elevation

Scale - 1 : 200



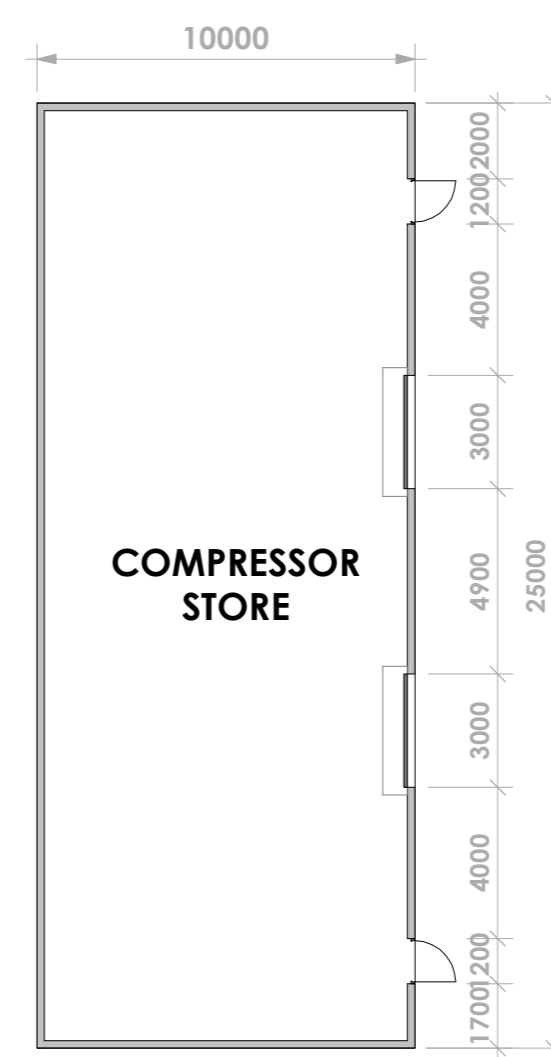
Compressor - North

Scale - 1 : 200



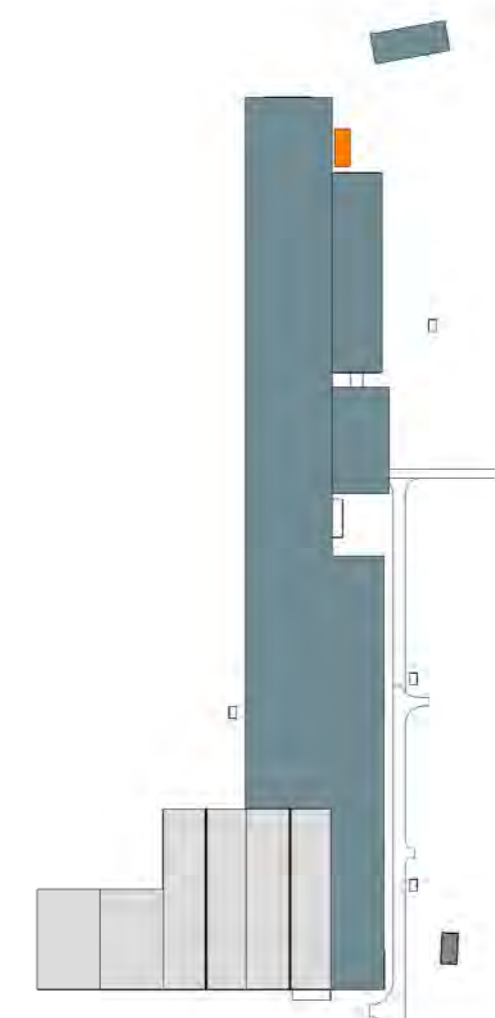
Compressor - East

Scale - 1 : 200



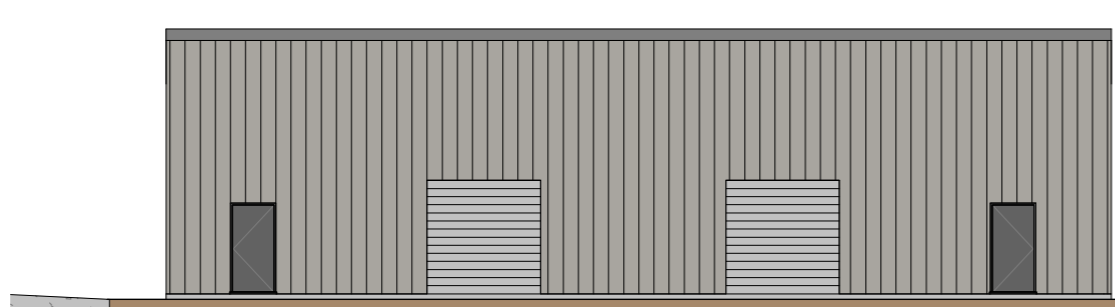
Compressor Store - Plan

Scale - 1 : 200



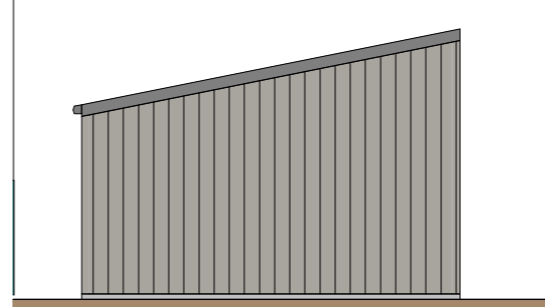
Key-Compressor

Scale - 1 : 5000



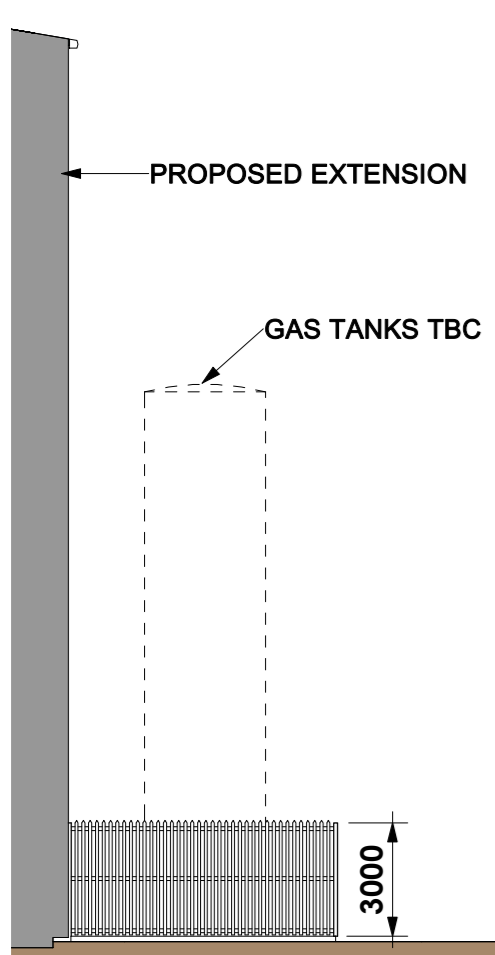
Compressor - West

Scale - 1 : 200



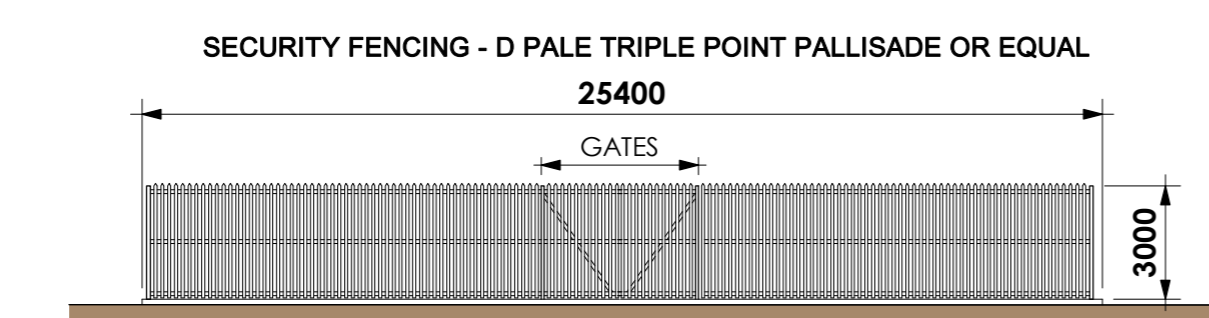
Compressor - South

Scale - 1 : 200



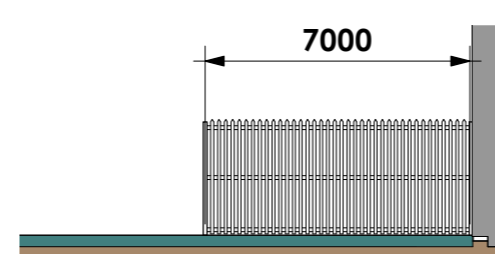
Gas Farm - side 02

Scale - 1 : 200



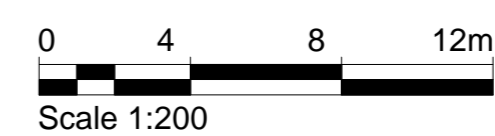
Gas Farm - Front

Scale - 1 : 200



Gas Farm side 01

Scale - 1 : 200



Scale 1:200

Rev	Description	Date

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Client
NEP

Project
Extend Workshop 4
Nigg Energy Park, Nigg

Project No. 1762

Drawing No. PL00-302

Revision

ANCILLARY BUILDINGS - ELEVATIONS

Status
PLANNING

Date Created 09/06/21

Scale As indicated

Sheet @ A1