



Agenda Item 11

**Erection of New Energy Plant and
Associated Works, Including Pipe
Bridge at Ineos, Bo'ness Road,
Grangemouth, FK3 9XH for Ineos
Chemicals Grangemouth LTD -
P/18/0003/FUL**

FALKIRK COUNCIL

Subject: ERECTION OF NEW ENERGY PLANT AND ASSOCIATED WORKS, INCLUDING PIPE BRIDGE AT INEOS, BO'NESS ROAD, GRANGEMOUTH, FK3 9XH FOR INEOS CHEMICALS GRANGEMOUTH LTD - P/18/0003/FUL

Meeting: Falkirk Council

Date: 27 June 2018

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Grangemouth

Councillor David Balfour
Councillor Allyson Black
Councillor Robert Spears

Community Council: Grangemouth Community Council

Case Officer: Julie Seidel (Planning Officer), Ext. 4880

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application is a national development and seeks planning permission for the erection of a new energy plant and associated works, including a pipe bridge, at Ineos Petrochemical Site, Grangemouth.
- 1.2 The application site extends to approximately 4.5 hectares and lies to the south of Bo'ness Road. The site consists of brownfield land within the existing petrochemical site. The south section of the application site was previously occupied by a polymer plant, now demolished. The north section of the site is used for tanker parking and there are vacant buildings, which will be demolished to facilitate development.
- 1.3 The development comprises the following elements:
 - Three boilers, with associated flues, to generate superheated high pressure steam. The height of the boiler structures will be approximately 25 m (excluding flues) and the three flues (chimneys) will be approximately 65 m in height;
 - A Steam Turbine Generator;
 - Boiler Feed Water System, with associated demineralised water storage tank;
 - Steam Let Down System;
 - Gas fuel control equipment;
 - Pipe bridge across Bo'ness Road, to provide the required connection to the wider site;
 - Laydown and storage area for intermediate bulk containers;
 - Control room (including offices and welfare facilities);
 - Car parking for ten vehicles; and
 - Substation/Instrument Equipment.

- 1.4 The proposed development would have the capacity to produce up to 435 Megawatts Thermal (MWt) of high pressure steam to be utilised in the industrial process undertaken in the surrounding petrochemical site. There would also be capacity to generate up to 35 Megawatts Electric (MWe) of electricity, which would be utilised on site with any excess exported to the grid via the existing grid connection. The proposed development would be linked to existing infrastructure in the existing petrochemical site. The proposed development is required to replace existing steam and power plant on site which requires to be decommissioned.
- 1.5 The following information has been submitted in support of the application:-
- Design and Access Statement;
 - Pre-Application Consultation Report;
 - Planning Statement; and
 - Environmental Impact Assessment.
- 1.6 The pre-application consultation report records the following:
- Members of the project team attended Bo'ness Community Council and Grangemouth Community Council meetings in August 2017 to discuss the proposals.
 - The project team held public information days in Grangemouth and Bo'ness on 28 August 2017 from 3pm to 8.30pm. These events were publicised in the local press and by placing posters at various public places in Grangemouth and Bo'ness, on the Ineos website and through social media utilising the Ineos Twitter and Facebook profiles. Direct invites were also issued to the Grangemouth Community Council and Bo'ness Community Council, local businesses around the site and to the ward Members for Bo'ness and Grangemouth.
 - The public event in Grangemouth was attended by a total of 32 people and 12 feedback forms were completed. The public event in Bo'ness was attended by 34 people and 6 feedback forms were completed.
 - The feedback forms received did not state objections to the proposed development, 15 were supportive of the proposals and 3 were neutral.
 - At the Community Council meetings and public information days the project team explained that the proposed development is not linked to or reliant upon any other planning application and that the operation of the proposed development would not require the closure of Bo'ness Road but, temporary closure for approximately 1 month would be needed for construction of the pipe bridge.
 - Attendees at the Community Council meetings and public events commented that air quality, noise, impact on water quality and design would be key issues. Investment that would be brought by the development was welcomed.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 Council consideration and a Pre-Determination Hearing are required for national development. The proposed development is national, as the application site is within the Grangemouth Investment Zone, as identified in the National Planning Framework (NPF3) and the application site exceeds 2 hectares.

- 2.2 The Pre-Determination Hearing was held at Moray Primary School on 29 May at 7pm. At the hearing the planning officer provided a factual summary of the development proposals and the applicant spoke in support of the application. Members asked questions of officers and requested information / clarification in relation to timescales for the road closure, traffic management plans and air quality / emissions post development (in comparison to the current plant). A response to the questions raised at the Pre-Determination Hearing is addressed in paragraphs 7b.13-7b.16 of this report.

3. SITE HISTORY

- 3.1 Proposal of Application Notice PRE/2017/0015/PAN was received on 30 June 2017 for the erection of a new energy plant. The notice set out the proposals for community consultation and a Pre-Application Consultation Report has been submitted with the application.
- 3.2 Environmental Impact Assessment (EIA) Scoping Request PRE/2017/0016/SCOPE was received on 30 June 2017. The scoping opinion agreed with the Council, what information should be included in the EIA.

4. CONSULTATIONS

- 4.1 The Roads Development Unit have no objection to the application, commenting that the proposed development is in a secure area with existing parking. They request a planning condition requiring the submission of detailed engineering drawings and certification for the proposed pipe bridge.
- 4.2 The Environmental Protection Unit have reviewed the application. They advise that the noise impact assessment is satisfactory in terms of the methodology used and the conclusions. They have requested a condition requiring the submission of a contaminated land assessment, owing to the presence of industrial land and other potential sources of contaminated land within 250 metres of the site. They note that the development will require a Pollution Prevention and Control (PPC) permit under the Pollution Prevention and Control (Scotland) Regulations 2012 and therefore any complaints of dust, noise and smells attributable to the site would fall within the remit of SEPA for investigation.
- 4.3 The Council's Air Quality Specialist reviewed the air quality information and commented that the National Air Quality Objectives would not be breached with full operational capacity of the proposed development.
- 4.4 The Transport Planning Unit have no objection to the application. They request a condition requiring the submission of a Construction Traffic Management Plan.
- 4.5 Scottish Water have no objection to the application, but highlight that capacity at their water and/or waste water treatment works is unable to be reserved for the proposed development. While there is currently sufficient capacity at the Carron Valley Water Treatment Works, the availability of capacity would be reviewed once a formal connection application is submitted.

- 4.6 The Scottish Environmental Protection Agency (SEPA) have no objection to the application. They note that the proposed development is intended to replace the functions of an existing energy plant which is due to be decommissioned. The proposed development will not run alongside the existing plant in the long term and emissions will reduce as a result of development.
- 4.7 SEPA comment that the proposal will fall within the remit of the Pollution Prevention and Control (PPC) (Scotland) Regulations 2012 and a variation of an existing PPC permit is required, considering the following key matters:
- Air quality
 - Impacts on health
 - Water quality
 - Odour impacts
 - Noise impacts
 - Impacts on sensitive ecological receptors
 - Application of best available techniques
 - Resource and energy efficiency
 - Waste minimisation and treatment of wastes generated
- 4.8 SEPA have no objection to the application on flood risk grounds.
- 4.9 Scottish National Heritage (SNH) have no objection to the application. They advise that the proposed development would be unlikely to have a significant effect on the Firth of Forth Special Protection Area (SPA), Slamannan Plateau (SPA), Blawhorn Moss Special Area of Conservation (SAC) and Black Loch Moss (SAC). An appropriate assessment is not required.
- 4.10 Historic Environment Scotland (HES) have no objection to the application.
- 4.11 The Health and Safety Executive (HSE) have no objection to the application and do not advise against the proposed development on safety grounds.
- 4.12 Fife Council have no objection to the application.
- 4.13 Glasgow Airport have no objection to the application.
- 4.14 Edinburgh Airport have no objection to the application.
- 4.15 The Emergency Planning Unit have no objection to the application.

5. COMMUNITY COUNCIL

- 5.1 The Grangemouth Community Council have not made comment on the application.

6. PUBLIC REPRESENTATION

- 6.1 At the time of writing this report, no third party representations have been received in response to the application.

7. DETAILED APPRAISAL

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local, major and national developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly:

7a The Development Plan

7a.1 The Falkirk Local Development Plan (LDP) was adopted on 16 July 2015. It includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan. The proposed development will be assessed against the policies set out below.

7a.2 The LDP sets out the Council's vision for the Falkirk area. It is:-

'A dynamic and distinctive area at the heart of Central Scotland, characterised by a network of thriving communities and greenspaces and a vibrant and growing economy which is of strategic significance in the national context, providing an attractive and sustainable place in which to live, work, visit and invest'.

7a.3 The key strategic objectives, to achieve the vision, are set out in the LDP. They are:-

Thriving Communities

- To facilitate continued population and household growth and the delivery of housing to meet the full range of housing needs;
- To build sustainable attractive communities which retain a strong identity and sense of place;
- To ensure that infrastructure is provided to meet the transport, education, recreation and healthcare needs of the growing population, and to support the growth of the economy.

Growing Economy

- To develop the area's economic potential and establish it as a major component in the Scottish economy;
- To strengthen the area's transport connections to the rest of Scotland and global markets;
- To make our town centres vibrant and economically viable focal points within our communities.

Sustainable Place

- To contribute to climate change mitigation and adaptation;
- To extend and improve the green network and protect the area's national heritage;
- To improve the sense of place in our towns and villages and to protect, enhance and promote our historic environments; and
- To manage natural resources and waste sustainably.

7a.4 The key strategic objectives inform the spatial strategy of the LDP. The spatial strategy indicates how the area is intended to grow and develop over the plan period in terms of housing, infrastructure, countryside and green belt, business development, town centres and the green network. The overall strategy will continue to be one of sustainable growth, and the key elements will be:-

- 675 new homes each year on average, distributed around the area, but with a focus on 12 Strategic Growth Areas;
- A diverse portfolio of business sites at 4 Strategic Business Locations, focused on the M9/M876/A801 corridor;
- A range of strategic transport, education, drainage, flood management and healthcare infrastructure to support growth;
- A continuing green belt to maintain the identity of settlements and manage growth;
- A network of Principal, District and Local Centres as the focus for retailing, commercial leisure and services; and
- A multi-functional Falkirk Green Network comprising a number of interconnected components and corridors.

7a.5 In response to the Spatial Strategy, the LDP contains a range of strategic policies and supporting policies. The strategic policy of relevance to this application is policy BUS01 'Business and Tourism'. The relevant strategic and supporting policies are set out in paragraphs 7a.6 onwards, as follows.

7a.6 Policy BUS01 - Business and Tourism states:-

- 1. The Council will promote the Strategic Business Locations (SBLs) and National Developments identified on Map 3.3 as the priority areas for economic development. Development of the site specific elements of the SBLs, as listed in the Settlement Statements and detailed in the Site Schedule in Appendix 1, will be to high standards of design in accordance with a development brief or masterplan for each location approved by the Council, to ensure a comprehensive and sensitive approach to site planning.*
- 2. Other local sites for new local business and industrial development listed in the Settlement Statements and detailed in the Site Schedule will be safeguarded for the employment use specified for each site.*
- 3. The Council will give priority to the development of tourism proposals which support the themes/networks and strategic nodes identified in Figure 3.2 and Map 3.4. Proposals will be supported which:*
 - complement the existing pattern of development;*
 - are of a quality which enhances the image and tourism profile of the area;*
 - comply with other LDP supporting policies.*

7a.7 The proposed development is a national development and is identified as a strategic business location on map 3.3 of the LDP. The application site is within a priority area for development and as such is supported by policy BUS01 'Business and Tourism'.

7a.8 Policy BUS02 - Core Business Areas states:-

The core business areas identified on the Proposals Map will be retained primarily in business and industrial use. Class 4, 5 and 6 uses will be supported in principle within these areas, apart from Callendar Business Park, and Gateway Business Park, Grangemouth, where only Class 4 uses will be appropriate. Other employment uses will be permitted where they are compatible with the business/industrial character of the area and comply with other LDP policies.

7a.9 The application site relates to an established petrochemical site where the development is required to replace future decommissioned plant which serves the wider site. The proposed development relates to an industrial use, where the development would be compatible with the industrial character of the surrounding area and complies with other LDP policies. The application accords with policy BUS02 'Core Business Areas'.

7a.10 Policy BUS05 - Major Hazards and Pipelines states:-

- 1. Proposals within Major Hazard and Pipeline Consultation Zones as defined by the HSE and shown on the Proposals Map will be assessed in relation to the following factors:*
 - The increase in the number of people exposed to risk in the area;*
 - The existing permitted use of the site or buildings;*
 - The extent to which the proposal may achieve regeneration benefits, which cannot be secured by any other means; and*
 - The potential impact on existing chemical and petrochemical sites and pipelines.*
- 2. The Council will give careful consideration to applications for hazardous substances consent (HSC) that would extend major hazard distances within the urban area, to balance the desirability of growth and development at nationally important clusters of industries handling hazardous substances with the possibility of prejudice to the development of sites allocated in the LDP. Applications for HSC should demonstrate that off site constraints have been minimised as far as possible through the optimum location and method of storage, and by ensuring that the quantity/type of materials applied for is specifically related to operational needs.*
- 3. The revocation of HSC consents where the use on the site has ceased will be pursued.*
- 4. The preferred location for new pipelines will be in existing Pipeline Consultation Zones.*

7a.11 The application site is within major hazard consultation zones as identified by HSE. It is considered that the development would not increase the number of people exposed to risk in the area, considering the current use of the site and that the proposal relates to replacement plant (served by existing personnel). The development would achieve regeneration benefits, by replacing existing plant which would be more modest in design with slimmer flues and by supporting future growth and investment in the Grangemouth Investment Zone. There would be no impact on existing chemical and petrochemical sites other than that planned by the applicant / operator. The application accords with policy BUS05 'Major Hazards and Pipelines'.

7a.12 Policy GN03 - Biodiversity and Geodiversity states:-

The Council will protect and enhance habitats and species of importance, and will promote biodiversity and geodiversity through the planning process. Accordingly:

- 1. Development likely to have a significant effect on Natura 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Qualifying features of a Natura 2000 site may not be confined to the boundary of a designated site. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions, and there are imperative reasons of overriding public interest. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).*
- 2. Development affecting Sites of Special Scientific Interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of national importance.*
- 3. Development likely to have an adverse effect on European protected species, a species listed in Schedules 5, 5A, 6, 6A and 8 of Wildlife and Countryside Act 1981 (as amended), or a species of bird protected under the Wildlife and Countryside Act 1981 (as amended) will only be permitted where the applicant can demonstrate that a species licence is likely to be granted.*
- 4. Development affecting Local Nature Reserves, Wildlife Sites, Sites of Importance for Nature Conservation and Geodiversity Sites (as identified in Supplementary Guidance SG08 'Local Nature Conservation and Geodiversity Sites'), and national and local priority habitats and species (as identified in the Falkirk Local Biodiversity Action Plan) will not be permitted unless it can be demonstrated that the overall integrity of the site, habitat or species will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
- 5. Where development is to be approved which could adversely affect any site or species of significant nature conservation value, the Council will require appropriate mitigating measures to conserve and secure future management of the relevant natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required, along with provision for its future management.*
- 6. All development proposals should conform to Supplementary Guidance SG05 'Biodiversity and Development'.*

7a.13 The application is accompanied by an EIA which considers Biodiversity (chapter 8) and presents the Ecological Impact Assessment (EclA). The assessment concludes there would not be any significant ecological impact in terms of wildlife species, habitat or environmentally sensitive sites. Members should note that SHN advise that there would not be a significant impact and an Appropriate Assessment is not required. The EclA concludes that the development would be mitigated by standard mitigation measures. A Construction Environmental Management Plan (CEMP) includes construction related mitigation measures for biodiversity and can be secured by planning condition. The application accords with policy GN03 'Biodiversity and Geodiversity'.

7a.14 Policy RW01- Renewable Energy states:-

1. Renewable energy developments will be supported subject to:

- Satisfactory assessment of their impacts on the environment and communities; and*
- Compliance with other relevant LDP policies and statutory supplementary guidance, which will embody all the principles in Scottish Planning Policy 2014 and will set detailed policy considerations against which all proposals for renewable energy infrastructure developments will be assessed.*

2. Wind energy developments will be assessed in relation to the following factors, as well as against the detailed spatial framework, policies and guidance contained in Supplementary Guidance SG14 'Spatial Framework and Guidance for Wind Energy Developments' prepared in full accord with Scottish Planning Policy 2014:

- Landscape and visual impacts;*
- Ecological impacts;*
- Impact on green belt objectives;*
- Impact on carbon rich and rare soils;*
- Impact on the water environment;*
- Impacts on the historic environment;*
- Impacts on aviation and telecommunications interests;*
- Impacts on communities, whether settlements or individual residential properties, including issues of noise, shadow flicker and air quality;*
- Cumulative impacts in relation to the above factors, arising from the combined effect of the proposal with other existing or approved wind energy developments;*
- Net economic impacts, including local and community socio-economic benefits;*
- The scale of contribution to renewable energy generation targets and the effect on greenhouse gas emissions; and*
- Tourism and recreation impacts, including for public access and for long distance walking, cycling and scenic routes.*

7a.15 The application is assessed as being satisfactory in relation to the impact on the environment and community. The application complies with other relevant LDP policies and statutory supplementary guidance. The application accords with policy RW01'Renewable Energy'.

7a.16 Policy RW06 - Flooding states:-

1. *Development on the functional flood plain should be avoided. In areas where there is significant risk of flooding from any source (including flooding up to and including a 0.5% (1 in 200 year) flood event), development proposals will be assessed against advice and the Flood Risk Framework in the SPP. There will be a presumption against new development which would:*
 - *be likely to be at risk of flooding;*
 - *increase the level of risk of flooding for existing development; or*
 - *result in a use more vulnerable to flooding or with a larger footprint than any previous development on site.*
2. *Development proposals on land identified as being at risk from flooding, or where other available information suggests there may be a risk, will be required to provide a flood risk assessment that demonstrates that:*
 - *any flood risks can be adequately managed both within and outwith the site;*
 - *an adequate allowance for climate change and freeboard has been built into the flood risk assessment;*
 - *access and egress can be provided to the site which is free of flood risk; and*
 - *water resistant materials and forms of construction will be utilised where appropriate.*
3. *Where suitably robust evidence suggests that land contributes or has the potential to contribute towards sustainable flood management measures development will only be permitted where the land's sustainable flood management function can be safeguarded.*

7a.17 The application site is at low to medium risk of fluvial and coastal flooding. The applicant has submitted a Flood Risk Assessment (FRA) to support the application. The FRA concludes that the development would have a neutral effect in relation to surface water and ground water flood risk and flood risk associated with the sewer network. The development is assessed as being suitable for development in accordance with policy RW06 'Flooding'.

7a.18 Policy RW07 - Air Quality states:-

The Council will seek to contribute to the improvement of air quality. Impacts on air quality will be taken into account in assessing development proposals, particularly within Air Quality Management Areas (AQMAs). An Air Quality Assessment may be required for developments that are within AQMAs or where the proposed development may cause or significantly contribute towards a breach of National Air Quality Standards. Development proposals that result in either a breach of National Air Quality Standards or a significant increase in concentrations within an existing AQMA will not be permitted unless there are over-riding issues of national or local importance.

7a.19 The application was submitted with a supporting Air Quality Assessment. The development is assessed as not likely to cause a breach of National Air Quality Standards or a significant increase in concentrations (once the plant is fully operational and existing plant decommissioned), in accordance with policy RW07 'Air Quality'.

7a.20 Policy INF01 - Strategic Infrastructure states:-

The Council will promote or support the provision of strategic infrastructure as identified on Map 3.2, listed in the Settlement Statements, and detailed in the Site Schedule in Appendix 1. The delivery of these projects will be through a range of agencies, in partnership with Falkirk Council. The Council and other partner organisations will explore traditional and innovative funding mechanisms to deliver infrastructure improvements, notwithstanding the continuing role of developer contributions as set out in supporting policies and supplementary guidance.

7a.21 Policy INF01 promotes the provision of strategic infrastructure which includes development within the Grangemouth Investment Zone. The application site lies within a core business area within Economic Development Opportunity ED16, as defined in the LDP. ED16 is an existing supply site for redevelopment of the Ineos site for chemicals/biochemical/industry development and is supported by policy INF01 'Strategic Infrastructure'.

7a.22 INF02 - Developer Contributions to Community Infrastructure states:-

Developers will be required to contribute towards the provision, upgrading and maintenance of community infrastructure where development will create or exacerbate deficiencies in, or impose significantly increased burdens on, existing infrastructure. The nature and scale of developer contributions will be determined by the following factors:

- 1. Specific requirements identified against proposals in the LDP or in development briefs;*
- 2. In respect of open space, recreational, education and healthcare provision, the general requirements set out in Policies INF04, INF05 and INF06;*
- 3. In respect of physical infrastructure any requirements to ensure that the development meets sustainability criteria;*
- 4. In respect of other community facilities, any relevant standards operated by the Council or other public agency; and*
- 5. Where a planning obligation is the intended mechanism for securing contributions, the principles contained in Circular 3/2012.*

In applying the policy, consideration of the overall viability of the development will be taken into account in setting the timing and phasing of payments.

7a.23 It is considered that the development would not create or exacerbate deficiencies in, or impose significantly increased burdens on, existing infrastructure. As such developer contributions are not required and the application does not conflict with the terms of policy INF02 'Developer Contributions to Community Infrastructure'.

7a.24 Policy INF11 - Parking states:-

The Council will manage parking provision as an integral part of wider transport planning policy to ensure that road traffic reduction, public transport, walking, cycling and safety objectives are met.

1. *The scale of public parking provision in Falkirk Town Centre will be maintained broadly at its current level and any proposed change to parking provision will be assessed against its effect on the vitality and viability of the centre.*
2. *The feasibility of promoting Park and Ride facilities on the road corridors into Falkirk Town Centre will continue to be investigated.*
3. *Parking in District and Local Centres will be managed to promote sustainable travel and the role of the centres.*
4. *New parking will be provided to support the strategic role of railway stations, with priority given to new provision at Falkirk High. Where possible, the provision of new off street parking facilities will be associated with traffic management and other measures to reduce uncontrolled on-street parking.*
5. *The maximum parking standards set out in the SPP will be applied to new development, where relevant, in tandem with the Council's minimum standards. Where the minimum standards cannot be met, developer contributions to enhance travel plan resources may be required in compensation.*

7a.25 The proposed development would have adequate parking within the site to serve the development and existing parking within the wider petrochemical site for personnel, in accordance with policy INF11 'Parking'.

7a.26 Policy GN01 - Falkirk Green Network states:-

1. *The Council will support the Central Scotland Green Network in the Falkirk area through the development and enhancement of a multi-functional network of green components and corridors as defined in Map 3.5.*
2. *Within the green network, biodiversity, habitat connectivity, active travel, recreational opportunities, landscape quality, placemaking, sustainable economic development and climate change adaptation will be promoted, with particular reference to the opportunities set out in the Settlement Statements, and detailed in the Site Schedule in Appendix 1.*
3. *New development, and in particular the strategic growth areas and strategic business locations, should contribute to the green network, where appropriate, through the integration of green infrastructure into masterplans or through enabling opportunities for green network improvement on nearby land.*

7a.27 The development is within a strategic business location. As the site is within an existing petrochemical plant and will be set within the backdrop of existing industrial buildings and plant, it is not considered appropriate to secure green network improvements as part of this development. The application does not conflict with policy GN01 'Falkirk Green Network'.

7a.28 Policy D02 - Sustainable Design Principles states:-

New development will be required to achieve a high standard of design quality and compliance with principles of sustainable development. Proposals should accord with the following principles:

- 1. Natural and Built Heritage. Existing natural, built or cultural heritage features should be identified, conserved, enhanced and integrated sensitively into development;*
- 2. Urban and Landscape Design. The scale, siting and design of new development should respond positively and sympathetically to the site's surroundings, and create buildings and spaces that are attractive, distinctive, welcoming, adaptable, safe and easy to use;*
- 3. Accessibility. Development should be designed to encourage the use of sustainable, integrated transport and to provide safe access for all users;*
- 4. Climate Change & Resource Use. Development should promote the efficient use of natural resources and the minimisation of greenhouse gas emissions through energy efficient design, choice and sourcing of materials, reduction of waste, recycling of materials and exploitation of renewable energy;*
- 5. Infrastructure. Infrastructure needs and their impacts should be identified and addressed by sustainable mitigation techniques, with particular regard to drainage, surface water management, flooding, traffic, road safety and noise; and*
- 6. Maintenance. Proposals should demonstrate that provision will be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure.*

Masterplans will be required for significant development proposals requiring a co-ordinated approach to design and infrastructure, and should demonstrate how the above principles have been incorporated into the proposals. Masterplans should be informed by a development framework or brief where relevant.

7a.29 Policy D03 - Urban Design states:-

New development should create attractive and safe places for people to live, work and visit. Accordingly:

- 1. Development proposals should conform with any relevant development framework, brief or masterplan covering the site. Residential proposals should conform with Supplementary Guidance SG02 'Neighbourhood Design';*
- 2. The siting, density and design of new development should create a coherent structure of streets, public spaces and buildings which respects and complements the site's context, and creates a sense of identity within the development;*

3. *Street layout and design should generally conform with the Scottish Government's policy document 'Designing Streets';*
4. *Streets and public spaces should have buildings fronting them or, where this is not possible, a high quality architectural or landscape treatment;*
5. *Development proposals should include landscaping and green infrastructure which enhances, structures and unifies the development, assists integration with its surroundings, and contributes, where appropriate, to the wider green network;*
6. *Development proposals should create a safe and secure environment for all users through the provision of high levels of natural surveillance for access routes and public spaces; and*
7. *Major development proposals should make provision for public art in the design of buildings and the public realm.*

7a.30 It is considered that the proposed development would not have a significant impact on natural and built development. The scale, siting and design of the proposed development would be sympathetic to the site surroundings. The site benefits from existing transport and infrastructure which can accommodate the development. The proposed development provides a more modern, efficient plant to serve the existing petrochemical site, which supports the efficient use of natural resources. The approximate improvement in efficiency of steam and power generation would be 10% and a total forecast reduction of 600 – 800 Gigawatt Hours (GWH) per annum, of primary fuel input. The application does not conflict with policies D02 'Sustainable Design Principles' and D03 'Urban Design'.

7a.31 Policy D04 - Low and Zero Carbon Development states:-

1. *All new buildings should incorporate on-site low and zero carbon-generating technologies (LZCGT) to meet a proportion of the overall energy requirements. Applicants must demonstrate that 10% of the overall reduction in CO2 emissions as required by Building Standards has been achieved via on-site LZCGT. This proportion will be increased as part of subsequent reviews of the LDP. All proposals must be accompanied by an Energy Statement which demonstrates compliance with this policy. Should proposals not include LZCGT, the Energy Statement must set out the technical or practical constraints which limit the application of LZCGT. Further guidance will be contained in Supplementary Guidance SG15 'Low and Zero Carbon Development'. Exclusions from the requirements of this policy are:*
 - *Proposals for change of use or conversion of buildings;*
 - *Alterations and extensions to buildings;*
 - *Stand-alone buildings that are ancillary and have an area less than 50 square metres;*

- *Buildings which will not be heated or cooled other than by heating provided solely for the purpose of frost protection;*
 - *Temporary buildings with consent for 2 years or less; and*
 - *Where implementation of the requirement would have an adverse impact on the historic environment as detailed in the Energy Statement or accompanying Design Statement.*
2. *The design and layout of development should, as far as possible, seek to minimise energy requirements through harnessing solar gain and shelter;*
 3. *Decentralised energy generation with heat recycling schemes (combined heat and power and district heating) will be encouraged in major new developments, subject to the satisfactory location and design of associated plant. Energy Statements for major developments should include an assessment of the potential for such schemes.*

7a.32 The proposed buildings serving the energy plant would be exempt from requiring the incorporate of on-site low and zero carbon-generating technologies. An Energy Statement in relation to decentralised energy and heat provision can be requested by planning condition. The application accords with policy D04 'Low and Zero Carbon Development'.

Falkirk Council Supplementary Guidance Forming Part of the LDP

7a.33 The application accords with the guidance contained in SG05 'Biodiversity and Development' and SG15 'Low and Zero Carbon Development'.

7a.34 Supplementary guidance SG17 'Renewable Energy' sets out the general principles and guidance for a range of renewable technologies, including combined heat and power (CHP). It expands the requirements of policy RW01(1) 'Renewable Energy' of the LDP, which seeks to support renewable energy development where potential impacts can be satisfactorily addressed.

7a.35 CHP is identified as being suitable for large-scale industrial settings. CHP is not necessarily a renewable technology as it can utilise a number of fuels and in this instance the proposed development would be fuelled by mixed gas from the wider petrochemical site, refinery gases, ethane and natural gas. The development would be designed to use efficient modern technology and replace older less efficient plant (with an approximate improvement in steam and power generation efficiency of 10%). The proposed development would also result in a forecast reduction of 110,000 -140,000 tonnes of CO2 per annum. The application is generally supported by the thrust of guidance contained in SG17.

7a.36 Accordingly, the application is assessed as being in accordance with the Falkirk Local Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed are as follows:

- National Planning Framework 3 (NPF3)
- Scottish Planning Policy (SPP)
- Falkirk Economic Strategy 2015 - 2025
- Responses received from consultees
- The questions raised by Members at the Pre-Determination Hearing

National Planning Framework 3

7b.2 The application site lies within the Grangemouth Investment Zone identified in NPF3. The zone is identified in NPF3 as being a nationally significant site for industry and freight. Support for industrial development and the need to balance this against impacts on the local community and sensitive environment of the Forth Estuary are recognised. NPF3 requires that national developments should demonstrate that environmental impacts can be avoided or mitigated to an acceptable level and that there has been an appropriate level of public consultation.

7b.3 The development is supported by NPF3 on the basis that it supports key infrastructure and industry in the Grangemouth Investment Zone. It is considered that the applicant has demonstrated that there would be no significant environmental impacts and there has been an appropriate level of public consultation.

Scottish Planning Policy

7b.4 Scottish Planning Policy (SPP) 2014 sets out national planning policies for the development and use of land. The purpose of the SPP is to set out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

7b.5 SPP introduces a presumption in favour of development that contributes to sustainable development. This means that policies and decisions should be guided by the following principles:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;
- supporting delivery of infrastructure, for example transport, education, energy, digital and water;

- supporting climate change mitigation and adaptation including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

7b.6 SPP requires that planning address the development requirements of businesses and enable key opportunities for investment to be realised. It can support sustainable economic growth by providing a positive policy context for development that delivers economic benefits. The planning system should:

- promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;
- allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; and
- give due weight to net economic benefit of proposed development.

7b.7 Proposals for development in the vicinity of major-accident hazard sites should take into account the potential impacts on the proposal and the major-accident hazard site of being located in proximity to one another. Decisions should be informed by the Health and Safety Executive's advice. Proposals for business, industrial and service uses should take into account surrounding sensitive uses, areas of particular natural sensitivity or interest and local amenity, and make a positive contribution towards placemaking.

7b.8 It is considered that the application is supported by SPP. The development would support sustainable economic growth for the existing petrochemical plant, by installing modern, efficient plant and decommissioning old infrastructure (first commissioned in the 1970s). The application addresses potential impacts on the major hazard site and takes into account surrounding uses, local and visual amenity.

Falkirk Economic Strategy 2015 – 2025

7b.9 The Strategy recognises the national importance of the Grangemouth Investment Zone in relation to its strengths in chemicals, manufacturing and logistics. It also recognises that integral to the Investment Zone is the development of the Grangemouth energy project. This builds on the requirement to renew the area's energy generation capacity and is examining the opportunities to share heat and power across local distribution networks in the area.

7b.10 The application is supported by the Economic Strategy as it supports the development of new infrastructure within the Investment Zone and the promotion of a lower carbon business process. The proposed development is required to provide steam and electrical power generation to support the operation of the petrochemical site and its long term future. The proposed development would increase the conversion efficiency of fuel gas to steam and result in an overall reduction in the steam generating capacity (an approximate improvement in efficiency of steam and power generation by approximately 10%). The development would also result in a forecast reduction of 110,000 – 140,000 tonnes of CO2 per annum.

Consultation Responses

7b.11 The consultation responses are summarised in section 4 of the report. There are no objections to the application raised through consultation. Some of the issues raised through consultation can be dealt with by planning condition including ground contamination, the submission of construction traffic management and engineering drawings for the pipe bridge.

7b.12 No third party representations and no Community Council comments have been received at the time of preparing this report.

Questions raised at the Pre-Determination Hearing

7b.13 Members raised the following issues at the Pre-Determination Hearing (PDH) which require further clarification:

- Timescales for closure of the road for construction. Ineos said 1 month at the Hearing but Members mentioned that last time Ineos put in a pipe bridge the road was closed a lot longer.
- Traffic management plans for construction.
- Air quality and emissions. A comparison with existing plant was requested.

7b.14 Following the Hearing, the applicant has commented in relation to the issues raised at the PDH. In relation to timescale for the road closure, they request that the details of the construction (including timescales) be dealt with by a planning condition requiring a Construction Traffic Management Plan (CTMP), to be submitted and approved by Falkirk Council prior to any works commencing on site. This would include the provision and means of installing the approved pipe bridge. The applicant has also suggested a planning condition, limiting the closure of the road to a period not greater than 1 month, unless agreed in writing with the Planning Authority.

7b.15 A planning condition requiring the submission of a CTMP accords with the advice given by the Council's Transport Planning Unit. There is information in relation to the CTMP contained in the EIA, but it cannot be finalised at this stage. The CTMP would include details of the following:

- Identify to all staff and contractors the appropriate and safe routes to and from the proposed development
- Confirmation of routing for HGV traffic

- Timing of HGV movements to take place outside of peak flow hours, where practicable, in order to minimise disruption to general traffic flows on the road network
- Appropriate warning signs to be erected to warn other road users of the presence of HGV's and general construction period related traffic
- Identify proposed measures to support and promote sustainable travel for staff, contractors and visitors travelling to the Proposed Development
- The CTMP will provide for regular inspections to be carried out to ensure that agreed mitigation measures, as outlined above, are being undertaken

7b.16 The applicant has provided the data which demonstrates that the proposed development would perform better in terms of air quality and emissions than current plant serving the site, as follows:

	Permitted Emission Limit Value (ELV)	Actual for Existing B&C Power Station (Annual Hourly Average)	Future New Energy Plant Emission Limit Value (ELV)
	(mg/m3)	(mg/m3)	(mg/m3)
SOX	500	54 to 120	35
NOX	450	138 to 203	100
Particulates	20	0.55 to 6.2	5

7c Conclusion

- 7c.1 The application is assessed as being in accordance with the Falkirk Local Development Plan. The proposed development accords with the National Planning Framework 3, Scottish Planning Policy and the Falkirk Economic Strategy,
- 7c.2 There would be no significant impact in terms of the ecological environment, air quality, noise, traffic and access, visual amenity and flooding. The issues raised by consultees can be addressed by condition.

8. RECOMMENDATION

8.1 It is therefore recommended that the Council grants planning permission subject to the following condition(s):-

1. The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.

- i. No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.
 - ii. Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.
 - iii. Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.
 - iv. If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
3. No development shall commence on site until full details of site layout, elevations (including colour), ground and boundary treatment have been submitted to and approved in writing by the Planning Authority. Thereafter development shall be carried out in accordance with the agreed detail, unless otherwise agreed in writing.
4. No development shall commence on site until a Construction Traffic Management Plan (CTMP) is submitted to and approved in writing by the Planning Authority. Thereafter, development shall proceed in accordance with the approved plan, unless otherwise agreed in writing.
5. No development shall commence on site until a Construction Environmental Management Plan (CEMP) in respect of the construction phase of the proposed development has been submitted to and approved in writing by the Planning Authority. Thereafter, construction shall be carried out in accordance with the approved plan, unless otherwise agreed in writing.

- 6. No development shall commence on site until detailed engineering drawings and engineering certification for the pipe bridge have been submitted to and approved in writing by the Planning Authority. Thereafter, development shall proceed in accordance with the approved plan, unless otherwise agreed in writing.**
- 7. The existing combined heat and power plant (Boiler 8 and B&C Plant), shall cease functioning within 1 year of this development being operational, unless otherwise agreed in writing with the Planning Authority.**
- 8. The temporary closure of the A904 Bo'ness Road, required for the installation of the approved pipe bridge, shall be for a period no longer than 4 weeks in total, unless agreed in writing with Falkirk Council.**
- 9. No development shall commence on site until an Energy Statement which includes an assessment of decentralised energy and heat provision is submitted to and approved in writing by the Planning Authority. Where there is the potential for energy and heat provision, as a result of development, the infrastructure (including a timetable for implementation) shall be agreed in writing.**

Reason(s):-

- 1. As these drawings and details constitute the approved development.**
- 2. To ensure the ground is suitable for the proposed development.**
- 3, 6. To allow the Planning Authority to control the final appearance/ construction of the development.**
- 4, 8. To safeguard the interests of the users of the highway.**
- 5. To allow the Planning Authority to comment on and control the construction phase of development.**
- 7. To protect air quality in the surrounding area.**
- 9. To ensure that the development includes provision for energy and heat recycling schemes where there is potential within the development.**

Informative(s):

- 1. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.**

2. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 - 09 and Supporting Documents.
3. The builder shall ensure that noisy work which is audible at the site boundary shall **ONLY** be conducted between the following hours:

Monday to Friday	08:00 - 19:00 Hours
Saturday	08:00 - 13:00 Hours
Sunday / Bank Holidays	No noise audible at the site boundary

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Health Unit.

4. The site is at risk from coastal inundation. Consequently, there will be a flood risk to any buildings constructed on this site. It is therefore advised that water resistant materials and construction methods are used.

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pp Director of Development Services

Date: 15 June 2018

LIST OF BACKGROUND PAPERS

1. Falkirk Council Local Development Plan, July 2015.
2. Scottish Planning Policy (SPP) 2014.
3. National Planning Framework (NPF3).
4. Scottish Planning Policy 2014.
5. Falkirk Economic Strategy 2015-2025.
6. SG05 'Biodiversity and Development'.
7. SG15 'Low and Zero Carbon Development'.
8. SG17 'Renewable Energy'.

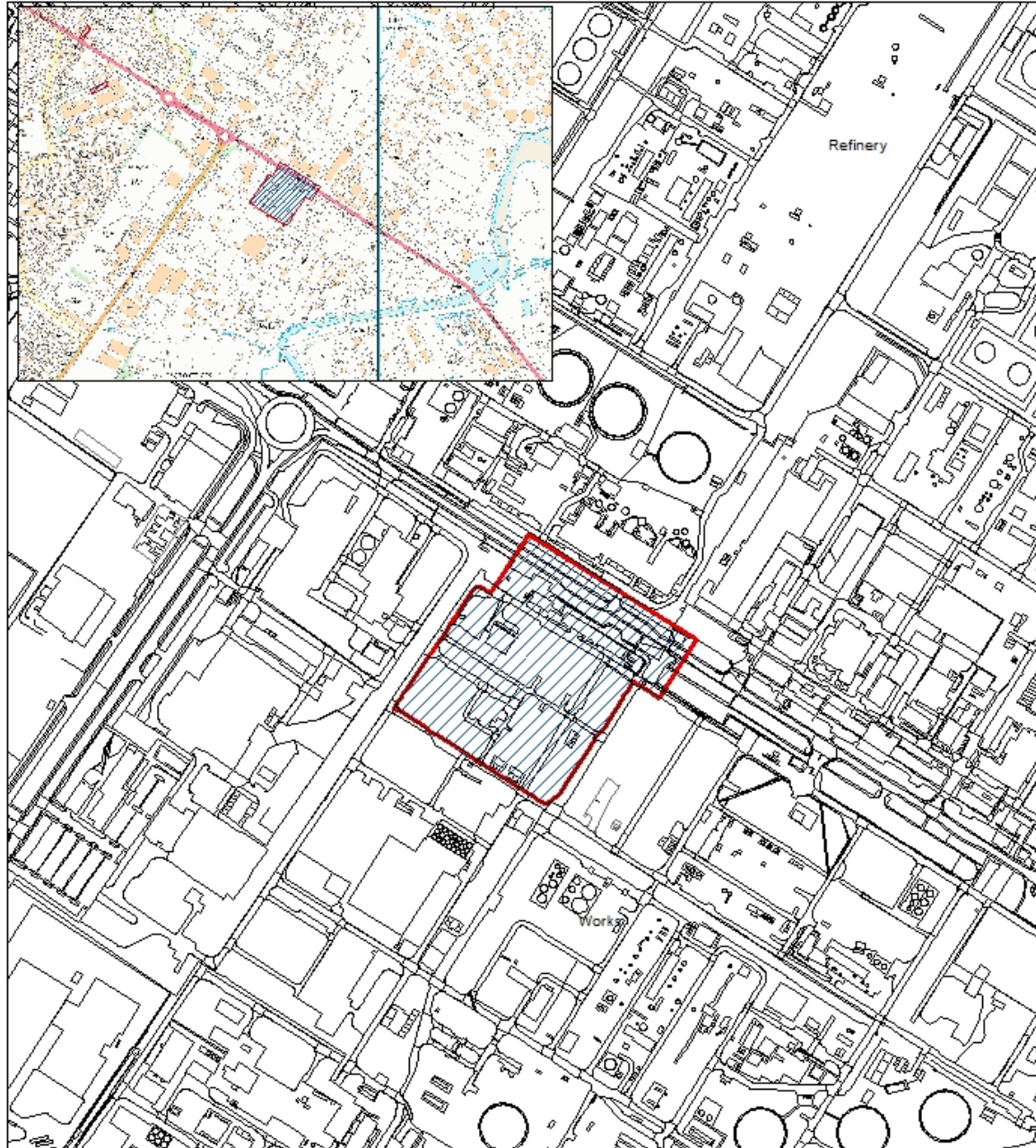
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

Planning Committee

Planning Application Location Plan

P/18/0003/FUL

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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