

Response ID ANON-B3JU-DSJJ-Y

Submitted to **Local Development Plan Main Issues Report 2019 Consultation**
Submitted on **2019-04-18 14:28:32**

About You

What is your name?

Name:

John Handley

What is your organisation?

Organisation:

John Handley Associates Ltd

On behalf of:

Shell UK Limited

How can we contact you?

Email:

[REDACTED]

Telephone:

[REDACTED]

Address:

[REDACTED]

1 Introduction

Section 1 provides a context for the Main Issues Report Do you have any comments in relation to this section?

Do you have any comments in relation to this section?:

no comments

2 Settlement Strategy

Question 1 New Housing Sites

Do you agree with our preferred housing sites? Are there any other sites that would be suitable for housing?:

no comments

Question 2 Housing Allowances Beyond 2032

Is there a need for us to identify further Housing Allowances or sites for the period beyond 2032?:

no comments

Question 3 Brownfield and other Opportunity Sites

Are there any further brownfield or other opportunity sites which would be suitable for redevelopment?:

no comments

Question 4 New Healthcare Facilities

Do you have any comments on these sites? Are there any other sites in these areas that we should be considering?:

no comments

Appendix 1 Proposed Draft New Policies

Policy D2 Amenity

Do you have any comments on the policy?:

Policy D5 Advertisements and Signage

Do you have any comments on the policy?:

Policy D8 Shopfronts

Do you have any comments on the policy?:

Policy D9 Windows and Doors

Do you have any comments on the policy?:

Policy H4 Housing Mix and Housing for Particular Needs

Do you have any comments on the policy?:

Policy H8 Residential Care Facilities

Do you have any comments on the policy?:

Policy H9 Student Accommodation Developments

Do you have any comments on the policy?:

Policy H10 Houses in Multiple Occupation

Do you have any comments on the policy?:

Policy NC9 City Centre Living

Do you have any comments on the policy?:

Policy NC10 24-hour City

Do you have any comments on the policy?:

Policy NC11 Visitor Attractions and Facilities

Do you have any comments on the policy?:

Policy NC12 Public Art Contribution

Do you have any comments on the policy?:

Additional Documents

Please include comments on other documents below:

Please include comments on other documents below::

We have provided our comments on the MIR on the attached Letter of Representation which we would request is accepted as our full submission.

Additional Files

If you have further information you would like to provide you may upload it here.:

Shell UK Limited - Aberdeen LDP Review - MIR Consultation Letter - 17.04.19.pdf was uploaded

17 April 2019

By email to: ldp@aberdeencity.gov.uk

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Enterprise, Planning and Infrastructure
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AB10 1AB

JOHN HANDLEY ASSOCIATES LTD



Dear Sirs

**Aberdeen Local Development Plan Review – MIR Consultation (2019)
Representations on behalf of Shell UK Limited
Support for Retention of Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites**

We refer to the publication of the Aberdeen Local Development Plan Main Issues Report and the invitation to submit comments to the Council in advance of the publication of the Proposed Plan.

On behalf of our client Shell UK Limited, the owners and operators of some of the oil and gas pipelines that cross the Aberdeen Local Development Plan Area, we welcome the opportunity to provide comments at this stage in the preparation of the replacement Local Development Plan, and have completed the on-line MIR Questionnaire with our contact details and summary of our comments.

However, as our comments do not relate to any of the specific MIR questions, we would also request that the detailed comments set out below are accepted as our submission on the MIR. This submission follows on from our comments made in response to the Pre-MIR Consultation stage.

Whilst we have reviewed the full MIR Questionnaire and related consultation documents, and are aware of the separate questions being posed throughout the report, this submission is essentially restricted to matters relating to the safeguarding of oil and gas pipelines. In this respect, we wish to provide comments on three particular areas: Policy B6; Policy R8; and proposed developments within pipeline consultation zones. Our comments are set out in full below under these headings.

Support for retention of Policy B6

As set out in our submissions at the pre-MIR stage, we would request that the replacement LDP retains the current LDP **Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites** and the associated text set out under paragraph 3.74 which advises that: *“Within Aberdeen City, there are a number of high pressure pipelines and sites where hazardous substances or explosives are stored. For each of these sites a consultation zone has been established by the Health and Safety Executive to ensure that only appropriate new or replacement development takes place and that there is no increased risk to public safety”*.

The current LDP policy requires the Council in determining planning applications for development within the consultation zones for hazardous installations (including oil and gas pipelines) to consult with, and take full account of advice from, the HSE and the facility’s owners and operators, and to seek to ensure that any risk to public safety is not increased.

Contd./

The reference to the HSE and the pipeline operators within this policy is fully supported and should be continued. We also support the identification of consultation zones within proposals maps and the description within relevant development proposals to the consultation zones and the requirement to accord with Policy B6. This is particularly useful and should be retained in the new LDP as it provides clear and unambiguous advice to developers, landowners and other users of the LDP.

Policy B6 is therefore an important safeguarding policy and its retention in the replacement LDP is essential and would accord with the advice set out in the Scottish Planning Policy (SPP).

The SPP confirms that the oil and gas industry is one of Scotland's biggest employers and a significant contributor to the Scottish economy. Paragraph 235 of the SPP confirms that the planning system should recognise the national benefit of oil and gas production in maintaining a diverse energy mix and improving energy security. Further guidance is set out at paragraphs 99 and 107 on pages 25 and 26 of the SPP. Paragraph 99 confirms the need to identify and safeguard oil and gas pipelines through the development plan process, including within local development plans; and paragraph 107 notes the requirement for development to accord with the HSE's advice. This includes the need to maintain appropriate distances between sites with hazardous substances and new development.

Further guidance on these issues has been provided through the publication of *Planning Circular 3/2015: Planning Controls for Hazardous Substances* which was issued by the Scottish Government in November 2015.

Policy R8 Renewable and Low Carbon Energy Developments

For the same reasons, and as noted in our submissions at the earlier consultation stage, we would also suggest that there is a need for ***Policy R8 Renewable and Low Carbon Energy Developments*** and the related ***Supplementary Guidance on Wind Turbine Development*** to take into account and specifically include reference to the pipeline consultation zones that cross the Aberdeen LDP Area.

As currently drafted, neither Policy R8 (as set out on page 89 of the Adopted LDP) nor the Supplementary Guidance on Wind Turbine Development makes any references to pipeline consultation zones.

Clearly in light of the points discussed above, it is essential to ensure that any wind turbine development does not compromise public health or safety.

On this basis, we would request that Policy R8 should be retained in the replacement LDP, but should be amended to make specific reference to the pipeline consultation zones that cross the Aberdeen area, and advise that any wind turbine development proposed within these consultation zones must accord with the HSE's land use planning advice and methodology. Reference should also be made to the Guidance prepared by the United Kingdom Onshore Pipeline Operator's Association (UKOPA) regarding the siting of wind turbines close to high pressure pipelines. A copy of this Guidance note is enclosed with this submission.

We would therefore request that a new criteria is inserted (as point 5) within Policy R8 Renewable and Low Carbon Energy Developments which states that:

"Any turbines proposed within pipeline consultation zones must accord with the requirements of the Health and Safety Executive's land use planning advice and the Guidance prepared by the United Kingdom Onshore Pipeline Operator's Association (UKOPA) regarding the siting of wind turbines close to high pressure pipelines. Further details are set out in the Supplementary Guidance on Wind Turbine Development".

Appropriate amendments should also be made to the related Supplementary Guidance on Wind Turbine Development, with specific reference to the UKOPA Guidelines set out in the "Further Information" section of the Supplementary Guidance.

These amendments would ensure that any potential conflicts between these uses are avoided, and we would be happy to provide further information on this matter should this be required.

Assessment of Development Bid Submissions

At the pre-MIR consultation stage we requested that the existing pipeline consultation zones should be considered when assessing and determining where there may be capacity to accommodate new development throughout the Aberdeen City area. We requested that full consideration of these pipeline consultation zones should be taken into account when identifying any new or amended development allocations in the replacement LDP. We also recommended that if any new or amended development allocations are being considered in close proximity to these pipelines, then the Council should take account of and reflect the advice and guidance of the Health and Safety Executive.

Following the publication of the MIR we have carried out a review of all listed development bid sites as set out in the Development Bid Assessment Appendix and appraised these against the pipeline consultation zones covering the Shell NGL Pipeline System as it crosses the Aberdeen City Area.

We are pleased to note that the pipeline consultation zones have been acknowledged and identified in the various Site Assessment schedules. This includes specific references in respect of Bid Sites: B01/01; B01/09; B03/09; B03/10; B03/12; B03/16; B09/18; B09/22; and B09/33 all of which are considered to be “undesirable” for development and are not being proposed for allocation in the new LDP. We support the Council’s approach to these sites and are pleased that the existing oil and gas pipelines have been considered as part of the site assessment exercise.

We would also request that in the event that any new or amended development allocations or land use changes are proposed in the replacement LDP that full recognition is given to the existence of the oil and gas pipelines that run through the LDP area. If any new or amended development allocations are to be proposed in close proximity to these pipelines post publication of the MIR, then these should take account of and reflect the advice and guidance of the HSE.

Summary

In summary, we support the Council’s proposed retention of Policy B6 in the replacement LDP. We also support the Council’s approach to the various development bid sites which are located within pipeline consultation zones and note that no new sites are being recommended for allocation in the replacement LDP. For the reasons set out above, we would also request a minor amendment to the wording of Policy R8 to provide specific reference to pipeline consultation zones.

We trust the above comments will be of interest and assistance, and will be afforded due consideration in the preparation of the Proposed LDP.

We would be grateful if you would acknowledge safe receipt of this submission, and include us as a consultee when the Proposed Plan is published. We would also welcome the opportunity to discuss these points with you in further detail should this be required. We look forward to hearing from you.

Yours faithfully



John Handley
Director
John Handley Associates Ltd
On behalf of Shell UK Limited

Enc: 1. UKOPA Guidance (Feb 2013)

