

REPORT TO: DEVELOPMENT QUALITY COMMITTEE – 26 FEBRUARY 2001

**REPORT ON: TOWN AND COUNTRY PLANNING (HAZARDOUS SUBSTANCES)
(SCOTLAND) REGULATIONS 1993
APPLICATION (UNDER REGULATION 5(3)) FOR CONTINUATION OF
DEEMED HAZARDOUS SUBSTANCES CONSENT
B G TRANSCO, DOCK STREET HOLDER STATION, DUNDEE
(REF HDC 00005)**

REPORT BY: DIRECTOR OF PLANNING AND TRANSPORTATION

REPORT NO: 63-2001

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 00002) in respect of the Dock Street Holder Station Site, Dock Street, 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 Dock Street Holder Station Site, Dock Street, 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. Conditional Hazardous Substances Consent was deemed to be granted for the application site and surrounding land on 6 August 1993 (Ref HDC 00002). A continuation of Hazardous Substances Consent was granted by the Council, for a portion of the original application site, on 28 August 2000 (Ref HDC 00004) resulting from a company name change.

6.2 The current application before Committee relates to another area of the site in respect of which control of the land passes from BG Transco plc to Transco plc.

6.3 The location plan attached to this report indicates the areas involved. (It should be noted that no planning application or permitted development notification has yet been received by the Council in respect of the proposed telecommunications site.)

- 6.4 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.
- 6.5 In accordance with the Regulations, the proposal was notified to neighbours and advertised by the applicants in the Dundee Courier on 15 November 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, Stobswell Community Council, Scottish Hydro Electric and Emergency Planning Officer. No objections or relevant representatives were made.
- 6.6 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
- Apart from the housing which lies across Broughty Ferry Road to the north and above the site, the land uses are generally industrial and commercial in nature. For comments on future land use patterns see sub-section d) below.
- c Planning Permissions Granted or for Development on Land in the Vicinity
- In May 1998 the Council was minded to grant outline planning permission subject to the conclusion of a Section 75 Agreement for non-food related purposes (D22437) on land to the west of the application site (bus depot and adjacent land). To date the Section 75 Agreement has not been concluded and planning permission has not been issued. Immediately to the west of the site there is a current and yet undetermined planning application for operational developments within the bus depot site (D24997, registered 7 December 2000) To the south west of the site the redevelopment of Victoria and Camperdown Docks is underway.
- None of these proposals impinges on the determination of this application.
- d The Provisions of the Development Plan
- The application site is allocated under Policies S10 and S27 of the adopted Dundee Local Plan 1998. Policy S10 provides for the relocation of the operations of the bus company from the adjacent site on to the application site as a preferred option. It is assumed that the removal of the gas holder to facilitate this development would be required. If relocation did not proceed the Council would promote the development of a motor park on the site to include the complementary upgrading of the East Dock Street frontage. The allocation of the application site in this way provides no justification for the refusal or modification of the continuation of hazardous substances consent. There is no certainty that either of the proposed alternatives for redevelopment would occur and no certainty about timescales. Proposals would require to be the subject of planning applications to be decided by the Council in the normal way. These may or may not include the removal of the gas holder and other operational works. If they did not the hazardous substances consent and health and safety issues would be significant material considerations in the determination of these proposals.
- e Advice Offered in Consultation by the Health and Safety Executive

The Health and Safety Executive has not commented on this application. However, in respect of the previous application it advised the Council for its information that under health and safety regulations relating to potential major accident hazards that the gas holder site is registered on the public register maintained by HSE and SEPA.

- 6.7 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".
- 6.8 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 00002) 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 5 December 2000.
- 8.2 Responses by statutory consultees.

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17 January 2001

IGSM/IAR/RJ HDC0005

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