

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

23 OCTOBER 1997

SUBJECT: PLANNING APPLICATION NO. 01/97/1509  
CONVERSION OF STEADING INTO THREE DWELLINGHOUSES AT  
WEST MAIN OF BALLINDARG, PADANARAM FOR MR. AND MRS. G. WHYTE

REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT

**Abstract:** This report advises the circumstances surrounding the granting of consent in respect of a development within 80 metres of the Shell and BP pipeline. It concludes that planning consent should not be revoked but that the applicants should be fully advised of the circumstances in the interest of public health and safety.

**1 RECOMMENDATION**

It is recommended that the Committee note the contents of this report and agree to write to the applicants advising them of the situation and to forward a copy of the report to the Secretary of State for information.

**2 INTRODUCTION**

2.1 Members will recollect that at the Development Control Committee meeting on 4 September, planning application No. 01/97/1509, for conversion of steading into three dwellinghouses at West Mains of Ballindarg, Padanaram, by Forfar was approved subject to no adverse comment from the Health and Safety Executive.

**3 CASE HISTORY**

3.1 Conversion of the farm buildings was considered to be acceptable in terms of design and was supported as it maintained buildings of a local vernacular design. There were objections to the conversion in respect of the impact that the proposal would have on neighbouring premises and it was also noted by the objectors that the property was within the safety margins of the oil and gas pipeline which may cause a safety hazard.

3.2 The application site is located 80 metres from the Shell Expro NGL pipeline and 100 metres from the BP Forties crude oil pipeline. The Health and Safety Executive had been consulted but at the time of writing had lodged no objection to the proposal. The Committee were made aware that any consent would be withheld until clearance had been obtained from the Health and Safety Executive.

3.3 On 15 September a consultation response was received from the Health and Safety Executive which appeared to indicate that there was no objection to the proposal. The Decision Notice approving the application was subsequently issued on 19 September. It has recently come to my attention that the Health and Safety

Executive had made an administrative error which was not appreciated by this Department at the time and in fact the Health and Safety Executive advised against the granting of planning permission.

- 3.4 The Health and Safety Executive have been advised of the position and that planning consent has been issued. They have apologised for the administrative error that has resulted as a consequence of their consultation response and have reviewed their administrative procedure to try and prevent this happening again. They have also indicated that although the Health and Safety Executive cannot change the recommendation to refuse this application, they would not seek to take any action to or ask for the planning permission to be revoked. However they would not wish this to be considered as a precedent for further similar development in this area given the proximity of the pipeline.

#### **4 FINANCIAL IMPLICATIONS**

- 4.1 There are no financial implications unless the planning application is revoked.

#### **5 CONSULTATION**

- 5.1 The Chief Executive and Director of Law & Administration have been consulted in the preparation of this report.

#### **6 CONCLUSION**

- 6.1 It is unfortunate that this administrative error has occurred but the Health and Safety Executive are not advising that planning permission be revoked. Throughout the Council's area there are a number of properties that are in close proximity to gas pipelines but in normal circumstances it would not be desirable to add to these numbers. The proposed development is approximately 80 metres from the pipelines and given the Health and Safety Executive's view, I would not recommend that planning consent be revoked. To revoke consent would be likely to result in the applicants claiming for compensation.
- 6.2 In the interests of public safety I would however suggest that the applicants be advised of the situation in order that all factors can be taken into account before a decision is taken to commence with conversion. I would also suggest that the Secretary of State be forwarded a copy of this report for information.

#### **NOTE**

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/IM/IAL  
20 October 1997

Alex Anderson  
Director of Planning, Transport & Economic Development