

REPORT TO: DEVELOPMENT QUALITY COMMITTEE – 26 MARCH 2001

REPORT ON: TOWN AND COUNTRY PLANNING (HAZARDOUS SUBSTANCES)
(SCOTLAND) REGULATIONS 1993
APPLICATION (UNDER REGULATION 5(3)) FOR CONTINUATION
OF DEEMED HAZARDOUS SUBSTANCES CONSENT
TRANSCO PLC, MIDMILL HOLDER STATION, DUNDEE
(REF HDC 00006)

REPORT BY: DIRECTOR OF PLANNING AND TRANSPORTATION

REPORT NO: 143-2001

1 PURPOSE OF REPORT

- 1.1 To seek the Committee's agreement to grant unconditional consent for the continuation of the existing conditional deemed hazardous substances consent (Ref HDC 00001) in respect of the Midmill Holder Station Site, Pitkerro Road, Dundee.

2 RECOMMENDATIONS

- 2.1 It is recommended, for the reasons specified in Section 6.7 of this report, that permission be granted to continue the existing conditional deemed hazardous substances consent in respect of the Midmill Holder Station Site, Pitkerro Road, Dundee.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications for the Council arising from this report.

4 LOCAL AGENDA 21 IMPLICATIONS

- 4.1 The proposal does not involve any proposals for development or redevelopment and therefore there are no positive or negative environmental implications arising.

5 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 There are no equal opportunities implications arising from this report.

6 DETAILS OF PROPOSALS AND MATERIAL CONSIDERATIONS

- 6.1 Under the terms of Section 15(1) of the Planning (Hazardous Substances) (Scotland) Act 1997 an existing hazardous substances consent is revoked if there is a change in the control of any part of the land involved unless an application is made to the planning authority for the continuation of that previously granted consent. This is such an application. The applicant wishes to change the applicant's name from "British Gas plc" to "Transco plc". Conditional Hazardous Substances Consent was deemed to be granted for the application site and surrounding land on 6 August 1993 (Ref HDC 00001).

The location plan attached to this report indicates the area involved. It should be noted that a small portion of the site is to be transferred to a separate company for telecommunications purposes. (No planning application has yet been received in respect of such a proposal).

- 6.2 No development is proposed as part of this application which is necessary only as a result of the proposed change in control of the land. Any future proposals would require to be the subject of planning applications in the normal way.
- 6.3 In accordance with the Regulations, the proposal was notified to neighbours and advertised by the applicants in the Dundee Evening Telegraph on 18 December 2000. A range of consultations with statutory consultees was undertaken. The following organisations were consulted: Health and Safety Executive, Scottish Natural Heritage, North of Scotland Water Authority, Scottish Environmental Protection Agency, Firemaster, Fintry Community Council, Scottish Hydro Electric and Emergency Planning Officer. No objections or relevant representatives were made.
- 6.4 In accordance with Section 7(2)(a) to (e) of the Act, in making its determination, the Council must have regard to the following material considerations:
- a Current and Contemplated Land Uses

The site is presently in operational use in connection with the storage and distribution of natural gas.
 - b Existing and Contemplated Use of Land in the Vicinity

The site is surrounded by land which is undeveloped being either vacant or in use as playing fields.
 - c Planning Permissions Granted or for Development on Land in the Vicinity

Other than the above mentioned Hazardous Substances Consent there is no relevant planning history for this site or for the immediately surrounding sites.
 - d The Provisions of the Development Plan

Unallocated on the Dundee Local Plan 1998 Proposals Map and therefore this proposal is considered to comply with the provisions of the plan.
 - e Advice Offered in Consultation by the Health and Safety Executive

The Health and Safety Executive has not commented on this application.
- 6.5 Section 17 of the Act provides that if the Council modifies or revokes the hazardous substances consent, "they shall pay to the person in control of the whole of the land before the change in control by virtue of which the application was made compensation in respect of any loss or damage sustained by him and directly attributable to the modification or revocation".
- 6.6 Taking into account the provisions of the development plan and all the other material considerations outlined above, it is **recommended that consent be granted for the**

continuation of the conditional hazardous substances consent (Ref HDC 00001) granted by the City of Dundee District Council on 6 August 1993.

7 CONSULTATIONS

- 7.1 The Chief Executive, Director of Finance, Director of Support Services, Director of Corporate Planning, Director of Environmental and Consumer Protection and have been consulted and are in agreement with the contents of this report.

8 BACKGROUND PAPERS

- 8.1 Application for Contamination of Hazardous Substances Consent by Transco plc dated 15 December 2000.
- 8.2 Responses by statutory consultees.

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Director of Planning & Transportation

Ian Mudie
Building Quality Manager

20 February 2001

IGSM/IAR/RJ HDC0001

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